

**SCOPING DOCUMENT
DRAFT ENVIRONMENTAL IMPACT STATEMENT**

Proposed Project:

Hamburg Crossings Retail Center

Project Location:

**5220 Camp Road, west of the New York State Thruway (I-90)
Town of Hamburg, Erie County, New York**

Project Sponsor / Applicant:

**Benderson Development Company, LLC
570 Delaware Avenue
Buffalo, NY 14202**

Lead Agency:

**Town of Hamburg Town Board
S6100 South Park Avenue
Hamburg, NY 14075**

Scoping Document Accepted:

September 10, 2007

**SCOPING DOCUMENT
DRAFT ENVIRONMENTAL IMPACT STATEMENT**

**HAMBURG CROSSINGS RETAIL CENTER
TOWN OF HAMBURG, ERIE COUNTY, NEW YORK**

Positive Declaration Issued: July 16, 2007

Public Scoping Session Held: August 1, 2007

Comments Accepted Through: September 3, 2007

Final Scope Accepted: September 10, 2007

Project Sponsor Contact Person: Jeffery D. Palumbo, Esq.
Damon & Morey, LLP
9276 Main Street
Clarence, New York 14031
(716) 759-9759

Lead Agency Contact Person: Andrew C. Reilly, P.E., AICP
Town of Hamburg Planning Department
S6100 South Park Avenue
Hamburg, NY 14075
Phone: (716) 649-2023 or (716) 688-0766

SCOPING DOCUMENT
DRAFT ENVIRONMENTAL IMPACT STATEMENT
PROPOSED HAMBURG CROSSINGS – TOWN OF HAMBURG

TABLE OF CONTENTS

	<u>Description</u>	<u>Page</u>
1.0	Introduction	1
2.0	Site Location and Description of the Proposed Action.....	1
3.0	State Environmental Quality Review (SEQR) Process.....	1
3.1	Project Classification and Lead Agency Designation	2
3.2	Purpose of the Scoping Process.....	2
3.3	SEQR Review Agencies	3
4.0	Content of the Draft Environmental Impact Statement	4
4.1	Cover Sheet & Table of Contents	4
4.2	Executive Summary	4
4.3	Introduction	4
4.4	Existing Conditions of the Project Site.....	4
4.5	Assessment of Potential Significant Adverse Environmental Impacts.....	5
	4.5.1 Impact on Land	5
	4.5.2 Impact on Surface Water and Ground Water Resources	6
	4.5.3 Impact on Air Quality.....	7
	4.5.4 Impact on Aesthetic Resources	7
	4.5.5 Impacts on Transportation	8
	4.5.6 Impacts on Energy/ Utility Facilities	10
	4.5.7 Noise and Odor Impacts	11
	4.5.8 Impacts on Public Health	11
	4.5.9 Impacts on Growth and Character of Community or Neighborhood.....	12
4.6	Proposed Mitigation Measures	13
4.7	Project Alternatives	13
4.8	Cumulative Impacts.....	13
4.9	Growth Inducing Impacts	13
4.10	Concerns/ Impacts Determined to be Irrelevant or Insignificant.....	14
4.11	Information to be Included in the Appendix of the DEIS	14

<u>Appendix</u>	<u>Description</u>	
Appendix A	Lead Agency Designation	15
Appendix B	Positive Declaration	18

1.0 INTRODUCTION

On July 16, 2007, the Town of Hamburg Town Board, as Lead Agency, determined that the proposed Hamburg Crossing Retail Center may have a significant impact on the environment and issued a Determination of Significance for a Positive Declaration, requiring the development of an Environmental Impact Statement.

This Scoping Document sets forth the content of the Draft Environmental Impact Statement (DEIS) that the applicant, Benderson Development Company, LLC of Buffalo, New York, shall prepare for the proposed Hamburg Crossing Retail Center. The Scoping Document provides a general description of the proposed action, an overview of the SEQR process, discussion of the potential significant adverse environmental impacts that have been identified through the scoping process and that must be addressed by the applicant in the DEIS, the extent of information needed to adequately address each impact, initial identification of mitigation measures, reasonable alternatives to be considered, identification of information to be included in the appendix of the DEIS, and issues and concerns raised during the scoping process that are determined to be not relevant or not environmentally significant.

This Scoping Document has been prepared in accordance with the requirements of 6 NYCRR Part 617 pertaining to Article 8 of the Environmental Conservation Law (State Environmental Quality Review [SEQR]), at the direction of the Town of Hamburg Town Board, the designated Lead Agency for the proposed action.

2.0 SITE LOCATION AND DESCRIPTION OF PROPOSED ACTION

The proposed project involves the demolition of the vacant Leisure Land, truck stop, and Days Inn on the south side of Camp Road, west of the New York State Thruway (I-90) in the Town of Hamburg, and the development of a 79.93 acre retail/ restaurant/ hotel center called Hamburg Crossings. The proposed development consists of the rezoning of 9.11 acres of land zoned Local Retail Business District, C-1, and 10.85 acres of land zoned Light Industrial District, M-2, to General Commercial District, C-2. Approximately 48.0 acres will remain as C-2 zoning and approximately 12.0 acres will remain zoned as Residential- Agriculture District, R-A, that, in addition to other lands, will total 17.4 acres of land to be dedicated to the Town of Hamburg as a conservation easement along the southern and western boundary of the property. Development of the site will consist of 652,815+/- square feet of retail, restaurant, and hotel uses.

The development proposes to utilize two existing access points onto Camp Road, one through the existing Commerce Lane that intersects with Camp Road east of the I-90 interchange ramp and one through a new access road with a proposed traffic signal at Camp Road west of the I-90 interchange ramp.

The proposed project also includes on-site stormwater management facilities, on-site utility improvements, site lighting, landscaping, site signage and off-street parking for 3,219 vehicles.

3.0 STATE ENVIRONMENTAL QUALITY REVIEW (SEQR) PROCESS

New York's State Environmental Quality Review Act (SEQR) provides a process for the consideration of potential significant adverse environmental impacts in the early planning stages of the approval, funding, or permitting process for proposed actions. By incorporating a systematic interdisciplinary approach to environmental review, impacts can be identified and projects can be modified, as needed, to avoid or minimize potential adverse impacts to the environment to the maximum extent practicable. All discretionary decisions of a state, regional, or local agency to approve, fund, or directly undertake an action that may affect the environment are subject to review under the SEQR. It is the intent of the SEQR that protection and enhancement of the environment and community resources be balanced with social and economic factors in the decision-making process.

3.1 Project Classification and Lead Agency Designation

In accordance with 6 NYCRR Part 617, State Environmental Quality Review (SEQR), the Town of Hamburg Town Board classified this project as a Type 1 Action for the purposes of environmental review based on a determination that the proposed project would involve the physical alteration of over ten (10) acres of land, the proposed project involves the rezoning of approximately twenty (20) acres of land, and the proposed project, occurring in a city with a population under 150,000, involves a commercial building of more than 100,000 square feet of gross floor area. These thresholds for a Type 1 Action are set forth at 6 NYCRR Part 617.4(b). The SEQR regulations require the Lead Agency to conduct a Coordinated Environmental Review for all Type 1 Actions. Therefore, on June 11, 2007, the Town of Hamburg Town Board initiated a Coordinated Review of the proposed action to request Lead Agency designation and to solicit comments from all Involved and Interested Agencies.

In accordance with 6 NYCRR Part 617.7, upon receipt and review of all agency comments, the Environmental Assessment Form (EAF), and other application materials submitted by the project sponsor, the Town Board considered the potential environmental impacts of the proposed project and determined that this action may result in significant adverse environmental impacts and that a Draft Environmental Impact Statement (DEIS) must be prepared. The Town of Hamburg Town Board issued a Positive Declaration to this effect on July 16, 2007

3.2 Purpose of the Scoping Process

Scoping is an optional process under the SEQR regulations. The Town of Hamburg Town Board, as SEQR Lead Agency, has decided to organize and conduct scoping for this project. The purpose of the scoping process is to identify the potentially significant adverse environmental impacts to be addressed in the DEIS and eliminate consideration of those impacts that are irrelevant or insignificant. These issues are determined based on a full review of the EAF Parts 1 and 2, the Positive Declaration, the site plan application and accompanying site plan, and relevant comments received from Involved and Interested Agencies and the general public.

The objectives of project scoping are to:

- Identify/confirm significant environmental issues;
- Identify limits or extent of DEIS;
- Identify information needed to adequately address impacts;
- Identify potential mitigation measures;
- Identify the range of reasonable alternatives to be addressed; and
- Eliminate irrelevant or insignificant issues.

On July 25, 2007, the project sponsor submitted a draft Scoping Document to the Town of Hamburg. As part of the DEIS process, and in accordance with 6 NYCRR Part 617.8, the Town Board conducted a public scoping meeting on August 1, 2007 in the Hamburg Town Hall.

The scoping session was conducted to afford public and agency input regarding the topics and methodology of study for the DEIS. The public scoping process ensures that the DEIS will be a concise, accurate, and complete document upon which all Involved and Interested Agencies can base their individual decisions regarding the proposed project. By including the public, as well as other agencies in the scoping process, the SEQR Lead Agency can obtain additional information and specialized knowledge that may reduce the likelihood of additional issues arising during the public review period for the DEIS. It is the responsibility of the Town of Hamburg Town Board, as SEQR Lead

Agency, to complete the scoping process, issue the final Scoping Document, and oversee the completion of the DEIS.

The Town Board did not receive any comments at the public scoping session related to the potential impacts of the proposed project. Any comments received during the scoping comment period were considered in the development of this final Scoping Document.

3.3 SEQR Review Agencies

In the SEQR process, there are three types of agencies: the Lead Agency, Involved Agencies, and Interested Agencies. The Lead Agency is the one Involved Agency that has the responsibility, under SEQR, to coordinate the environmental review process for the proposed action. The Town of Hamburg Town Board was designated as the Lead Agency for this action because this Board has the primary jurisdiction over the rezoning and approval of the project. Through the coordinated review process, other agencies, including the Town of Hamburg Planning Board, Town of Hamburg Zoning Board of Appeals, and other Town departments, were provided the opportunity to submit comments on the proposed action and concur with the designation of the Town Board as the Lead Agency.

Involved Agencies are agencies that have jurisdiction to fund, approve, or directly undertake an action. Known Involved Agencies for the proposed action include:

- New York State Department of Environmental Conservation (NYSDEC)
- New York State Department of Transportation (NYSDOT)
- New York State Thruway Authority
- Erie County Department of Environment and Planning
- Erie County Water Authority
- Town of Hamburg Planning Board
- Erie County Health Department

Interested Agencies are agencies that do not have (at the time of the environmental review) permitting, funding, or approval jurisdiction directly related to the proposed action, but may desire to participate in the review process because of their expertise or concern regarding the action. Interested Agencies also include agencies that may have jurisdiction over a permit or approval related to the action in the future. For this project, Interested Agencies include, but may not be limited to:

- United States Army Corps of Engineers
- Town of Hamburg Zoning Board of Appeals
- Town of Hamburg Building Inspector
- Town of Hamburg Engineering Department
- Town of Hamburg Highway Department
- Village of Hamburg

4.0 CONTENT OF THE DRAFT ENVIRONMENTAL IMPACT STATEMENT (DEIS)

Section 617.9(b) of the SEQR implementing regulations outlines the minimum content that should be included in a DEIS. The minimum subject areas expected to be included in the DEIS for this project are described below.

4.1 Cover Sheet and Table of Contents

4.2 Executive Summary

The executive summary should provide a brief summary of the Draft Environmental Impact Statement.

4.3 Introduction

The introduction should provide a summary of the proposed project, including:

- Project location and setting;
- Project description (including proposed actions, changes to the site, acreage developed, etc.);
- Purpose and objectives of the proposed project;
- Public need and benefits of the proposed project; and,
- SEQR process and chronology.

The introduction should also address all aspects of the site development, such as:

- Existing structures to be removed;
- Site layout and design (all structures, facilities, roadways, outparcels, etc.);
- Architectural design of all the buildings and the context of the site and buildings to the surrounding areas;
- Landscaping, lighting, and signage;
- Screening and buffering;
- Parking, loading, and stacking areas;
- On-site traffic and pedestrian circulation;
- Utilities and stormwater management facilities;
- Site access (existing and proposed);
- Specific uses to be included in the project;
- Proposed operating hours and operations, including delivery times; and,
- Regulatory compliance, including zoning, other approvals and variances needed.

The introduction should also include graphics (site plans, building elevations, photographs, visual simulations, etc.).

4.4 Existing Conditions of the Project Site

The existing conditions section should present a narrative discussion of each subject area to provide for a sufficient understanding of the potential impacts of the proposed action and how they may affect the environment, such as:

- General geologic and topographic setting of the project site (soils, depth to bedrock, depth of water table, aquifers, etc.);
- Wetlands delineations (federal and state);
- Existing environmental conditions of the site (contamination, dumping, etc.);
- Existing terrestrial and aquatic ecology, including any endangered, threatened, or special concern species;
- Existing surface and ground water resources;
- Existing mapped floodway and floodplain boundaries;
- Existing means of site drainage and stormwater management;
- Existing land uses on the project site and in the vicinity of the project site;
- Existing zoning and other land use regulations on the project site and in the vicinity of the project site;
- Existing utilities- availability and capacity;

- Existing solid waste disposal services;
- Existing air quality, noise, and lighting levels on the project site;
- Existing traffic patterns and conditions in the vicinity (traffic counts, turning movements, level of service, accident data, etc.);
- Existing public transportation, pedestrian, and bicycle conditions on-site and in the vicinity of the project;
- Existing community and emergency services for the project site (schools, police, fire, ambulance, etc.);
- Existing historical, archaeological, or cultural assets on or in the vicinity of the project site;
- Existing visual setting of the project site; and,
- Existing neighborhood character and setting.

4.5 Assessment of Potential Significant Adverse Environmental Impacts

This section should provide a detailed discussion of the known and anticipated adverse environmental impacts of this project, the severity of the impact, and practical mitigation measures that would lessen the impact. This section should address all concerns raised during scoping and provide mitigation measures to reduce any potential impacts, to the extent practicable.

4.5.1 Impact on Land

A. Summary

This section should provide a detailed discussion of all the physical impacts this project will have on the site and adjacent land including, but not limited to:

- Location, dimensions, and ownership of all land associated with the project, including any outparcels;
- Location, dimensions, and ownership of any existing or proposed easements and rights-of-way;
- Location and dimensions of all existing and proposed buildings, structures, and other improvements;
- A discussion of the proposed uses for the site;
- A geotechnical analysis of soils, depth to bedrock, etc.;
- Existing topography;
- Proposed grading and fill requirements of the site;
- Removal of existing vegetation and topsoil;
- Construction and demolition impacts and procedures, including temporary impacts;
- The presence of and removal of hazardous materials on the site (asbestos, soil contamination, fuel tanks, etc.);
- Construction phasing of the project; and,
- The deed restriction imposed during the rezoning phase.

B. Scoping Concerns and Impacts

This section should also address specific concerns and potential impacts brought up during the scoping process.

- Approximately 90% of the site is located on hydric soils. The applicant should contact the U.S. Army Corps of Engineers to ensure the project will not involve federally regulated wetlands; and,

- There is a gas well located within the project site. It will be necessary to determine whether the well is functional or has been appropriately capped. The applicant should contact the DEC Regional Mineral Resources Unit.

C. Potential Mitigation Measures

This section should identify potential ways to lessen the negative impacts of the project. Mitigation measures that should be considered include:

- Avoid, as much as possible, disturbance of the existing wooded area to the south and west of the proposed project to act as a buffer to the adjacent neighborhoods;
- Complete an environmental assessment of the site to determine the existence of hazardous materials in existing structures to be torn down, the existence of underground fuel tanks, or the existence of contaminated soils; and,
- Provide a construction phasing plan.

4.5.2 Impact on Surface Water and Ground Water Resources

A. Summary

This section should provide a detailed discussion of the project's impact to any water resources and on drainage/ stormwater management of the site including, but not limited to:

- Provide a Stormwater Management Plan/ Engineering Report that meets the State's stormwater requirements (SPDES) and the Town of Hamburg's requirements and that demonstrates the proposed action does not exacerbate existing drainage conditions;
- Location, type, and discussion of existing and proposed stormwater management facilities, along with documentation that the facilities are capable of handling stormwater runoff from development of the outparcels;
- Describe maintenance of the stormwater facilities;
- Impacts to wetlands (federal and state);
- Impacts to existing floodways or floodplains;
- Impacts to Berricks Creek;
- Depth to the water table;
- Any temporary impacts to surface waters due to construction; and,
- Process for snow and ice removal and location of snow storage.

B. Scoping Concerns and Impacts

This section should also address specific concerns and potential impacts brought up during the scoping process.

C. Potential Mitigation Measures

This section should identify potential ways to lessen the negative impacts of the project. Mitigation measures that should be considered include:

- Provide alternatives for stormwater management of the site that reduce the amount of runoff and reduce the size of the stormwater basin; and,
- Avoid disturbance of floodplain and wetland areas as much as possible and provide on-site mitigation of wetlands if disturbed.

4.5.3 Impact on Air Quality

A. Summary

This section should provide a detailed discussion of all new potential discharges to the air (traffic, truck loading/ unloading, equipment, other), and assess their potential impact to the air quality of the area, including, but not limited to:

- Potential pollution caused from the daily operations at the site;
- Potential pollution caused from additional vehicular traffic and truck deliveries to the site; and,
- Potential pollution caused from construction activities at the site.

B. Scoping Concerns and Impacts

This section should also address specific concerns and potential impacts brought up during the scoping process.

C. Potential Mitigation Measures

This section should identify potential ways to lessen the negative impacts of the project. Mitigation measures that should be considered include:

- Truck anti-idling loading/ unloading areas; and,
- Environmentally safe removal of hazardous materials in existing structures and on the site.

4.5.4 Impact on Aesthetic Resources

A. Summary

This section should provide a detailed discussion of the potential impacts of the project on the aesthetic and visual quality of the project site and the surrounding neighborhood including, but not limited to:

- A discussion of the design of the buildings including building elevation sketches, architectural elements, construction materials, colors, signage, etc.;
- A discussion of the features the project will incorporate to reduce the impact and compliment and enhance the surrounding built and natural environment;
- Photographic simulations of the project demonstrating the future views of the site from the following locations:
 - Camp Road at the proposed entrance;
 - New York State Thruway; and,
 - The neighborhoods to the south and west of the site.
- Plans and descriptions of proposed landscaping and screening, including location, types of plantings, size, and how the amount of greenspace corresponds to zoning requirements;
- Maintenance plan for the site including buildings, structures, parking areas, landscaping, stormwater facilities, and grounds;
- Location, type, and dimensions of proposed signage;
- Location, type, and height of any fencing or walls;
- Location, type, and height of site lighting;
- Impact of site lighting on neighboring properties;
- Location and screening of HVAC units;
- Location and screening of dumpster and garbage compactors;
- Location and size of any antennas or satellites on the project site;

- Location and dimensions of parking and loading areas, including aisles and access drives; and,
- Location of and details of any outdoor storage areas.

B. Scoping Concerns and Impacts

This section should also address specific concerns and potential impacts brought up during the scoping process, including:

- The random and unordered placement of buildings and outparcels on the site may lead to confusion amongst patrons, vehicular conflicts, and an unfriendly environment for pedestrians.

C. Potential Mitigation Measures

This section should identify potential ways to lessen the negative impacts of the project. Mitigation measures that should be considered include:

- Incorporate building design features to minimize the big box appearance and large blank walls;
- Incorporate site design alternatives that minimize the random placement of buildings and provide a more planned retail center.
- Incorporate additional landscaping within the parking area to minimize the impact of the asphalt footprint;
- Incorporate types of lighting, such as LED lighting, and the use of shielded lighting that reduce the impact of lighting on neighboring properties and roadways;
- Avoid, as much as possible, clearing of mature trees on the site and disturbing environmentally sensitive areas; and,
- Provide additional landscaping and screening as necessary.

4.5.5 Impact on Transportation

A. Summary

This section should provide a detailed discussion and complete analysis of the movement of people and goods to, from, and within the site and include a summary of the Traffic Impact Study (TIS) for the proposed project. This section should identify all potential impacts that the project will have on the transportation system along with mitigation measures to reduce impacts including, but not limited to:

- Traffic projections from the ITE manual for the retail center;
- Information on proposed trip generation and distribution and intersection operations;
- Discussion of proposed vehicular and pedestrian circulation on site;
- The impact of the proposed Camp Road access on the circulation with the New York State Thruway interchange;
- Need for additional cart corrals;
- Impact of any outdoor seasonal displays, including what portion of the parking areas would be occupied and for how long throughout the year;
- Analyze a complete build-out of the project; and,
- Restrictions for overnight parking on the site for recreational vehicles and trucks.

B. Scoping Concerns and Impacts

This section should also address specific concerns and potential impacts brought up during the scoping process, including:

- Analysis should concentrate on Camp Road (SR 75), Southwestern Boulevard (US 20), New York State Thruway (I-90) interchange at Camp Road, Sunset Drive.
- Provide road classifications and available right-of-way widths for all roads involved in the TIS.
- Provide intersection studies for the following (include intersection level of service (LOS) and available queue) (see attached map in Appendix A):
 - Camp Road and the proposed access;
 - Camp Road and Commerce Place;
 - Camp Road and Knights Way;
 - Camp Road and Dartmouth Street;
 - Camp Road and Columbia Street;
 - Camp Road and the NYS Thruway interchange;
 - Camp Road and Southwestern Boulevard;
 - Camp Road and Sunset Drive;
 - Camp Road and Olde Tyme Alley/ Deacon Street
 - Camp Road and Scranton Road
 - Camp Road and Elmview Avenue
 - Camp Road and Lake Street/ Legion Drive.
- Alternative traffic planning scenarios for the site should be analyzed to minimize impacts on the transportation system, especially the NYS Thruway interchange with Camp Road. This section should discuss the feasibility of reconstructing the Thruway interchange into an at-grade intersection, eliminating the clover leaf and providing improved access to the site.
- Trucks

The impact of truck traffic distribution to/from the site and within the site should be discussed. This includes a schedule of when (days and times) deliveries will occur, how long trucks will be on site, and how long they will be idling. Include the potential use of truck only access points and the regulation of those accesses.
- Public Transportation

The Traffic Impact Study must also consider coordination with the public transportation system. Presently, there is a NFTA bus route, Route 74B and 75C, along Camp Road. The discussion should include reviewing the potential of bringing public transportation on site for users of the system or providing a safe bus stop area.
- Pedestrians

Discuss and illustrate proposed pedestrian access to the site, including the following:

 - Connections to existing sidewalks on Camp Road, with crossing of drive lanes minimized; and,
 - Safe connections within the site between buildings that would allow people to patronize multiple stores without driving to a different parking area.
- Parking

The analysis should include a full assessment of parking for the project, which includes:

 - Number of parking spaces proposed;
 - Compliance of parking areas with zoning requirements in terms of the number and size of parking spaces and size of aisles;

- Number and dimensions of handicapped accessible parking spaces; and,
- Location of cart corrals.
- **Emergency Services**
An emergency services access plan needs to be provided. The plan should address both on-site and off-site circulation for all potential emergency services potentially required at the site.

C. Potential Mitigation Measures

This section should identify potential ways to lessen the negative impacts of the project. Mitigation measures that should be considered include:

- Alternative layouts and access plans for the project should be provided as previously mentioned;
- Access to all outparcels should be from within the site;
- Site circulation enhancement providing safe access for all user groups on site; and,
- Other traffic control devices and improvements.

4.5.6 Impact on Energy/ Utility Facilities

A. Summary

This section should provide a detailed discussion of the potential impacts of the project on the utility system and whether capacity exists for this project including, but not limited to:

- Proposed energy usage, water demand figures, and wastewater generation numbers;
- Impacts to the existing stormwater and sanitary sewers, water supply, electric, and gas utilities;
- Location of hydrants; and,
- Location and description of all on-site and off-site utility improvements.

B. Scoping Concerns and Impacts

This section should also address specific concerns and potential impacts brought up during the scoping process.

C. Potential Mitigation Measures

This section should identify potential ways to lessen the negative impacts of the project. Mitigation measures that should be considered include:

- Provide utility improvements as needed.

4.5.7 Noise and Odor Impacts

A. Summary

This section should provide a detailed discussion on the noise and odor impacts anticipated from this project including, but not limited to:

- All potential noise and odor sources such as vehicular and truck traffic, mechanical equipment, construction, HVAC units, dumpster and garbage compactors, parking lot sweepers, snow removal, garbage collection, etc.; and,
- A description of noise barriers and buffers along with an analysis of the noise reduction to surrounding properties that is expected.

B. Scoping Concerns and Impacts

This section should also address specific concerns and potential impacts brought up during the scoping process.

C. Potential Mitigation Measures

This section should identify potential ways to lessen the negative impacts of the project. Mitigation measures that should be considered include:

- Placement of odor causing products for sale and other odor causing facilities in a way that reduce impacts on neighboring properties; and,
- Provide a discussion of alternative noise reduction barriers such as walls and tiered plantings.

4.5.8 Impact on Public Health

A. Summary

This section should provide a detailed discussion of how the public health, safety, and welfare of local residents in the surrounding areas will be affected by this project including, but not limited to:

- Impact on vehicular and pedestrian safety;
- Procedure for security and monitoring of the site for safety;
- Control and prevention of rodents and insects; and,
- Provisions for stormwater facility maintenance and safety.

B. Scoping Concerns and Impacts

This section should also address specific concerns and potential impacts brought up during the scoping process, including:

- Describe the potential for gasoline pumps to be placed on this site.

C. Potential Mitigation Measures

This section should identify potential ways to lessen the negative impacts of the project. Mitigation measures that should be considered include:

- Address vehicular and pedestrian safety concerns; and,
- Proper maintenance of the stormwater facility areas, parking areas, dumpster areas, and other outdoor areas.

4.5.9 Impact on Growth and Character of Community or Neighborhood

A. Summary

This section should provide a detailed discussion on how the project fits into the context of the surrounding area and how it will impact the character of the community including, but not limited to:

- A description of how the changes in land use on the project site will affect the surrounding neighborhood;
- A summary of how activities on the project site, such as the location of the buildings and parking areas, construction of access roads and driveways, truck

loading/ unloading areas, lighting, odors, noise, etc., will impact surrounding residences;

- A summary of how existing businesses (Fischer Bus) will be relocated;
- How this project is in compliance with the Comprehensive Plan and meets the goals of the community;
- A discussion of the Camp Road Overlay District and how this project complies with the regulations;
- The consistency of the proposed project with the existing zoning and site plan requirements, including a description of known zoning variance requests along with the reasoning for such requests;
- Discussion of the Special Use Permit needed for a building size greater than 100,000 square feet;
- Impacts on community services such as fire and police protection, schools, parks & recreation, etc.;
- Impact on local government finances and tax revenues;
- Number of jobs the project will create;
- How this project could potentially impact future development trends; and,
- Any tax incentives or public money to be used for this project or any improvements related to this project.

B. Scoping Concerns and Impacts

This section should also address specific concerns and potential impacts brought up during the scoping process.

C. Potential Mitigation Measures

This section should identify potential ways to lessen the negative impacts of the project. Mitigation measures that should be considered include:

- Maintain and replace any landscaping and screening as necessary;
- Maintain a natural wooded buffer between this project and the adjacent residential neighborhoods and the NYS Thruway;
- Provide alternative designs of the buildings and layouts of the site as previously described; and,
- Provide additional aesthetic improvements as needed.

4.6 PROPOSED MITIGATION MEASURES

The Draft Environmental Impact Statement should include a discussion of all anticipated impacts and how they will be mitigated to reduce or eliminate potential impacts of the project to the surrounding community. If mitigations are adequately addressed in the discussion of impacts, this section can act as a summary.

4.7 PROJECT ALTERNATIVES

A discussion of project alternatives should be included, such as:

- No Action Alternative – an evaluation of the potential adverse and beneficial impacts that would result in the reasonable, foreseeable future if the proposed action was not undertaken.

- Project Site Design/ Layout Reconfiguration – An evaluation and assessment of a revised site layout that would provide a more efficient road and parking layout to reduce confusion and traffic conflicts, create an attractive, well planned retail shopping destination rather than a spattering of big box retailers and outparcel development, and make the site more pedestrian friendly (potentially as more of a town center).
- Discussion of Alternative Sites – A discussion of other potential sites for undertaking the proposed action (if any) should be provided as well as a conclusion as to why this site was chosen.

4.8 CUMULATIVE IMPACTS

The impacts of the proposed action must be considered in relation to other projects proposed in the vicinity. An allowance for cumulative traffic impacts, at the very least, must be presented.

4.9 GROWTH INDUCING IMPACTS

This project could potentially result in significant impacts on the growth and character of the surrounding neighborhood and community as a whole. A careful and well reasoned analysis of the possible growth inducing aspects of this project must be presented, including:

- A discussion on the growth inducing impacts the project may have on nearby shopping centers and older commercial areas;
- A discussion of how this project will impact the NYS Thruway interchange; and,
- The growth inducing impacts the project may have on nearby residences.

4.10 CONCERNS/ IMPACTS DETERMINED TO BE IRRELEVANT OR INSIGNIFICANT

Under 6 NYCRR Part 617, State Environmental Quality Review (SEQR), the Lead Agency is responsible for eliminating consideration of those impacts and concerns that have been identified during the scoping process that are determined to be irrelevant or insignificant either because they are not legally relevant to the environmental review of the proposed action, they are not environmentally significant, or they have been adequately addressed prior to the scoping process. These issues and concerns should not be included in the DEIS.

4.11 INFORMATION TO BE INCLUDED IN THE APPENDIX OF THE DEIS

The main body of the DEIS shall provide sufficient detail to enable the reader to understand, interpret, and evaluate the existing conditions, potential impacts, mitigation measures, and alternative project scenarios. The Appendix shall contain back-up studies and technical reports that supplement and support the narrative in the DEIS. The methodologies and results of the studies and technical reports shall be summarized and explained in the main body of the DEIS. The reader should not be forced to move from one section to another to understand the information being presented. Only site-specific documents that are not readily available to the public should be included as appendices to the DEIS. The following are examples of documents to be included in the Appendix:

- All application materials;
- Environmental Assessment Form (EAF) Parts 1 and 2, and Positive Declaration;
- Final Scoping Document;
- Correspondence related to the project;
- Site plans for proposed action;
- Building elevations and signage plans;
- Traffic Impact Study;

- Stormwater Management Plan and Engineering Report;
- Wetland Delineation Report;
- Geotechnical Report; and,
- Cultural Resources Investigation Report.

APPENDIX A

NOTICE
SEQR: LEAD AGENCY DESIGNATION
TOWN OF HAMBURG

This notice is filed pursuant to 6 NYCRR Part 617 pertaining to Article 8 of the Environmental Conservation Law (State Environmental Quality Review [SEQR]).

Date: June 8, 2007
Lead Agency: Town of Hamburg Town Board
Name of Action: Hamburg Crossings
Applicant: Benderson Development Company, LLC
570 Delaware Avenue
Buffalo, NY 14202

Description of Action: Development of a 79.93 acre site, formally of Leisure Land, a truck stop, and a Days Inn, into a retail/ restaurant/ hotel center called Hamburg Crossings. The proposed development consists of the rezoning of 9.11 acres of land zoned Local Retail Business District, C-1, and 10.85 acres of land zoned Light Industrial District, M-2, to General Commercial District, C-2. Approximately 48.0 acres will remain as C-2 zoning and approximately 12.0 acres will remain zoned as Residential- Agriculture District, R-A, that, in addition to other lands, will total 17.4 acres of land to be dedicated to the Town of Hamburg as a conservation easement along the southern and western boundary of the property. Development of the site will consist of 652,815+/- square feet of retail, restaurant, and hotel uses. The development proposes to utilize two existing access points onto Camp Road (SR 75) and provide 3,219 parking spaces.

Location: Southwest side of Camp Road (SR 75), northwest of I-90, New York State Thruway, near the interchange ramp with I-90, Town of Hamburg, Erie County, New York.

As the most local agency with permitting authority, the Town of Hamburg Town Board wishes to declare Lead Agency and conduct a coordinated review of the proposal.

Other potential Involved Agencies identified are:

New York State Department of Environmental Conservation
New York State Department of Transportation
New York State Thruway Authority
Erie County Department of Environment and Planning
Erie County Water Authority
Erie County Health Department
Town of Hamburg Planning Board

Other potential Interested Agencies identified are:

United States Army Corps of Engineers
Town of Hamburg Zoning Board of Appeals
Town of Hamburg Building Inspector
Town of Hamburg Engineering Department
Town of Hamburg Highway Department
Village of Hamburg

A preliminary review of the proposed action indicates that it is a SEQR:

Type 1: Land Use Plan Adoption
(check, if Yes) Comprehensive Resource Management

- Initial Adoption of a Zoning Ordinance
- Zoning, Change of Allowable Uses > 25 Acres
- Change in Zoning for a Type I Action
- Acquisition, Sale, or other Transfer of 100 or more contiguous Acres
- Residential Construction:
 - At least 10 units in municipalities that have not adopted zoning or subdivision regulations
 - At least 50 units not to be connected to existing public water or sewer
 - (Population < 150,000) at least 250 units
 - (Population between 150,000 and 1 million) at least 1,000 units
 - (Population > 1 million) at least 2,500 units
- Physical Alteration of at Least 10 Acres
- 2 MGD of Water Use
- Parking for at least 1,000 Cars
- (Population < 150,000) a building with >100,000 SF Gross Floor Area
- (Population > 150,000) a building with >240,000 SF Gross Floor Area
- Structure exceeding 100' Above Ground Level
- Agricultural District, Exceed 25% Above
- Historic Site
- Public Park Land
- Critical Environmental Area
- Other

Unlisted Action

The attached Part I of the full Environmental Assessment Form has been filed by the applicant.

Please notify us by **Monday, July 9, 2007**, if your agency objects to the Town of Hamburg Town Board acting as Lead Agency or if you have any specific comments or concerns regarding the project at the contact listed below. If there are no objections to the Town Board acting as Lead Agency, they anticipate making a Determination of Significance on the Hamburg Crossing project for a **Positive Declaration** at their regularly scheduled meeting on **Monday, July 16, 2007**.

Contact Person:

Andrew C. Reilly, P.E., AICP
Town of Hamburg Planning Department
S6100 South Park Avenue
Hamburg, NY 14075
(716) 649-2023 or (716) 688-0766

APPENDIX B

State Environmental Quality Review
Determination of Significance
POSITIVE DECLARATION
Notice of Intent to Prepare a Draft EIS

Date: July 17, 2007

This notice is issued pursuant to 6 NYCRR Part 617 pertaining to Article 8 of the Environmental Conservation Law (State Environmental Quality Review [SEQR]).

The Town of Hamburg Town Board, as SEQR Lead Agency, has determined that the proposed action described below may have a significant impact on the environment and that a Draft Environmental Impact Statement (DEIS) will be prepared.

Name of Action: Hamburg Crossings Retail Center

Applicant: Benderson Development Company, LLC
570 Delaware Avenue
Buffalo, NY 14202

SEQR Status: Type 1

Description of Action: Development of a 79.93 acre site, formally of Leisure Land, a truck stop, and a Days Inn, into a retail/ restaurant/ hotel center called Hamburg Crossings. The proposed development consists of the rezoning of 9.11 acres of land zoned Local Retail Business District, C-1, and 10.85 acres of land zoned Light Industrial District, M-2, to General Commercial District, C-2. Approximately 48.0 acres will remain as C-2 zoning and approximately 12.0 acres will remain zoned as Residential- Agriculture District, R-A, that, in addition to other lands, will total 17.4 acres of land to be dedicated to the Town of Hamburg as a conservation easement along the southern and western boundary of the property. Development of the site will consist of 652,815+/- square feet of retail, restaurant, and hotel uses. The development proposes to utilize two existing access points onto Camp Road and provide 3,219 parking spaces.

Location: Southwest side of Camp Road, northwest of I-90, New York State Thruway, near the interchange ramp with I-90, Town of Hamburg, Erie County, New York.

Reasons Supporting this Determination:

1. This project involves the physical alteration of at least 10 acres of land and the construction of building area greater than 100,000 square feet.
2. This project involves the rezoning of approximately 20 acres of land.
3. This project involves parking for more than 1,000 vehicles.
4. This project will likely result in changes to stormwater flow patterns that may impact the drainage systems in the area.
5. This project will likely result in significant impacts to the transportation system.
6. This project involves the dedication of lands to the Town of Hamburg.
7. This project is adjacent to a residential community to the west.
8. This project may impact the growth and character of the surrounding area.
9. Other issues of environmental concern are noted in Part 2 of the EAF, and will be clarified during the formal scoping of the DEIS.

For Further Information:

Contact: Andrew C. Reilly, P.E., AICP
Town of Hamburg Planning Department
S6100 South Park Avenue
Hamburg, NY 14075
(716) 649-2023 or (716) 688-0766