

**Town of Hamburg
Planning Board Work Session
September 6, 2006**

The Town of Hamburg Planning Board met for a Work Session in the Conference Room at S-6122 South Park Avenue on Wednesday, September 6, 2006 at 7:30 p.m. Those attending included: Chairman Gerard Koenig, Vice-Chairman David Phillips, Secretary Paul Eustace, Sasha Yerkovich, Richard Taber, Steve McCabe, Karen Rogers. Others attending included: Sarah desJardins, Drew Reilly, Michael Fruth, Atty., Donald McKenna, Atty. And Terry Dubey, Stenographer.

Report on Independent Traffic Consultant for Wal-Mart, Watts Engineers

Drew Reilly reported that an independent firm has been hired to review the Traffic Impact Study for the Wal-Mart. He outlined the scope of services as follows:

WATTS ENGINEERS

3826 MAIN STREET • BUFFALO, NEW YORK 14226
(716) 836-1540 FAX: (716) 836-2402
www.wattsengineers.com



**Re: Proposal for a Technical Review of a Traffic Impact Study (TIS) for the
Proposed Wal-Mart Super Center
Town of Hamburg, New York**

Dear Mr. Reilly:

Watts Engineering & Architecture, P.C. (Watts) is pleased to present the following proposal for professional engineering services related to the above-referenced project. This proposal is based on the scope that was discussed at our meeting with you on August 14, 2006.

SCOPE OF SERVICES

Watts will provide the following services:

- A. We will become familiar with the proposed project, its background, and the existing site conditions, traffic operations and patterns. We will then read and review the draft TIS;
- B. Watts will verify the existing and background traffic data as presented in the TIS;
- C. We will review the proposed site-generation traffic volumes and trip distribution;
- D. We will review the data summary tables from the TIS such as Turning Movements, Vehicle Distribution, Levels of Service, and Accident Analysis;
- E. Watts will review the TIS's signal warrant analyses and signal redesign/retiming for up to four traffic signal locations;
- F. We will review the traffic mitigation measures recommended in the TIS and will comment on the effectiveness of these measures and make other traffic-related recommendations where appropriate;

• Civil Engineering • Transportation Engineering • Structural Engineering
• Environmental Engineering • Asbestos/Lead Consulting • Construction Inspection
• Indoor Air Quality • HVAC Engineering • Plumbing & Fire Protection Engineering
• Electrical Engineering • Architecture

- G. Our traffic engineers will prepare of letter report summarizing our findings and the results of our technical review;
- H. We will review and comment on the revisions made to the TIS and other responses to our findings; and
- I. Watts will prepare for and attend up to two meetings to discuss the TIS, our findings, and the proposed mitigations.

It is our understanding the proposed site for the Wal-Mart store may be developed with another retail location (having separate owners) on the same parcel. As a result of this, the traffic study for the Wal-Mart will likely need to reflect two cases: one where Wal-Mart is the sole occupant of this parcel, and another where Wal-Mart shares occupancy of the parcel with another retail development. Our scope and fees reflect the review of a traffic study covering both these cases.

COMPENSATION

Compensation required for the Scope of Services indicated above will be in accordance with the attached Appendix A, General Conditions for Professional Services. Our invoice will be submitted after completion of the work with terms of net 30 days after your receipt of the invoice. The fees in this proposal are firm for 30 days from the date shown, but thereafter subject to change without notice.

Watts' fee for this task will **not to exceed \$8,700** and will be billed on time and expenses basis.

SCHEDULE

We are able to commence work upon receipt of your acceptance of this proposal and we will complete our initial review by the end of September 2006.

If the above Scope of Services, other terms, and the attached Appendix A are acceptable to you, please indicate your acceptance by returning a signed copy of this proposal and/or your purchase order.

We appreciate the opportunity to submit this proposal and we look forward to working with you on this project. Should you have any questions or need additional information, please do not hesitate to contact me at (716) 836-2320, extension 112.

Sincerely,

WATTS ENGINEERING & ARCHITECTURE, P.C.

Wal-Mart, Town of Hamburg
Preliminary Summation of Review Task Progress

Task 1 Project Familiarization

- The T.I.S. prepared by SRF, dated June 2006, was read to become familiar with the project. The project envisions construction of a Wal-Mart super center with a fast-food restaurant as an outparcel on a portion of land on the northeast corner of the intersection of Route 20 and Rogers Road in the Town of Hamburg, New York. The existing site contains a bank which will remain. This initial development will utilize two existing drives on Rogers Road as well as two on Route 20. In the future, it is expected that an additional portion of the site, named Brierwood, will be constructed. At that time, it is expected that the southerly Rogers Road drive will be closed. The Brierwood development will consist of retail and office space. *(The T.I.S. does not contain any clear description of the future Brierwood development)*

Task 2 Verify Existing and Background Traffic

- With the concurrence of the NYSDOT, the manual traffic counts taken at the site intersections were adjusted since they reflected traffic associated with the ongoing reconstruction of Route 20. That is, the Route 20 volumes were too low and the Route 5 volumes were higher than normal. *(The method of adjusting the traffic count data is not included in the T.I.S.)* These adjusted figures were then increased by 2% (2 years at 1% per year) to account for normal traffic growth. To these volumes was added traffic expected to be generated by three Town of Hamburg approved residential developments, one on Rogers Road south of Cloverbank Road and two on Route 5 west of Amsdell Road. These final adjustments thus established background traffic expected to exist at the time of construction of the Wal-Mart super center. See Figure 5 in the T.I.S.

Task 3 Review ITE and Walmart Supplied Site-Generated Traffic

- All site generated traffic for residential, restaurant, Brierwood retail and office developments were derived correctly from the ITE data base. The Wal-Mart super center site-generated volumes were taken from a summary of other Wal-Mart super centers. Since these existing super center figures were higher than the most comparable ITE category, they were acceptable. The total site-generated traffic was then adjusted to allow for internal multi-purpose trips (capture rate calculations) and pass-by traffic using methods contained in the ITE Trip Generation Handbook. These computation methods were reviewed and found to be acceptable. *(Minor discrepancies in the capture rate calculations were found, but were not considered significant enough to skew the results)*

Task 4 Review Data Summary Tables

- The net site-generated volumes were distributed to the various intersections on summary spreadsheets and then transferred to flow diagrams containing traffic movements for the individual intersections. These flow diagrams were the basis for traffic volumes input into the Synchro site model to calculate Levels of Service (LOS) for all traffic movements. See Figures 6, 7, 8 and 9 in the T.I.S.. A preliminary review of the diagrams finds them to be acceptable.

Task 5 Review Traffic Signal Warrant Analyses

- The traffic signal warrant analysis for the Wal-Mart east driveway was reviewed and was found to correctly utilize methodology contained in the Highway Capacity Manual (HCM). The installation of a signal at this location is thus warranted.

Task 6 Review Traffic Mitigation Measures

Mitigations are being reviewed. They are complex due to the multiple developments and the reconstruction on Route 20. A preliminary summation of the issues include:

- A signal has been proposed for the east drive on Route 20 based on a warrant analysis.
- A westbound right turn lane for the east drive is currently being constructed under the ongoing NYSDOT contract. (At Wal-Mart's expense)
- The West drive on Route 20 will operate with an increasingly poor LOS as the development progresses. The T.I.S. believes traffic will gravitate to the signalized east drive.
- The intersection of Abel Street with Route 20 will operate with an increasingly poor LOS as the development progresses. The T.I.S. suggests no mitigation because "delays of this magnitude are characteristic of minor side street approaches---"
- The LOS of the signal at Route 75, Camp Road will also deteriorate. The T.I.S. suggests retiming the signal as "traffic stabilizes"

Task 7 Review and Comment on RR Operation Concerns

- Concern has been raised relative to northbound Rogers Road traffic backing up from a railroad crossing to the north on Rogers Road. This crossing serves Norfolk Southern and CSXT rail traffic.
- The railroad crossing is 6140 feet north of the intersection of Rogers Road with Route 20.
- Using a standard queue length of 25 feet, approximately 245 vehicles would need to back up to reach Route 20. Since the existing peak hour volumes are between 200 and 250 vehicles, the crossing would have to be blocked for an hour to affect Route 20.
- Although future traffic will be increased to a maximum peak hour of 371 vehicles, this would still require 45 minutes of crossing delay.
- While a delay of this magnitude is possible, it's occurrence would be rare and the railroad should not become a limiting factor to the project.

Task 8 Prepare Letter Report

Task 9 Review Response to Report

Task 10 Attend Two Meetings

B.W. Barbecue - 5007 Lake Avenue - Building Addition

Attorney Jay Pohlman, and Bruce Will, owner of B.W. Barbecue, appeared before the Planning Board on a 4440 s.f. addition to be constructed at their present site on Lake Avenue. The addition includes catering equipment for food preparation. Initially, the owner had a waiver for the restaurant which was approved in the year 2000. Mr. Lardo has sent a memo noting that some of the improvements were never completed.

Mr. Pohlman responded that the trees were once planted and have since died, the bumper blocks are stored in the back of the facility and will be replaced, and they will take care of the grease trap. There will be no additional seating built in the new addition. The new build is strictly for the catering business.

Mr. Taber was assigned to do an on-site inspection on the property.

Item to be on for September 20th meeting.

Engineering Comments are as follows:

FROM: Engineering Dept.
DATE: 9/6/06
SUBJ: 9/6/06 PLANNING BOARD WORK SESSION AGENDA
BW's Barbeque- 5007 Lake Avenue - Building Addition

The following are review comments on a site plan dated 8/14/06:

- (1) A site plan waiver for this site was previously approved on 4/27/2000. The required tree buffer at the southeast corner of the east parking lot, and the parking bumpers or concrete curbing for all parking spaces were never installed as required. These items should be addressed as part of the current site plan.
- (2) Include a pavement section and elevations for the new paving of the parking lot addition.
- (3) Show the location of the existing sanitary sewer lateral and grease trap. Obtain verification from the Erie County Department of Environment and Planning (ECDEP) that the grease trap is acceptable and working properly.

Rezoning Petition for Lowe's - Southwestern Blvd.

Attorney Jay Pohlman introduced the Lowe's project to the Planning Board. This is a 36 acre parcel owned by several land owners; Victoria Singer (4960 Southwestern), Joseph Stevens, of 4946 Southwestern, James Reid of 4940 Southwestern, and Karl Rauch as well as Richard Rogenmoser of 4934 Southwestern. The project will back up to Cumberland Lane & Dogwood with a 300' buffer in the back and a 200' buffer on each side. The density towards the back of the property is quite thick. Some of the parcels are zoned R-2, R-3, and C-1. The request is for C-2, General Commercial. The proposed structure will be 139,410 s.f. Mr. Pohlman stated that they have arranged a meeting with the residents at Michael's at 4885 Southwestern Blvd. on September 19th at 6:30 p.m.

Mr. Reilly explained that the Town Board has referred the application to the Planning Board for a recommendation. He asked for a full EAF so that he can review it before the next meeting, to be reviewed at the Sept. 20th meeting by the Planning Board. A traffic study will be required, as well as the SEQR Coordinated review. This project will also require site plan review and a Special Use Permit because of the size of the building.

Board members asked why Lowe's couldn't go into places like the Town Hall Plaza, the truck stop on Camp Road, etc. Response given is that the used sites do not meet their needs. The applicant advised that the Brierwood site is too close to the Orchard Park site, and based on their marketing demographics, Southwestern Boulevard is their choice for growth purposes, and a higher traffic count. The retail corridor is changing, and the existing retail is becoming less desirable.

Other principles in attendance included Ron Bronstein of Paradigm Development, Mark Costitch of Costitch Engineering, & Taylor McDermott of Lowe's. A question was raised as to the aesthetics of the building. Item to be on for September 20th meeting.

Recap of Wal-Mart concerns from Public Hearing

Messrs. Neal Madden, Tony Battista, and Steve Cleason appeared before the Planning Board for a recap of the concerns from residents from the public hearing. The next step is to make a decision on the SEQR., either a negative or positive declaration.

Drew Reilly stated that Watts Engineers, have been hired as an independent traffic consultant to review the traffic studies that APD Engineering has prepared. He noted that it is up to the Planning Board to give the applicant direction as to what the Board needs to review in order to make their decision. Watts Engineering will be present at the next meeting, as well as someone from Wendel. A report has been received from the NYSDOT. Nothing as yet has been heard from the County. Also, the concern was raised as to Tim Rhodes property who will be greatly impacted with the Plaza.

Mr. Cleason reported that they will provide a fence along the property line. They have

(Wal-Mart Cont.)

concern if other accommodations are provided for Mr. Rhodes that it will become a cut thru. Mr. Rhodes driveway is considered a transition area. Mr. Cleason stated that they will continue to work with him.

Mr. Reilly presented a list of concerns that he prepared as a result of the public hearing. (See attachment). He also suggested that APD Engineering review the list of questions that the residents raised so that there are more definitive answers. Example: How many trucks deliveries will be made and during what hours? Board members also noted that when the demolition permit is to be issued, that all of the plaza is taken down, and not just a portion that Wal-Mart will occupy.

The question was raised as to whether there will be a gas station on the site? Response is that Wal-Mart has not considered that. Board members stated that they do not want to see one on that site. Also, they do not want to see RV's parked in the parking lot overnight. The levels of service on traffic should also be outlined. Item to be on for September 20th.

Southampton Condos - Big Tree - Revised sketch

Mr. Ken Nigro appeared before the Planning Board on a revised sketch plan for the Southampton Condos on Big Tree. The problem that he is trying to avoid is the responsibility for the private road. He would like to purchase a portion of the property from the seller, and keep a strip open so that he could be relieved of that responsibility, and separate himself from the problem. The wetlands have been delineated. The Board noted that there is still one building too close to the railroad tracks. There is to be no parking within 50' of the road. Therefore, that will mean the loss of one building.

Mr. Nigro is to get a copy of the search and the agreement to Don McKenna who will review it. Item is to be on for the September 20th meeting.

Engineering comments are as follows:

Blair Cooley

TOWN OF HAMBURG

ENGINEERING DEPARTMENT



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Town Engineer
GERARD M. KAPSIK, P.E.

Supt. of Highways
JAMES F. CONNOLLY

TO: Planning Board

FROM: Engineering Dept.

DATE: 9/6/06

SUBJ: 9/6/06 PLANNING BOARD WORK SESSION AGENDA
Southampton Commons - Big Tree Road

The following are review comments on a sketch plan dated 6/23/06 and revised on 8/28/06:

- (1) The Erie County Water Authority should be contacted to determine if there is adequate pressure and flow to service the site.
- (2) The site is located in a Town sewer district. A downstream capacity analysis is necessary to be performed in compliance with NYSDEC requirements.
- (3) Big Tree Road is a County highway. An Erie County Highway Dept. (ECHD) permit will be required for access to the site. Previous submittals for this site did not include a new access drive to Big Tree Road. We recommend that a traffic study be performed for access to the site.
- (4) It appears that the property is proposed to be subdivided, with Lot No. 1 labeled along the easterly property line. What is the intended use of this lot? A subdivision application should be submitted to the Planning Board in this regard.
- (5) We will review the site plan when it is submitted in accordance with the site plan review check list.
- (6) An easement is indicated within the site, running perpendicular to Big Tree Road. This easement should be appropriately labeled, and a determination made as to if a building can be constructed over it as shown.

All comments are to be satisfactorily addressed for approval.

Gerard M. Kapsiak

Gerard M. Kapsiak, P.E.
Town Engineer

Richard J. Lardo

Richard J. Lardo
Principal Engineer

Other Issues:

1. Woods at Versailles. On the 4th phase of the development, Ryan homes has clear cut the trees without any clearing, stripping and erosion control permits.
2. Tree Haven - The buffer areas in the front have been torn down and replaced with wetland mitigation suggested by the Corps of Engineers.
3. Woodstream Estates - Same problem. Board members stated that a strong letter should be sent to Marrano to stop this from happening. Also, Building Inspection should hold up on issuing certificates of occupancy.

Meeting adjourned at 10:00 p.m.

August 30, 2006

Memo To: Hamburg Planning Board

From: Planning Department

Re: Hearing - Wal-Mart

The following are my observations about what were the major issues brought up at the public hearing for Wal-Mart:

1. Crime related issues
2. Residential nature of area and affect now on these residents
3. Traffic on Rogers and Amsdell Roads
4. Traffic on Southwestern Blvd.
 - problems on Southwestern due to late afternoon sun and knoll in road
5. Affect on Pleasant and Sowles?
6. Higher costs of maintaining roads
7. Smaller scale would be better
8. Volume of railroad traffic will cause traffic problems (including emergency vehicles)
9. Area needs to be walkable
10. Storage of chemicals or pesticides on site
11. Impact on groundwater
12. Project impacting some natural areas. Why build stormwater ponds to impact these areas
13. Existing flooding problems
14. Sewer problems
15. Lighting - will eliminate "starry sky"
16. Signage - will there be flashing signs
17. Impact on residence just to the east
18. Impact on Hidden Lake & Lake Erie
19. Existing entrance off Rogers Road (towards lake) is poor location.

These are not all the comments received, but I believe represent most of the major issues. I did not include any comments from those people who spoke in favor of the project.

MEMORANDUM

August 30, 2006

TO: Hamburg Planning Board
FROM: Planning Department, Andrew Reilly
SUBJECT: Wal-Mart Public Hearing Questions

As was stated at the August 23, 2006 public hearing on the Wal-Mart project, it is the intent of the Town to have the public hearing minutes available at the Town for the public to review. During the meeting, the public also asked some clarification questions that the Planning Department agreed to address and attached to the minutes. This memo represents the answers to those questions.

1. Question concerning the number of trucks coming to Wal-Mart, where they are zoning from and the time of these truck deliveries.

Answer: It is noted in the noise portion of the Environmental Assessment that at peak conditions five trucks per hour will be accessing the site for a 24-hour period. This factor was used for calculation of noise levels produced by the development.

In the traffic modeling, a 2% factor is used for heavy vehicles (trucks). Indicating that during peak hour times (weekday PM and Saturday) for which traffic review, analysis, and simulation was completed for, 2% of that traffic would be comprised of trucks. This methodology of calculating truck traffic and the percentage used is correct and normal for the Traffic Impact Study (TIS).

There are no further references given for truck traffic regarding origin/destination, time of delivery, amount of time on site, or daily volumes. This information is typically not required for a TIS to be completed. In this situation it is recognized that the information should be provided by the applicant to the best of their knowledge, due to the public comment on the subject.

2. When was the traffic study completed, and did it include school traffic?

Answer: The Traffic Impact Study was completed in June 2006. Traffic counts were conducted for all roadways on October 21 and 22, 2006 with the exception of the four site driveways and Rte. 20/Abel St. which were counted on April 7 and 8, 2006. All Rte. 5 intersections were counted on June 2 & 3, 2006. Dates counted all appear to occur within school calendar year; therefore school traffic is included.

3. There was also a question about an independent traffic analysis.

The applicant and their consultant have submitted a Traffic Impact Study (TIS) that meets State standards and includes the areas noted by the Town to study. To ensure that this information and their conclusions are acceptable, the following entities are reviewing the information.

1. New York State Department of Transportation.
2. Erie County Highway Department.
3. Hamburg Traffic Safety Advisory Board.
4. Town Planning Consultant – Wendel Duchscherer (who has transportation engineers and planners).
5. The Town has hired an independent traffic consultant, Watts Engineers, to also assist with reviews.