State Environmental Quality Review (SEQR)
Draft Environmental Impact Statement
for
ModWash Car Wash
5363 Southwestern Boulevard
Town of Hamburg
Erie County New York
SBL No. 182.05-1-9.1

Project Sponsor:
Hutton Build ST 21, LLC

Lead Agency:
Planning Board
Town of Hamburg
6100 South Park Avenue
Hamburg, NY 14075
Agency Contact: Annalyse Samuel, Assistant Planner
Telephone: 716-649-6111
Email: asamuel@townofhamburgny.gov

Prepared By:

BME ASSOCIATES
ENGINEERS • SURVEYORS • LANDSCAPE ARCHITECTS
CELEBRATING · 35 · YEARS
10 Lift Bridge Lane East
Fairport, NY 14450
Contact: Peter G. Vars, P.E.
Telephone: 585-377-7360
Email: pvars@bmepc.com

Positive Declaration Issued: July 19, 2023
Final Scope Issued: December 6, 2023
Date of Lead Agency Acceptance: _____
Date Written Comments are Due: _____

Table of Contents

Appendices:

Volume 1

A. Application Materials
B. Parts 1, 2, and 3 of the Short Environmental Assessment Form ("EAF")
C. Positive Declaration Resolution
D. Final Scoping Document
E. Project Correspondence
F. Minutes of Meetings of the Town of Hamburg Planning Board
G. Traffic Impact Study

Volume 2

H. Stormwater Pollution Prevention Plan ("SWPPP")
I. Water Supply & Sanitary Sewer
J. Car Wash Operations Guideline Document
K. Noise Study

Volume 3

L. Operational Information

Volume 4

M. Viewsheds
N. Project Plans & Zoning Map

I. Executive Summary

On July 19, 2023 the Town of Hamburg Planning Board (the "Planning Board"), as Lead Agency, determined that the proposed ModWash car wash facility ("Modwash", the "Proposed Action" or the "Project") located at 5363 Southwestern Boulevard may result in potentially significant adverse environmental impacts and thus issued a Positive Declaration pursuant to the NY State Environmental Quality Review Act ("SEQRA") requiring the submission of this Draft Environmental Impact Statement ("DEIS") by the Project Sponsor, Hutton ST 21, LLC ("Hutton").

This DEIS is prepared in accordance with the requirements of 6 NYCRR Part 617 of the SEQRA regulations. The subject areas to be included in the DEIS for the Project are described in Section 4.0 of the Final Scoping Document adopted on December 6, 2023 by the Planning Board (See Appendix D). As such, the sections below are outlined to be consistent with that of the Final Scoping Document.

This DEIS examines the potential adverse environmental impacts of the Project as identified by the Planning Board which include impacts to surface water (chemical pollution), aesthetic resources (visual impacts), noise, human health and community character by comparing the Proposed Action to the described existing conditions of the Project and the proposed mitigation measures to be implemented to minimize the identified impacts to the maximum extent possible.

With any land development construction project there are unavoidable impacts to the environment and surrounding community; each impact has been analyzed within this DEIS and proposed mitigation outlined to compensate for their effects. Possible project alternatives are also evaluated including a No Action alternative. A list of potential impacts determined to be irrelevant or insignificant and that are not evaluated in this DEIS are also included within this document.

This DEIS consists of this narrative and Appendices A-M.

II. Introduction

II.A Project Location and Setting

Hutton is the Project Sponsor and proposes the development of a commercial car wash facility on property designated as Section 182.05, Block 1, Lot 9.2, located along the southern side of Southwestern Boulevard (U.S. Route 20) at address 5363 Southwestern Boulevard in the Town of Hamburg, Erie County, New York (the "Site").

The Site is zoned C-2 General Commercial District and has an area of approximately 1.83 acres. The Site is currently vacant and has been previously disturbed as part of adjoining land development for the construction of the Mavis Discount Tire store. The Site is located within the Southwestern Boulevard commercial corridor. Adjoining uses include the Mavis Discount Tire to the east, a Walmart Super Center with two outparcels across the street to the north, a Key Bank with drive-thru, and sporadic frontage lot development to the west and east.

The Site is also bounded to the south by residential homes. The rear of the project site has a change in grade of approximately 10 feet with a rising slope. This slope is populated with miscellaneous existing trees and underbrush and combined with the rise in elevation provides a level of screening to adjoining properties to the south.

The Site location meets the Town of Hamburg Zoning Code's (the "Code") requirement of not being located within 500 feet of an existing car wash facility.

II.B Project Description

The Proposed Action is a request for Site Plan approval and issuance of a Special Use Permit from the Town of Hamburg Planning Board (the "Planning Board") for the development of the ±4,381 square feet ModWash on the approximately 1.83-acre vacant Site. The Project will disturb and utilize the entire 1.83 acre parcel.

ModWash will be a single tunnel facility with 16 exterior vacuum stations, three employee parking spaces, and 2 'bug wash' spaces for a total of 21 parking spaces on site. There will be 3 pay stations, associated drive aisles and a dumpster enclosure location on site. The Project will have a lot coverage of ±40% of the 1.83 acre Site.

II.C Project Purpose, Needs and Benefits

The purpose of the Project is to provide a modern commercial car wash facility to serve the greater Hamburg community. The Project will develop current vacant commercially zoned property and include site improvements consisting of new construction, landscaping, lighting and stormwater management improvements.

The Project will provide jobs during construction along with full-time and part time positions once operational. The Project will result in an increase in the property tax base and will not increase demand for community services.

The ModWash real estate team performs in-depth market research and analysis of all proposed locations to ensure added benefit to the communities it will serve. ModWash believes in creating a positive ripple. That is what the ModWash logo signifies. An act of kindness, a smile or offering services is a positive action that will ripple out to others and the communities. Local communities in which ModWash serves are the heart and soul of the business, so naturally, ModWash wholeheartedly gives back to local charities and communities.

The Project will be beneficial to public convenience and/or welfare by providing a popular and frequently used service for the community's vehicle owners. In addition, the Project would be consistent and in harmony with the nature of the surrounding commercial uses along Southwestern Boulevard's commercial corridor. Pursuant to the Code, the Project cannot, and is not, to be located within 500 feet of another car wash facility.

II.D <u>Project History to Date</u>

In February of 2017, a proposal to construct a 6,800 square feet Mavis Discount Tire building and a 12,400 sf retail building at 5363 Southwestern Boulevard was brought to the Planning Board for a Special Use Permit and Site Plan approvals. The property, zoned C-2, abutted the same residential uses within the R-2 district as it does today. In 2017, the total ±3.5 acre property was fully wooded (See Exhibit 1 in Appendix M).

After public hearings were held for the project and multiple appearances in front of the Planning Board, in May and June of 2017, the Planning Board issued a Special Use Permit and Site Plan Approval for the Mavis building and use; a SEQRA Negative Declaration for the project; and Subdivision Aproval for the two lot subdivision. The Planning Board approved not only the clearing of the Mavis development site, but also the clearing of trees and associated grading for the second lot which is now the proposed ModWash. The Site was prepped for commercial development in 2018 as a result of the Planning Board approvals granted for the Mavis use.

The ±3.5 acre property was reviewed by the Planning Board to include a future commercial development to the west of the Mavis approved development. It was requested by the Planning Board in 2017 for the applicant to complete the engineering for the future building west of the Mavis development so that Town staff and Planning Board could review the entire project and its future use impacts. The site stormwater management design was completed and reviewed by the Town to include a 12,400 square foot retail building west of Mavis and associated parking. This 2017 review and approval was for a larger development footprint than the current proposed ±4,381 square foot, 21 parking spaces ModWash.

The Proposed Action also requires a Special Use Permit (S.U.P.) and site plan approval from the Planning Board, a Building Permit and Building Sewer Connection Permit from the Town of Hamburg, along with approvals from the Erie County Sewer District (ECSD), Erie County Water Authority (ECWA) and NYS Department of Transportation (NYSDOT).

The Project Sponsor initiated the project by applying for and obtaining area variances from the Town of Hamburg Zoning Board of Appeals (the "ZBA") to allow reduced setbacks of 48.1' to

the south and 150.8' to the west for the Project. The area variances were granted by the ZBA on December 6, 2022 (see Appendix E for approval documents).

On January 9, 2023 the Project Sponsor proceeded with submitting applications to the Planning Board for Site Plan approval and a Special Use Permit.

The Site Plan and Special Use Permit applications require an assessment of their potential significant adverse environmental impacts pursuant to SEQRA. As such, the Project Sponsor submitted a Part 1 of a Short Form Environmental Assessment Form (EAF) (See Appendix B), along with Site Plans prepared by Stonefield Engineering & Design (See Appendix N). The Proposed Action is treated as an Unlisted Action pursuant to 6 NYCRR §617.4 and §617.5.

Upon receipt of Part 1 of the EAF, the Planning Board initiated the SEQRA review of the Project. The intent of the SEQRA review is to assess potential significant environmental impacts prior to making a decision on the Site Plan and Special Use Permit applications. On February 15, 2023, the Planning Board designated themselves as Lead Agency. The Planning Board then completed Part 2 and 3 of the EAF, where the Planning Board considered the potential environmental impacts of the proposed action. The Planning Board determined parts of the Proposed Action may result in potential adverse significant environmental impacts and on July 19, 2023 and issued a Positive Declaration of Potential Environmental Impact requiring the preparation of this DEIS (See Appendix C).

Specifically, the Positive Declaration issued by the Planning Board identified the Proposed Action as having the following potential significant adverse environmental impacts:

- Surface Water (chemical pollution)
- Aesthetic Resources (visual impacts)
- Noise
- Human Health
- Community Character

On October 11, 2023, the Project Sponsor submitted a Draft Scoping Document to the Planning Board. In accordance with 6 NYCRR §617.8, the Planning Board, as lead agency, conducted a public scoping hearing on November 15, 2023, at the Town of Hamburg Town Hall to provide the public and involved and interested agencies with the opportunity to provide input regarding the scope of the potential significant adverse environmental impacts to be evaluated in the DEIS. On December 6, 2023, the Planning Board completed the scoping process and approved the Final Scoping Document (See Appendix D) for the DEIS.

The Project Sponsor prepared this DEIS in accordance with the Final Scoping Document adopted by the Planning Board. The DEIS is provided for the Planning Board's use to assess the potential significant adverse environmental impacts in context of the Project's design and provide appropriate mitigation measures for those potential environmental impacts that are significant and adverse in nature.

See Appendix F for meeting minutes from the Planning Board to date.

II.E Site Layout, Design and Access

The proposed layout of the Site was designed considering, but not limited to, the lot standards and bulk area requirements of the Town of Hamburg's C-2 zoning district, the existing site access, the building footprint and necessary circulation pattern, car queuing, and parking need, as well as the desire to provide buffers to the residential uses to the south and west.

The site plan design is prepared to comply with the design and construction standards of the Town of Hamburg and the regulatory agencies identified as Involved Agencies for the Project The design complies with local sewer use laws, building codes, public health concerning water supply and wastewater disposal, and local and state stormwater management requirements.

Water supply will be provided through connection to the public water system, and the supply will be protected from backflow contamination with the installation of an RPZ/backflow prevention device. Wastewater flow will be collected and discharged to the public sewer and will be in compliance with the sewer use law of the Erie County Sewer District.

Access to the Site will utilize the existing curb cut to Southwestern Boulevard and will operate with a shared access with the Mavis Discount Tire property to the east. The curb cut was constructed and permitted by the New York State Department of Transportation ("NYSDOT") in 2018 to function as a shared access for the Site and the adjoining property to the east.

The Project Sponsor has met with and obtained input from the Project's immediate neighbors, Town officials and consultants. As a result, the site plans have evolved, with changes to help mitigate concerns brought to the Project Sponsor's attention. The proposed site plan is intended to minimize the visibility from the car wash from the adjoining residential properties, as well as provide a safe manner in which people traveling on Southwestern Boulevard can see the car wash and access the Site.

A mature tree line currently exists along the southern portions of the Site that will remain intact and will be enhanced with new plantings to be installed by the Project Sponsor. These additional screening elements, combined with the use of the elevation change north to south across the Site will provide both a visual and noise buffer to the residential uses to the south.

II.F Regulatory Compliance, Zoning and Approvals

The proposed ModWash use is an allowable use in the C-2 General Commercial zoning district of the Town of Hamburg pursuant to the issuance of a Special Use Permit pursuant to Article XIV Chapter 280-81.A.(18).(e) of the Code.

The site plan has been prepared to comply with the lot standards of the C-2 General Commercial zoning district as follows:

i. Chapter 280-82 Minimum Lot Size, whereas the lot width of ±310' is greater than the 100' minimum required.
ii. Chapter 280-83 Maximum Height of Buildings, whereas the proposed building height of ±27' is less than the maximum allowed height of 35'.

iii. Chapter 280-84 Lot Coverage, whereas the proposed lot coverage as defined in the Town Code of 40% is less than the maximum allowed coverage of 85%.
iv. Chapter 280-85 Required Yards (setbacks):
    a) Front setback at ±139' where a 40' minimum is required.
    b) Rear setback at ±42' where a 20' minimum is required (rear yard to equal side setback requirement of the residential district).
    c) Side setback (non-residential) of ±73' where 5' is required.

The site plan complies with the Special Permit Conditions of Chapter 280-329 for Commercial Car Washes as follows:

i. Chapter 280-329.(A) requires a car wash not to be located within 500' of another such facility. No other commercial facility is located within 500' of the project site.
ii. Chapter 280-329.(A) requires a car wash facility shall not be located within 200' of any residential structure. The Project Sponsor obtained area variances from the ZBA on December 6, 2022, to allow a separation of 48.1' to the residence to the south and 150.8' to the residence to the west.
iii. Chapter 280-329.(C) requires the site plan to minimize visibility through proper siting, setbacks, topography, berming and landscape features. The Project's site plan has been prepared to locate the single-story building greater than the allowed front setback off of Southwestern Boulevard and include proposed plantings/landscaping along the street corridor and the building façade itself, with the intent to break up the massing of the building and enhance the Southwestern Boulevard streetscape. The building has been sited on the level part of the Site set back to take advantage of the natural screening and buffering provided by the existing rear property slope and existing vegetation which provides screening to the residential property to the south. The existing rear slope provides a vertical rise of ±10' to the rear property line. This rear slope will remain in place and the existing vegetation enhanced with conifer plantings to provide a year-round landscape buffer to the south.

The proposed parking of 21 spaces provided for the Project is designed to meet the needs of the facility based upon employee count, and vacuum and cleaning stations. There is no need for other customer or visitor spaces as the operation is based upon the customer remaining with their vehicle. Chapter 280-221.(A) of the Code states the Planning Board shall determine the amount of required parking, which can utilize applicant submitted documentation to determine the parking need. The layout of the parking spaces complies with the setback requirements of Chapter 280-235.(B.)(1) & (2) as no spaces are located within 35' of the street , nor within 10' of a rear or side lot line or within 20' of a Residential zoned district.

In addition to Planning Board and ZBA approvals required from the Town of Hamburg, the Project will also require approvals from the following agencies and offices:

i. Town of Hamburg – Building permit
ii. Town of Hamburg – Sewer connection permit
iii. Town of Hamburg – MS4 SWPPP approval
iv. Erie County Sewer Department – sanitary sewer connection
v. Erie County Water Authority – public water connection

vi. Erie County Department of Health – RPZ/backflow & wastewater disposal
vii. New York State Department of Transportation – Highway access

The Town of Hamburg Conservation Advisory Board has reviewed the Project's plans, and their arborist has visited the Site (See Appendix E for correspondence). Their comments were provided to the Project Sponsor and were included in the revised Landscape Plan to ensure adequate screening for the adjoining residential areas, appearance and screening from Southwestern Boulevard, and diversifying the tree and foundation plant selection.

Access to the Site will be from an existing entrance along Southwestern Boulevard (Route 20) which will be shared with the existing Mavis Discount Tire Store and was approved in 2018 by the NYSDOT for shared access. In 2023 a Traffic Impact Study was prepared for the Project which concluded that the Project would not have a significant impact on the operation of the existing driveway. NYSDOT determined the driveway would remain as it currently operates with no mitigation or improvements required.

III. Existing Conditions of the Site:

III.A Site Topography

The Site topography consists of a relatively flat slope with very little grade change from the Southwestern Boulevard right-of-way to approximately 225'-250' south into the Site. This area represents the development pad which was created with previous grading operations during the 2018 approved development of the Mavis Discount Tire site. The rear 75' – 100+' of the Site raises in elevation on average of 10', where the south property line elevation is above the primary site grade. This slope continues to elevate off-site to the south. This rise in elevation also occurs to the west property line also, with the elevation increasing approximately 10' over 75' to the west property line.

The adjoining properties to the west and south sit roughly 10' higher than the existing grade on the Site and overlook the Southwestern Boulevard commercial corridor. The topography directs runoff to existing on-site swales. An existing swale in the southern portion of the Site routes stormwater from these rear slope areas to an existing stormwater management facility in the southwest corner of the Mavis property which discharges to the NYSDOT right of way. The Site itself drains north towards Southwestern Boulevard entering an existing stormwater management facility located along the Southwestern Boulevard right-of-way which was constructed with the Mavis Discount Tire Center and discharges to the NYSDOT right-of-way east of the Mavis site.

III.B Existing Environmental Setting

The Site was a part of the 2018 approved overall site grading and stormwater management design for the 2-lot Mavis development. As such, the Site was disturbed in 2018 with acres of existing vegetation removed and the Site graded to establish the commercial development pad for future use. The Site currently contains areas of gravel, taller grasses, and lawn areas. A mature tree edge exists along the southern property line which provides a level of buffering.

Based on available online mapping from FEMA (#36029C0476H, effective June 7, 2009), NYSDEC, and the U.S. Fish and Wildlife Wetland Inventory and field observations, there are no designated 100-yr floodplains / zones or jurisdictional wetlands located on the Site. There are also no rare plants or animals, endangered or threatened species, or national landmarks located on the project site or adjacent to.

The Site is also not located within an agricultural district or contains soils of high importance. There are three soil types on site which include various types of silt loams.

There have been no reported spills at the Site, or any remedial actions occurred on the Site nor adjacent to the Site. The Site is not within 2,000 ft of any site in the NYSDEC Environmental Site Remediation database.

Per the available resources from the NYS Department of Parks, Recreation and Historic Preservation (OPRHP) State Historic Preservation Office (SHPO), the Site does not appear to be within a designated archaeological sensitive area per the CRIS online mapper.

III.C Existing Surface and Groundwater Resources

There are no regulated wetlands or other surface water bodies currently on the Site.

A Geotechnical Report was completed by Terracon Consultants on July 1, 2022 and is included in the SWPPP book for the project in Appendix E (See Appendix H of this DEIS). The Geotechnical Report identifies that groundwater was not encountered on site. Bedrock was encountered along the western and southwestern portions of the Site ranging from 0.3 feet to 5.5 feet below the ground surface.

Water supply will be provided via the public water system of Erie County Water Authority (ECWA). The Erie County public sewer system exists to serve the Project. Both systems have the capacity within their existing systems for the projected Project demands.

The Site is not located in a restricted watershed and thus enhanced phosphorus removal standards are not required.

III.D Existing Waterways/Drainage Ditches

There are no existing regulated waterways or drainage ditches on site.

There are two existing swales which were constructed in the northern and southern portion of the Site which collect and convey stormwater from the Site. The northern swale, located outside of the Southwestern Boulevard right-of-way conveys stormwater to a storm sewer system constructed with the Mavis development and is discharged to the stormwater management facility in the northeast corner of the Mavis site. The swale at southern portion of the Site, located at the base of the existing slope conveys site runoff to the east to a stormwater facility to the southwest of the existing Mavis building, where it enters a storm sewer system and is discharged to the stormwater management facility located on the northeast corner of the Mavis site.

These swales were designed with the Mavis development to receive the runoff from the proposed development site, and this design was approved by the Town of Hamburg and NYSDEC in 2017/2018. The swales function as part of the approved stormwater management plan for the overall 2-lot property.

III.E Existing Stormwater Management/Site Drainage

The Site was a part of the overall stormwater management design and SWPPP for the Mavis 2-lot development. Pursuant to the NYSDEC project database, an open NOI exists for the 3.5-acre Mavis, 2-lot project area (NYSDEC #NYR11C438). The NOI submitted to the NYSDEC included the total impervious area for the Mavis development as well as a future assumed impervious area for the now ModWash property.

As such, the Site was disturbed in 2018 and graded to allow for a prepared development pad for future use. The development pad was graded to allow for the finished floor of the ModWash and associated parking lot to be relatively the same topography as the Mavis development.

The development pad area slopes to the northern and southern existing swale systems which ultimately outfall into the stormwater management facility on the Mavis property in the northeast corner of the Site. The stormwater facility then ultimately discharges to the NYSDOT storm sewer system, which received permit approval from NYSDOT in 2018. The existing swales also receive drainage from the residential properties adjoining the site to the west and south, as these properties sit 10 feet higher than the Site.

The existing stormwater management facility has been designed to accommodate flows from the Project. There have been no concerns by the Town of Hamburg or NYSDOT of the function of the existing facility through the current design and approval process.

III.F Existing Land Uses

Southwestern Boulevard contains an eclectic variety of land uses in this area of the Town of Hamburg. The Camp Road/Southwestern Boulevard intersection area is a heavily commercial developed area. Between Camp Road and Amsdell Road, uses include mini-warehouse storage facilities, commercial businesses, a manufactured home park and sporadic frontage lot development. The immediate area surrounding the Site includes the Mavis Discount Tire to the east, a Walmart Super Center with two outparcels across the street to the north, a Key Bank with drive-thru, and frontage lot development to the west and east.

A residential home accessed from Southwestern Boulevard overlooks the Site to the west and is part of a residential subdivision located between Southwestern Boulevard and the NYS Thruway (I-90). This residential area has access from Abel Street off of Southwestern Boulevard and from Rogers Road and overlooks Southwestern Boulevard and its commercial uses.

III.G Existing Zoning and Other Land Use Regulations

The ±1.83 acre project Site is currently an undeveloped lot that was subdivided as part of the Mavis Discount Tire ("Mavis") commercial site plan and subdivision approvals given by the Town of Hamburg in 2017. Both Mavis, a commercial use, and the Site are zoned General Commercial District (C-2). Pursuant to Section 280-81(A)(18)(E) of the Code, a commercial carwash is a specially permitted use in the C-2 district upon the granting of a special use permit by the Planning Board.

The commercial properties to the north of Southwestern Boulevard are also within the C-2 district. The C-2 district is the pre-dominant zoning district along Southwestern Boulevard between Camp Road and Amsdell Road, and combined with the M2 Light Industrial zoning along the frontage to the east, it in effect creates a commercial corridor in this area (see Appendix N for Town Zoning Map).

The property immediately to the west is an outlier and is zoned R-2 Single Family Residence and is adjoined on all sides by properties zoned C-2.

The residential uses to the south of the Site are zoned R-2 as well. The C-2 / R-2 zoning boundary per the Town Zoning Map is south of the Site, essentially establishing the residential

neighborhood and the commercial corridor to exist within close proximity of one another, a practice not unique to the Town of Hamburg. The Zoning Map shows various other parts of Town where C-2 and R-2 abut one another. The Zoning Map and Code indicates the Town of Hamburg support for the co-existence of commercial development adjoining residential uses within the Town.

III.H Existing Utilities

Public utilities are available within close proximity to the Site to service the proposed development. The Project plans have been provided to the appropriate utility entities which have all indicated the existing capacity of the infrastructure is sufficient to serve the proposed ModWash project.

An existing Erie County Water Authority public 8" water main along the north side of Southwestern Boulevard will be tapped to service the proposed use on the site.

An existing public sanitary sewer main of the Erie County Sewer District is available southeast of the Site on the north side of Abel Street and is of a depth and size to provide service to the Project.

Private company gas, electric and telecommunication mains are available from the south side of Southwestern Boulevard.

The collection of stormwater runoff will consist of a private storm sewer system that will be incorporated into the existing stormwater management system constructed with the development of the Mavis site. This stormwater management plan was analyzed and designed with the 2017/2018 Mavis development SWPPP for the entire 3.5 acre property, which includes the current Site. This management plan collects and detains site runoff prior to discharge to the NYSDOT storm sewer system on Southwestern Boulevard, as permitted by NYSDOT.

III.I Existing Air Quality, Noise, and Lighting Levels

At this section in the Town of Hamburg, Southwestern Boulevard, US Route 20, is a four-lane highway with a 50 mph posted speed limit and an Average Annual Daily Traffic volume of 26,919 vehicles. This heavily traveled highway and commercial corridor highly contribute to the baseline air quality, sound and lighting levels on the Site.

In addition to Southwestern Boulevard itself, Walmart, north of the Site, has a ±10 acre parking lot with ±27' tall parking lot light poles to illuminate the entire parking lot and its drive aisles. This store operates from 6:00 am – 11:00 pm seven days a week. These lights are visible from the rear yards of the existing homes on Abel Street. The adjacent outparcel buildings also contain exterior lighting, as does the adjacent Mavis shop which has building mounted lighting and site lighting to service the store. Lighting in this area is commensurate with what one would find in a commercially zoned corridor.

The heavy vehicle traffic on Southwestern Boulevard and the Mavis auto shop both contribute to the sound levels existing on the Site. Mavis has ±8 bays where services such as tire installation, oil changes and brake services are completed. The most predominant noise generator in the area is vehicular traffic associated with Southwestern Boulevard.

Lewis S. Goodfriend & Associates (LSG&A), on behalf of the Project Sponsor, completed an updated evaluation of the expected outdoor sound pressure levels under undeveloped, baseline sound levels, and developed conditions (See Appendix K). LSG&A conducted the baseline sound level measurements on March 7, 2024 at the adjacent residential property to the south, 5436 Abel Street. Measurement locations were taken from the residences main deck at the house, pool deck, and at the property line, as coordinated with the residence at the site visit. The meteorological conditions during the 24-hr measurement period were acceptable for acoustical measurements.

Pursuant to the report, baseline sound levels included traffic, wildlife, and aircraft. Table 1 below from LSG&A's Acoustical Evaluation includes the average of each the statistics during the proposed operational hours of the ModWash of 8:00 am to 8:00 pm for developed conditions comparison purposes. LSG&A conducted a similar study at the Site's southern property line and they are consistent with the 2024 measurements.

Table 1 – Measured Baseline A-weighted Sound Levels, 5436 Abel Street, Hamburg, New York, 7-8 March 2024.

Measurement Location	Sound Level, dB(A)		
	L_{90}	L_{eq}	L_{10}
A: Main Deck (2024)	49	55	58
B: Pool Deck (2024)	51	58	60
C: Property Line (2023)	51	58	61
D: Sidewalk Near Road (2023)	62	72	76

III.J Existing Traffic Patterns and Conditions

The full-service entrance from Southwestern Boulevard that serves the Mavis site today was designed as a shared access for the two lots and was approved by the NYSDOT and the Town of Hamburg and constructed in 2018. In 2023, a traffic study was prepared by Stonefield, a copy of which is included in Appendix K. The traffic study includes analysis of existing road conditions as of 2022 and traffic volumes to compare with the proposed traffic volumes from the Site. Safety of the driveway was also analyzed as part of this study, with no concerns identified requiring mitigation.

Southwestern Boulevard, US Route 20, is a four-lane highway with a center turn lane adjacent to the Site. The posted speed limit is 50 mph. The existing site driveway is located ±350' west of the existing Walmart signalized intersection with Southwestern Boulevard and ±300' east of the unsignalized, full-service access to Walmart. The AADT in 2022 for Southwestern Boulevard was 26,919 vehicles.

III.K Existing Community and Emergency Services

The Site has the benefit of being situated on a major highway system and commercial corridor within the Town's C-2 district is served by existing community and emergency services. The Site is served by the Town of Hamburg Police Department, the Town of Hamburg Lake Shore Fire District, and the Town of Hamburg Emergency Medical Services. The proposed use is of a nature

where it is anticipated no expansion of community or emergency services will be needed to service the project site.

IV. Evaluation of Potentially Significant Adverse Environmental Impacts:

Pursuant to the Planning Board's completion of Part 2 and 3 of the EAF, and their adoption of a July 19, 2023 resolution issuing a positive declaration for the Proposed Action, the following sections evaluate identified potentially significant adverse environmental impacts that were identified. These potential impacts were identified as a result of the Planning Board's review of the applications, input from the public hearings, and review of submitted comments from municipal staff, consultants and the public. The impacts identified were as follows:

A. Impact on Surface Water and Ground Water Resource
B. Aesthetic Resources (views)
C. Noise, Human Health (Noise/Pollution)
D. Community Character

IV.A Impact on Surface Water and Ground Water Resources:

IV.A.1 Existing Water Supply Analysis

The Project will be supplied by the public water system through an existing 8" Erie County Water Authority (ECWA) water main located on the north side of Southwestern Boulevard to serve the Project. The Site is within the service area of the ECWA, as is this area of the Town of Hamburg. As a result, there is no demand or impact on groundwater resources as a result of the water supply demand for the Project.

A hydrant flow test for the main along Southwestern Boulevard was completed by ECWA on April 5, 2022. The flow test results show a static pressure of 45 psi and a residual pressure of 34 psi, with a flow rate of 1,300 gallons per minute (See Appendix I).

IV.A.2 Proposed Water Supply Analysis

ModWash is proposed to be served by a 2" type k copper water service. The new water service will be connected to the existing 8" ECWA water main located on the north side of Southwestern Boulevard by the ECWA. The new 2" service will extend to the mechanical room located in the northeast corner of the proposed ModWash building. A proposed domestic water meter and backflow prevention (RPZ) are designed and will be located in the mechanical room.

A hydrant flow test for the main to be tapped along Southwestern Boulevard was completed by ECWA April 5, 2022. The flow test results show a static pressure of 45 psi and a residual pressure of 34 psi, with a flow rate of 1,300 gpm. A flow test is conducted to measure the water supply (flow and pressure) available at a building site (see Appendix I for flow test).

The estimated average daily demand on the ECWA's system from the proposed car wash is approximately 6,950 gpd with a peak flow demand of 4.83 gpm, these demands are based on data from similar operating ModWash facilities with a single tunnel in the mid-Atlantic climate region.

These demands are consistent with other commercial uses and lower than most commercial car washes. This is due to ModWash's practice of more than 60% of the water demand being taken from recycled water on site in lieu of a municipal source. ModWash uses three 2,000 gallon reclaim tanks to process water for recycling and re-use. ModWash will reuse water captured in the tunnel, several times, prior to discharging to the sanitary system which undergoes treatment prior to discharging to the sewer system. (see Appendix J for Carwash Operations Guidelines).

The proposed 2" water service and associated backflow device and meter were sized given the water use demands of the car wash and the available pressure in the existing public system. The existing water system was analyzed with the proposed use to determine the existing system is capable of providing an appropriate domestic flow at an allowed pressure to the Site. The 2" service will provide sufficient water pressure and flow at the proposed building. The water supply analysis also includes the pressure losses from the backflow and metering devices and was reviewed by the ECWA.

There is no fire service or fire protection system proposed for the Project. The building does not require a fire suppression system pursuant to the NYS Building and Fire Code. Existing fire hydrants are located on the existing watermain along the northside of Southwestern Boulevard. These hydrants are located at the two entrances to the Wal-Mart plaza, with the hydrant at the west entrance being within 150' of the Site.

IV.A.3 Erie County Water Authority Correspondence

The Erie County Water Authority and Town of Hamburg have reviewed the proposed water supply demands for ModWash as well as the Utility Plan for the connection to the ECWA main and have issued no concerns with the demand of the commercial use or pressures available to serve the Project. Appendix I includes the latest correspondence with the EWCA indicating their acknowledgement of their system's ability to serve the Project. ECWA has not identified nor will require any upgrades to their existing system as a result of the Project.

IV.A.4 Stormwater Management

Stormwater management design for the Project will implement a Stormwater Pollution Prevention Plan (SWPPP) to address potential impacts to surface water and groundwater resources as a result of the proposed action. The SWPPP design for the Site includes provisions to attenuate flow rates from the Site under the post development condition so as not to exceed the current peak existing flow rates and to provide water quality treatment. Appendix H includes the project SWPPP which demonstrates the proposed detailed stormwater management system design complies with the NYSDEC General Permit Guidelines for Construction Activities and the Town of Hamburg design standards.

The Site was a part of the overall stormwater management design SWPPP prepared in 2017/2018 for the Mavis development. As such, the lot was disturbed in 2018 and graded to allow for future commercial use to be developed on the Site.

Per the NYSDEC project database, an open Notice of Intent (NOI) exists for the 3.5 acre 2-lot project area, which includes the Mavis lot and the Site lot (NYSDEC #NYR11C438). The NOI submitted to the NYSDEC included the total impervious area for the Mavis development as well as a future assumed impervious area for the now ModWash property.

The current ModWash proposal has been analyzed as part of the 2023 application. Under the proposed developed conditions, the Site will maintain existing drainage patterns, control the rate of post-development runoff and will mitigate impacts on water quality and erosion potential during and after construction in conformance with the previously approved Mavis SWPPP. In addition, the proposed ModWash development is not increasing impervious area from the impervious area listed on the originally approved NOI.

The existing dry swale along the northern property line and south of Southwestern Boulevard will be maintained to operate as it does today as a green infrastructure practice to provide water quality treatment of stormwater runoff. The swale discharges to an existing 12" storm sewer on site which conveys stormwater to the stormwater management facility in the northeast corner of the Mavis property.

The existing swale system in the southern portion of the Site slopes towards an existing stormwater basin south of the Mavis store. This swale will be re-graded at the downstream lowest point of the Site to create an on-site stormwater basin on the ModWash property.

This basin will detain runoff from the post development site prior to discharge downstream. The basin is proposed to attenuate the 1, 10 and 100-year design storms and provide water quality treatment of stormwater runoff. The basin will be outfitted with a forebay and an outlet control structure. The proposed outlet structure and pipe have been sized and designed to attenuate the stormwater outflow generated by storm events. The stormwater is released at a reduced peak rate to the existing 12" storm sewer south of Mavis and ultimately to the stormwater management facility in the northeast corner of the Mavis property utilizing the existing storm sewer network.

Per the Project's proposed SWPPP included in Appendix H, which also includes the Geotechnical Report, groundwater was not encountered on site, and thus there is no anticipated impact to groundwater resources from stormwater runoff anticipated with this Project.

Stormwater runoff from this new development will ultimately reach the NYSDOT storm sewer system on Southwestern Boulevard as it is discharged from the shared Mavis site facilities. The Project's SWPPP was reviewed by the NYSDOT and deemed consistent with their current storm water drainage requirements (see Appendix G for NYSDOT correspondence).

IV.B Impact on Aesthetic Resources (Views):

IV.B.1 Existing Viewshed Analysis

On January 24, 2024 Hutton and BME Associates met with the owner of 5436 Abel Street, the adjoining residential property to the south of the Site, at their property and took photographs of the viewshed from the backyard, specifically at the top of the pool deck and deck off the house. These photos were taken in the winter to represent the seasonal time frame where the existing deciduous trees do not provide a full buffer for half of the year. Exhibit 3 and 4 in Appendix M shows the current viewsheds from 5436 Abel Street to the Site and points north.

The existing viewshed from 5436 Abel St looks down upon the five lanes of Southwestern Boulevard, the entire frontage of the Walmart Supercenter and associated parking lot and parking lot lights, other commercial buildings along Southwestern Boulevard, the south side and west side of the Mavis auto center and parking, the access drive to Mavis as well as Mavis' driveway that routes around the back of the building. In addition to roads, cars, parking lots and structures, parking lot lighting poles, street light poles and powerlines can be seen. The existing view also shows a variety of mature evergreens, located on the residential property to the south and also on the project Site, and a variety of deciduous trees that are on the Site which provide a modest buffer to the commercial uses along Southwestern Boulevard from the residential property. See Exhibit 1 and 2 in Appendix M and the Landscape Plan C-8 in Appendix N within the Site Plan Set showing a plan view of the existing buffer.

The residential use to the west of the site, 5387 Southwestern Boulevard, has no buffer to the commercial uses today. See Exhibit 1 in Appendix M showing the Site and adjacent neighbor to the west under existing conditions. The existing house sits ±40' from the highway and ±7' higher than the Site and thus overlooks the highway and commercial uses to the north and east of it. Any on-site vegetative buffer that existed between this residential property and the subject property was removed with clearing and grading operations in 2018 with the Site development of the 2-lot commercial development site.

As evidence by the exhibits in Appendix M there can be no argument that the view from the adjoining residential properties under existing conditions is predominantly developed commercial area and that the existing landscaped buffer along the southern property line does not completely shield the commercial uses from the residential uses, especially during the winter months. The existing viewshed from the residential properties to the south is of a 5-lane highway and commercial uses. There is no current scenic viewshed which exists, nor is there an identified scenic viewshed or resource in the proximity of the Site.

Review of historical photographs of Southwestern Boulevard (See Exhibit 1 in Appendix M) show the property up until 2017 was fully vegetated. As a result of the 2017 site plan review and approval process conducted by the Town of Hamburg Planning Board, and subsequent approved construction in 2017/2018, most of the property was cleared and grading completed to facilitate commercial development of a 3.5 acre, 2-lot commercial development, which the Site represents the west lot of this

subdivision. The Mavis site was developed, and the building was constructed in 2018. This review and approval by the Town, combined with the zoning of the area, established the probability of future commercial development of the Site, and in essence established the viewshed to the north for the residential properties to the south and west will be of commercial development.

IV.B.2 Proposed Viewshed Analysis

Several viewshed exhibits and photo simulations have been prepared to illustrate the probable viewsheds for the post development condition. These viewsheds are provided in Appendix M and illustrate the effectiveness of the Project Sponsor's planned efforts to address current viewshed and post development viewshed condition.

The Grading Profile Exhibit 5 in Appendix M shows a cross section view from Southwestern Boulevard to the southern adjoining residential property, 5436 Abel Street, under proposed conditions. This exhibit shows the elevation change between the existing highway, the Site and the residence. The exhibit depicts that south of the proposed ModWash, the existing grade slopes up to the adjoining house first floor elevation, which is approximately 10' higher than the proposed ModWash finish floor elevation. This existing condition will be maintained under post-developed conditions.

This exhibit also shows the existing mature tree line along the slope of the southern property line, the trees on the residential property, and also the Project Sponsor's intention of planting new evergreen trees on the neighbor's property to enhance this existing buffer.

Exhibit 1 and 3 in Appendix M depicts the view of the Site from 5436 Abel Street once developed will be of the rear of the proposed building, the existing Mavis building, the WalMart peaks and various site lighting through the existing and proposed vegetated buffer. The site plan design places the vacuum stations and parking activity for the use on the north side of the proposed ModWash and thus not visible from the residential property. This is illustrated on the Project's site plans in Appendix N and on the viewsheds in Appendix M.

The placement of the proposed landscaping was designed based upon the existing viewshed and to locate the new trees to maximize their effectiveness of buffering the view from the residential properties. The existing conditions photos provided the current sight lines from the existing property such that the planting locations could be determined. The Project Sponsor offers to place these plantings at a location mutually agreed upon with the Town of Hamburg and the adjoining resident.

Comparing the proposed photo simulated view to the existing conditions view illustrates the effectiveness of the proposed buffering plan, and does not represent a degradation of the existing viewshed (see Exhibit 3 and 4 in Appendix M).

In sum, the view from the adjoining residential properties towards the Site under post development conditions will continue to be of a predominantly commercial area, the same as exists today. The development of the Site will not change the quality of the current view nor eliminate a current scenic view or a view of open space. The Project

Sponsor has developed a landscape plan that could now provide year round greenery for the residential neighbor.

IV.B.3 Post-Development Photo Simulations

Appendix M includes proposed viewshed exhibits & Grading Profile Exhibit 5 which were prepared by Stonefield Engineering & Design and shared with the Planning Board as well as Exhibit 3 and 4 prepared to show the viewshed directly from 5436 Abel Street by BME Associates in January 2024 and presented herein. All post-development photo simulations were prepared to demonstrate what the Project could look like in relation to the grading, setbacks and landscaping/ buffering features designed for the Project.

The photo simulations prepared and presented as Exhibit 3 and 4 in Appendix M provide the probable viewshed from the adjoining residential property. Baseline photos were taken from the adjoining property, from the existing pool deck and house deck locations. These photos were taken in January 2024 in order to represent the view during the late fall/winter months without leaf coverage on the existing vegetation. The simulations project the proposed building, per the architectural elevations submitted with the site plan application, along with the presence of the evergreen plantings proposed by the Project Sponsor.

Viewshed 1, from the pool deck, shows a grouping of 5 evergreen trees planted within the existing visible landscaped gap on the neighboring property. The trees are shown on the viewshed at 10’ tall which is a 3-year growth when planted at a minimum of 6’ tall. This proposed simulated view shows that the existing evergreen trees along the property line east and west of the pool deck will remain. In addition, the deciduous trees between the ModWash and southern property line will remain. The Viewshed shows proposed landscaping along the rear side of the ModWash building (See Landscape Plan #C-8 in Appendix N) which are shown at a 3-year buildout as well. A proposed 6’ tall fence on the Site is to be installed and maintained by ModWash (See Site Plan #C-3 in Appendix N). In addition to the mitigation measures, this view also shows the rear of the ModWash parapet, proposed parking lot lighting, the existing Walmart and parking lot lighting, powerlines, and the south and western side of the Mavis and associated site lighting.

Viewshed 2, from the deck off the house, shows another grouping of 5 evergreen trees planted within another existing visible evergreen gap in the existing landscaped buffer along the property line. These trees would also be placed on the neighboring property in line with the existing evergreens and are shown on the viewshed at 10’ tall which is a 3-year growth when planted at a minimum height of 6’. This proposed simulated view shows that the existing mature evergreen trees along the property line will remain as well as the deciduous trees in the rear of the ModWash property. The Viewshed shows proposed landscaping along the rear side of the ModWash (See Landscape Plan #C-8 in Appendix N) which are shown at a 3-year buildout as well. A proposed 6’ tall fence on to Site is to be installed and maintained by ModWash (See Site Plan #C-3 in Appendix N). In addition to the mitigation measures, this view also shows the rear of the ModWash, proposed parking lot lighting, the existing Walmart and parking lot lighting, powerlines, and the south and western side of the Mavis as

well as Mavis' driveway that routes around the back of the building and their parking lot and building mounted lights.

The placement of the proposed landscaping was designed based upon the existing viewshed; to locate the new trees to maximize their effectiveness of buffering the view from the residential properties. The existing conditions photos provided the current sight lines from the existing property such that the planting locations could be determined. The Project Sponsor offers to place these plantings at a location mutually agreed upon with the Town of Hamburg and the adjoining resident.

Comparing the proposed photo simulated view to the existing conditions view illustrates the effectiveness of the proposed buffering plan, and does not represent a degradation of the existing viewshed (see Exhibit 3 and 4 in Appendix M).

Appendix M includes the Viewshed Rendering Exhibit 6 by Stonefield, this viewshed is looking towards the Site from Southwestern Boulevard. This view depicts the landscape plan proposed for the Site at a 10-year growth period, during the summer months. This Exhibit also shows the establishment of a landscaped buffer between the resident to the west of the Site and the site which is not there today.

Depicted on the viewshed rendering Exhibits is also a 6' tall solid wood fence prepared to show what the fence could look like placed on the property line and behind the evergreen buffer. The Project Sponsor has agreed to install a proposed fence at a height and location that is most beneficial to the neighboring residences as deemed acceptable by the Planning Board. The intent would be to install the fence so as to not disturb any existing trees and thus be installed on the Project Site and maintained by the Project Sponsor.

The building has been sited on the previously developed level part of the Site, set back to take advantage of the natural screening and buffering provided by the existing rear property slope and existing vegetation which provides screening to the residential property to the south. The existing rear slope provides a vertical rise of ±10' to the rear property line and ±7' to the western property line. This rear slope will remain in place and the existing vegetation enhanced with conifer plantings to provide a year-round landscape buffer to the south.

Lowering the grades on the Site in order to lower the building profile is not possible due to the existing stormwater management design as well as the presence of bedrock beneath the surface per the geotechnical study. The Site's proposed grades are relatively flat and minimum slopes are proposed on all utility infrastructure to allow for the lowest possible finish floor elevation of the ModWash building. The proposed maximum building height at ±27', for the parapet at the western end of the building, is below the maximum building height of 35' allowed by Code. A majority of the proposed ModWash building will be ±16'-4" in height, which is also below the maximum required building height pursuant to the Code. For reference, the existing Mavis building is ±22' in height along the full length of that building.

The proposed grades of the Site are consistent with that of the Mavis site and as originally anticipated when the site was graded as part of the Mavis development in 2018. The Site grades are fixed by Southwestern Boulevard to the north along with

the existing access to it and existing geologic features as described above. The proposed grading and the Site being lower than the residential properties allows for the existing and proposed trees to buffer the ModWash and its site amenities.

The Project development is pushed as far north towards Southwestern Boulevard as feasible in order to maintain proper car queuing and site circulation, parking layout and maintain existing stormwater patterns. The site plan was also designed so that no cars would be accessing the rear of the property, and no access is required pursuant to Code which is not the same for all commercial uses. With the queuing, parking, vacuums and mechanical equipment positioned in the front of the car wash to minimize the impact of noise, the rear of the ModWash building would be the aspect of the development that could be in view to the residential area to the south at times. This can be considered consistent with the original viewshed today which shows the rear and western side of the Mavis building.

The ModWash building itself is shifted as far off the southern and western property line as possible while maintaining proper site circulation and radius for vehicles to access and enter the car wash adequately. The closest point the building is to the rear property line is still more than double the required minimum yard setback of 20' for permitted uses in the C-2 district that abut a residential property. Area variances were approved for the Site by the ZBA which allows the car wash to be closer than 200' to any residential structure (per Code §280-329 for commercial car washes). The variances were approved to allow for the car wash facilities to be ±150.8' to the closest house on the adjoining property to the south of the Site and ±48.1' to the house on the property to the west (note: separation from the car wash building to the house to the west is ±147.1'). The current site plan layout complies with these dimensions as well as the required C-2 zoning lot standard requirements.

The Project Sponsor is proposing to enhance the existing landscape buffer and establish a compact buffer along the western and southern property lines as well as a goal to provide year-round greenery (See Appendix N for the Landscape Plan C-8). The developed site plan as it is today, allows for the healthy landscape buffer to be provided on the western and southern property lines.

In sum, the view from the adjoining residential properties towards the Site under post development conditions will continue to be of a predominantly commercial area, the same as exists today. The Project will not change the quality of the current view nor eliminate a current scenic view or a view of open space or property not under development.

IV.C Impact on Noise:

IV.C.1 Existing Neighborhood Noise Levels

Lewis S. Goodfriend & Associates (LSG&A), on behalf of the Project Sponsor, completed an updated evaluation of the expected outdoor sound pressure levels. The analysis included current conditions to establish baseline sound levels, and an analysis of the projected post-development condition (See Appendix K). LSG&A conducted the baseline sound level measurements on March 7, 2024, at the adjacent residential property to the south, 5436 Abel Street. Measurement locations were taken from the residences

main deck at the house, pool deck, and at the property line. The meteorological conditions during the 24-hr measurement period were acceptable for acoustical measurements.

Three statistical metrics were used to assess the collected sound levels. The baseline sound level of L90 represents the continuous sound such as that from distant traffic wildlife, and aircraft. L10 sound levels represent the transient sound such as traffic surges on the nearby roads. The Leq level represents the average sound considering all sources in a given time period. Table 1 below from LSG&A's Acoustical Evaluation includes the average of each the statistical metrics during the proposed operational hours of the ModWash of 8:00 am to 8:00 pm for the current baseline condition.

Table 1 – Measured Baseline A-weighted Sound Levels, 5436 Abel Street, Hamburg, New York, 7-8 March 2024.

Measurement Location	Sound Level, dB(A)		
	L_{90}	L_{eq}	L_{10}
A: Main Deck (2024)	49	55	58
B: Pool Deck (2024)	51	58	60
C: Property Line (2023)	51	58	61
D: Sidewalk Near Road (2023)	62	72	76

IV.C.2 Operational Noise Levels

Pursuant to LSG&A's Acoustical Evaluation in Appendix K, the proposed noise levels of the ModWash were modeled using SoundPLAN software, based on the ISO Standard 9613-2. The proposed input sound data was based on actual sound level data for equipment that will be installed and operating at the ModWash facility. Specifically, and as discussed with the Planning Board, the proposed dryer system will be the International Drying Corporation (IDC)'s 135HP Predator, and the proposed vacuum system will be the VacuTech FT-DD-T3-40HP. Sound level data was provided by both manufacturers and included in the proposed model.

The Acoustical Evaluation was conducted based upon what will be the typical operations of the ModWash facility. The car wash tunnel is proposed to include the Predator drying system, which will be located near the exit of the tunnel, which is angled away from the residence to the south's home.

Vacuum producers of the facility will run continuously while the facility is open, 8:00 am to 8:00 pm, while the dryers will only operate during the car wash process. The tunnel can process up to 100 cars in an hour, and the dryer time for each vehicle is up to 15 seconds. This equates to a worst-case hourly dryer operation of approximately 42% which was used in the acoustical model.

The dryers and the vacuums proposed for the facility are quieter models than the typical operating equipment as was originally proposed for this facility. This equipment represents the current best technology for noise attenuation for this equipment.

IV.C.3 Noise Study

Pursuant to LSG&A's Acoustical Evaluation in Appendix K, evaluation points were positioned in the model as coordinated with the owner of 5436 Abel Street at the March 2024 site visit. The evaluation points were at the south residential property line, elevated pool deck, main deck at the house, the 1st story windows, and 2nd story windows of the house as shown on Figure 1 in the report located in Appendix K. The study was conducted with a 6' tall, solid wood fence proposed along the property line, and without a fence to determine if an acoustical benefit is gained.

The Acoustical Evaluation calculates the expected sound pressure levels and takes into account the propagation of sound over distance, the shielding and reflection of sound due to buildings and barriers, the effect of topography, and the effect of air absorption. SoundPlan software was utilized as described in LSG&A's report in Appendix K.

The input sound data was based on sound level data provided by the manufacturer of IDC 135HP Predator dryers and VacuTech FT-DD-T3-40HP vacuum producers. These are the proposed dyers and vacuum producers for the ModWash. The worst-case hourly dryer operation of approximately 42% is based on the total amount of cars the Modwash can process in an hour and how long the dryer time is. The expected sound levels were compared to the measured baseline sound levels and summarized in Tables 2 and 3 below:

Table 2 – Expected A-weighted Sound Levels due to Modwash at South Residential Property with and without Solid Fence, Modwash, Hamburg, New York.

Evaluation Location	Sound Level, dB(A)					
	Without Fence			With Fence		
	Vacuum Producers	Vacuum Producers and 42% Dryers	Vacuum Producers and 100% Dryers	Vacuum Producers	Vacuum Producers and 42% Dryers	Vacuum Producers and 100% Dryers
1: Property Line	31	58	62	26	49	53
2: Pool Deck	31	49	53	31	44	48
3: Main Deck	28	40	44	27	36	39
4: 1st Story Window	25	40	43	25	35	39
5: 2nd Story Window	29	41	44	29	40	43
Baseline	49-51	55-58	58-61	49-51	55-58	58-60

Table 3 – Expected A-weighted Sound Levels due to Modwash at East Commercial Property with and without Solid Fence, Modwash, Hamburg, New York.

Evaluation Location	Sound Level, dB(A)					
	Without Fence			With Fence		
	Vacuum Producers	Vacuum Producers and 42% Dryers	Vacuum Producers and 100% Dryers	Vacuum Producers	Vacuum Producers and 42% Dryers	Vacuum Producers and 100% Dryers
6: Property Line	49	58	62	49	58	62
7: Mavis Door	46	50	53	46	50	53
Baseline	62	72	76	62	72	76

As concluded from the Tables above, the potential decibel levels from the proposed ModWash operations with the vacuums and the dryers will be below the current baseline noise levels.

IV.C.4 Existing vs Proposed Noise Level Comparison to Industry Standards

The dryer systems within car wash facilities are typically the component that is the loudest noise producer. For the ModWash facility, the Project Sponsor has redesigned the equipment to select a dryer system whose model is known to be the quietest on the market. While this model is the most expensive, ModWash has agreed to install this system at the Modwash Facility. It should be noted that the Project Sponsor conducted a noise study prior to the March 2024 that was provided to the Board without the use of the Predator dryers and the noise levels were also concluded to be at or below the baseline noise levels at the property lines.

The ModWash facility is required to operate under Occupational Health and Safety Administration (OSHA) regulations, which include regulations and thresholds on noise exposure.

There are no applicable noise regulations within the Code specifying noise level limits at surrounding property lines. However, in Section 280-392 of the Code, there is discussion regarding battery energy storage systems and its components and equipment shall not exceed a noise level of 45 dBA as measured at the outside wall of any resident or occupied community building. While car wash operations are not consistent with those described in that section of the Code, the acoustical study prepared concludes the ModWash equipment will be less than 45 dBA at the closest residential house to the south.

Upon review of surrounding municipalities noise ordinances within their local codes, municipalities including the City of Lackawanna and the Towns of Boston, Town Eden and Evans have regulations within their codes regarding maximum noise level at the property line and from commercial properties adjoining residential properties. Based on review of the codes, noise levels during the proposed ModWash's hours of operations (8:00 am – 8:00 pm) allow for a maximum noise level at the adjoining residential property lines from a commercial use can range from 60 dBA – 80 dBA maximum depending on the municipality. The ModWash facility would operate below the lowest maximum of 60dBA pursuant to the Acoustical Evaluation provided in Appendix K and therefore indicates the proposed operation and use is not out of the norm concerning noise levels associated with commercial buildings and their operations.

The current ambient noise levels at 62dBa to 72 dBA are slightly above the standard ambient noise levels for commercials areas of 55 dBa to 65 dBA. However, the proposed ModWash facility is proposed to operate at noise levels in the range of 30 dBa to 50 dBa which are below the typical existing sound levels with the mitigation measures in place such as the proposed fencing and landscaping. The proposed operating noise levels are within the standard ambient noise levels of residential neighborhoods of 45 to 55 dBa, and thus no significant impact from can be expected given the mitigation measures proposed.

IV.D Impact on Human Health (Noise/Pollution)

IV.D.1 Noise Analysis

An Acoustical Evaluation was performed by LSG&A in March 2024 and the report is included in Appendix K. The report details the baseline sound levels at various points on the neighboring residential property to the south and compares the baseline noise levels to the proposed sound levels at the neighboring property to the south. The proposed sound levels are modeled in the study based upon the equipment proposed for the facility.

The results of the evaluation indicate that the sound levels due to the proposed equipment are expected to be below the existing ambient sound levels as a result of the use of the proposed low-noise dryer and vacuum systems at the ModWash building. The installation of the solid fence along portions of the southern property line will also provide additional sound mitigation to the residential properties. The proposed sound level measured at the evaluation locations is consistent with or below accepted ambient noise levels associated with typical residential districts.

The Environmental Protection Agency (EPA) identifies protective noise levels should not exceed 70 dBA over a 24-hour period or 75 dBA over an 8-hour period concerning health and welfare. The EPA identifies levels of 55 dBA outdoors as the highest average levels of noise that will permit spoken conversation, sleeping, working, and recreation (see EPA *Information on Levels of Environmental Noise Requisite to Protect Public Health and Welfare with an Adequate Margin of Safety © March 1974)*. The expected sound levels from the proposed ModWash facility will be below these thresholds and thus the project will not have an adverse impact on the health, safety and welfare of the surrounding neighborhood concerning noise.

IV.D.2 Operations Analysis

All chemicals used for washing cars are bio-degradable, OSHA approved. Included in Appendix L is a list of the products to be used in the car wash and the Safety Data Sheets (SDS) for the chemicals to be used in the operation of a ModWash facility, depending on the wash selected, along with their storage and handling instructions. ModWash practices include the storing, handling, and disposal of all chemicals per manufacturer recommendations, standards of the NYS Department of Health and Department of Environmental Conversation, and the Town of Hamburg Building and Fire Code. The SDS for each product list the Federally required information and protocols to be followed by the facility, which is typically of all commercial car washes.

The ModWash facility will be designed utilizing a National Carwash Solutions tunnel system (NCS) with a PurWater Reclaim System which consists of two primary components, the underground reclaim tanks and the above ground PurWater unit. The reclaim system provides quality water to the facility so that the water can be re-used within the wash and still provide a clean car. The re-use of the water allows ModWash to limit the amount of water demand from the municipal water supply as well as the amount that is discharged from the wash. Included in Appendix L is a letter from the reclaim system manufacturer detailing the purpose and functions of the system. Reclaim tanks are cleaned with a septic-pumping truck every quarter or more often as needed based on the volume capacity. There is no discharge to surface waters or off-site drainage systems.

ModWash's car washing operations are designed such that no untreated or uncontrolled stormwater enters the surrounding waterways. Water from the car wash operations is designed to be contained within the facility. There will be a trench drain system installed along the length of the tunnel located in the center of the tunnel. Runoff drains to the central trench and everything is transported to the reclaim tanks system for treatment and separation as necessary. The ModWash system recycles approximately 75% of the water used to wash cars.

An oil/water separator is located on site after the reclaim tanks prior to draining into the municipal sanitary sewer system. The separator ensures the potential oil and grease from vehicles is collected and separated from the wastewater prior to entering the sanitary sewer system. The oil/water separator is cleaned every quarter or more often as needed. The oil/water system is sized per the proposed use and subject to review and approval of the Erie County Sewer District and the Erie County Health Department.

For this ModWash facility, all wash processes, including the pre-soak will be performed inside the tunnel.

At the start of the tunnel, the grading was designed such that a high point will be installed ±14' from the start of the tunnel to ensure any potential wash water runoff will drain towards the car wash trench system. There is also a concrete curb installed along the southern edge of the entire drive aisle to ensure runoff is directed to the designated areas. This design will also contain water from the spray operations to be contained within the tunnel drainage system. The spraying operation will occur within the tunnel to prevent any airborne transmission of the water spray offsite. The chemical data sheets provided in Appendix L identify the proper handling storage and treatment of the cleaning agents per all required safety standards.

Stormwater management design for the Project Site will implement a Stormwater Pollution Prevention Plan (SWPPP) to address potential impacts to surface water and groundwater resources as a result of the proposed action. The SWPPP design for the Site includes provisions to limit stormwater flow rates from the Site under the post development condition so as not to exceed the current peak existing flow rates and to provide water quality treatment as required by the NYSDEC. Appendix H includes the project SWPPP which demonstrates the proposed detailed stormwater management system design complies with the NYSDEC General Permit Guidelines for Construction Activities and the Town of Hamburg design standards.

Under the proposed developed conditions, the Project Site will maintain existing drainage patterns, control the rate of post-development runoff and will mitigate impacts on water quality and erosion generated during and after construction.

The EPA states that most commercial car washes use 60% less water than a homeowner uses to rinse a car and that homeowner washing of vehicles can be a form of pollution when washing a vehicle in the driveway or other impervious area because there is a greater risk for the pollutants to runoff into the drainage system.

The ModWash facility operations are designed with a state of the art system in order to minimize noise, safely handle and use the car wash cleaning agents, collect and treat wastewater and stormwater runoff, and will operate in accordance with all local, county

and state regulations in place to protect the health, safety and welfare of the surrounding neighborhood.

IV.E Impact on Community Character

IV.E.1 Site Plan Layout & Zoning Review

The Project and associated site plans and building plans (see Appendix N) meet the intent of the C-2 zoning district in which these areas are designated to have access to major roads and highways within the Town and provides area for larger, more intrusive commercial operations. These areas are also generally buffered from residential areas per the requirements of the code. The Project is an allowed use in the C-2 district per a Special Use Permit, and its design have taken into consideration pedestrian and automobile access, traffic patterns, aesthetics, landscaping, residential buffering, protection of incompatible uses and enhancing the overall image of the Town.

The site plan has been prepared to comply with the lot standards of the zoning district as follows:

- Chapter 280-82 Minimum Lot Size, whereas the lot width of ±310' is greater than the 100' minimum required.
- Chapter 280-83 Maximum Height of Buildings, whereas the proposed building height of ±27' is less than the maximum allowed height of 35'.
- Chapter 280-84 Lot Coverage, whereas the proposed lot coverage as defined in the Town Code of 40% is less than the maximum allowed coverage of 85%.
- Chapter 280-85 Required Yards (setbacks):
    a. Front setback at ±139' where a 40' minimum is required.
    b. Rear setback at ±42' where a 20' minimum is required (rear yard to equal side setback requirement of the residential district).
    c. Side setback (non-residential) of ±73' where 5' is required.

The ModWash building is oriented to be parallel to Southwestern Boulevard to maintain consistency to the other commercial uses in the area, provide an aesthetically pleasing appeal and allows the building to be angled further away from the existing residence to the south. The ModWash building is also situated to not disturb the existing vegetated buffer to the south and maximize the enhancements to be made to the existing landscaping with a goal to establish the commercial/residential buffer.

The site plan complies with both front yard parking and building setbacks established pursuant to the C-2 district and allow for the development to enhance the Southwestern Boulevard streetscape with landscaping and maintaining the existing lawn area that is there today.

The Project is pushed as far north away from the residential properties as feasible in order to maintain proper site circulation for the use, car queuing on site, and parking allotted for the use. In addition, the layout maintains the existing stormwater patterns. The site plan was also designed so that no cars would be accessing the rear of the property, and no emergency access is required to the rear pursuant to the Code, which

would not be the same for other commercial uses. All parking, vacuums and mechanical equipment are positioned in the front of the car wash.

The lot's linear geometry along Southwestern Boulevard combined with its shallow north-south depth presents restrictions to alternate layouts for the site. The other alternative considered would be to place the proposed building along the front setback. This would maximize the separation between the building and the residential zone to the south, but it would not change the separation distance of the property's use to the residential zone. Locating the building along the front setback would require the traffic circulation, car queue, parking and vacuum operations to be located to the south of the building, closer to the residential zone than the current plan. Such a layout would eliminate the noise and visual buffer the building provides of these outdoor activities associated with the proposed use to the residential zone to the south.

The preference to locate the building to the rear of the lot, and thus place its outdoor operations along Southwestern Boulevard away from the residential zoned property to the south is supported in the form that the Town of Hamburg Zoning Board of Appeals granted area variances from Town Code Section 280-323.A on December , 2022 to allow the proposed building to be less than 200' from a residential structure. The ZBA recognized the benefit to placing the building at its proposed location in lieu of increasing the building separation which in turn would have placed the outdoor operations adjacent to the residential zoning district.

IV.E.2 Neighborhood Character

The Project is keeping with the character of the surrounding community which is characterized as frontage lot development including the Mavis Discount Tire Store development situated to the east of the Site, a Walmart Supercenter with two outparcels across the street to the north, as well as a Key Bank with drive-thru, and sporadic frontage lot development to the west and east along Southwestern Boulevard. The proposed carwash is in context with the existing commercial corridor and does not produce an undesirable change to this character of the neighborhood.

In addition to the site plan features, the architectural features of the Project are in harmony and consistent with the architectural natures of the adjoining commercial uses along Southwestern Boulevard including the adjacent Mavis auto center and the Walmart Supercenter located directly across Southwestern Boulevard. The Site is surrounded by a variety of uses including the mentioned commercial uses in the C-2 commercial district and other uses such as mini-storage facilities, and a warehouse and shipping facility. The R-2 Single Family residential zoning district is to the south, and additional residential uses to the west include a manufactured home community. These various uses are present within a relatively small geographic footprint resulting in the lack of a cohesive neighborhood aesthetic and thus the Project will not detract from the varied character of the neighborhood.

The residence to the west of the Project located off Southwestern Boulevard and is itself out-of-character with the commercial corridor on the major highway. The southern property line represents a zoning change as established by the Town and can

be roughly delineated by the existing tree buffer along the property line. The tree buffer is remaining and being enhanced as a result of the Project to further define it. Commercial uses of this nature are often adjoined by residential uses as they are a benefit to the residents of the community, and often reside on well-traveled highways. This area of the Town of Hamburg is not the only area where C-2 uses are adjoined by R-2 uses, and thus, this Project proposal is not unique concerning community character and fits into the context of the surrounding area and the established community.

IV.E.3 Special Use Permit and Buffer Requirements

Pursuant to Section 280-329 of the Code, no special use permit for commercial car washes in the C-2 District shall be issued unless the Project meets the requirements of Sections 280-312A(1), (2), (3), and (4) and Chapters 280-329-(A, B, C).

The site plan complies with the Special Permit Conditions of Chapter 280-329 for Commercial Car Washes as identified in the S.U.P. application letter, dated January 9, 2023 submitted to the Town of Hamburg Planning Board (see Appendix A) and as summarized as follows:

- Chapter 280-329(A) requires a car wash not to be located within 500' of another such facility. No other commercial facility is located within 500' of the project site.
- Chapter 280-329 (A) requires a car wash facility shall not be located within 200' of any residential structure. The Project Sponsor obtained area variances from the ZBA on December 6, 2022, to allow a separation of 48.1' to the residence to the south and 150.8' to the residence to the west.
- Chapter 280-329(C) requires the Project's site plan be prepared to minimize visibility through proper siting, setbacks, topography, berming and landscape features. The site plan has been prepared to site the single-story building over three times the front setback from Southwestern Boulevard. The plan includes proposed plantings/landscaping along the street corridor and the building façade itself, with the intent to break up the massing of the building and enhance the Southwestern Boulevard streetscape. The building has been sited on the level part of the property set back to take advantage of the natural screening and buffering provided by the existing rear property slope and existing vegetation which provides screening to the residential property to the south. The existing rear slope provides a vertical rise of ±10' to the rear property line. This rear slope will remain in place and the existing vegetation enhanced with conifer plantings to provide a year-round landscape buffer to the south.

Pursuant to Sections 280-312 of the Code, the Planning Board shall review the site plan and supporting data and take into consideration the following:

- *(1) Harmonious relationship between proposed uses and existing adequate uses*
  The Project has been designed to utilize the development pad area created in 2018 as part of the approved 2-lot development plan for this property which

included the construction of the Mavis Discount Tire store on the adjacent lot. The proposed site plan will retain the existing buffer between the proposed ModWash site and the adjacent property to the south. The Project Sponsor is proposing to enhance the existing buffer with the installation of evergreen trees and two forms of solid fencing. All landscaping and buffering requirements pursuant to the Code are being met. The approval of the 2-lot plan in 2017 established the probability of future commercial development of the subject property. The proposal remains consistent with this intent.

Building layout considerations were made to locate the building as far north towards Southwestern Boulevard as possible to allow for appropriate queuing, parking and front setbacks as well as locate the dryer systems as far from the residential uses to the south and west of the Site as possible. The layout places the outdoor operations of the project adjacent to Southwestern Boulevard to further mitigate both sound and visual impacts of the use to the adjoining residential property. In addition, there is no vehicular access or other uses proposed to the rear of the ModWash.

The building has been designed so that no building mounted lighting or mechanical equipment exists along the rear of the building, closest to the residential neighbor to the south.

- *(2) Maximum safety of vehicular circulation between the site and street network:*

  The Project will utilize an existing full-service access drive to Southwestern Boulevard that was approved by the NYSDOT and constructed to accommodate two commercial uses. A Traffic Impact Study (TIS) was prepared in 2022 (See Appendix G) that was prepared to investigate any potential impacts of the proposed car wash on the adjacent roadway network and existing access drive.

  The TIS includes analysis of existing road conditions as of 2022 and traffic volumes to compare with the proposed traffic volumes from the Site. Safety of the driveway was also analyzed as part of this study, with no concerns identified requiring mitigation.

  The TIS concluded that the Project will not have any significant impacts on the traffic operations of the adjacent Southwestern Boulevard. The TIS included analysis to assess the safety of the network over the past few years and was concluded that collision rates would not be adversely impacted due to the Project. In addition, the existing access drive and on-site layout have been designed to provide effective access to and from the Project. In addition, the car wash has been situated on the site to allow for proper queuing on Site that would not backup into Southwestern Boulevard during peak use conditions.

The TIS was provided to the NYSDOT for review and deemed satisfactory and that no mitigation is required to the existing driveway or adjacent roadway network.

- *(3) Adequacy of interior traffic circulation and parking and loading facilities, with particular attention to vehicular and pedestrian safety*

  The site plan has been laid out to conform with the Code and applicable lot standards for design as well as design guidelines. Radius and driveway widths on site have been designed to accommodate the appropriate vehicles that will be accessing the Site.

  Section 280-215(A) of the Code states that parking supply is determined by the Planning Board. The Site will provide 21 total parking spaces, inclusive of 1 ADA parking space. Space dimensions are in accordance with industry standards. The car wash use operates as a drive-through service, which reduces the need for patrons to park their vehicles in a parking space. Therefore, given the proposed nature of the Project, there are parking spaces allotted for employees as well as vacuum spaces that meet the demand of the facility. The vacuum spaces will also be used in the event a patron needs to enter the ModWash building.

  The site plan has been designed to accommodate internal pedestrian circulation with delineated crosswalks, and concrete sidewalks. The existing sidewalk along Southwestern Boulevard remains and pedestrian traffic on this sidewalk will not be disrupted by the development and use of the property. Given the proposed car wash use, it is not anticipated for a measurable volume of pedestrian traffic between the public right-of-way and the proposed use.

- *(4) Adequacy of landscaping and setbacks in regard to achieving maximum compatibility with and protection of adjacent property and land uses.*

  The proposed site plan for the Project has been designed to meet all zoning requirements for the C-2 General Commercial District pursuant to the Code, including minimum yard setbacks from residential zoned properties. The proposed building setback from the southern residential property line is ±43', whereas ±27'-4" (proposed building height) is required per code. The proposed building is ±114.4' to the western residential property line.

  The ModWash building's setbacks allow for the Town's landscaping and buffering requirements to be met to the maximum extent possible. The greenspace south, east and west of the facility will be fully used to plant proposed trees and shrubs, install both a retaining wall to accommodate the existing grades and a solid 6' tall fence. In addition, the landscaping that was installed with the 2017 Mavis development will remain as well as the deciduous trees that were not cleared at that time which act as a buffer today.

In addition, as depicted on Stonefield's Landscaping Plan C-8 (Appendix N), the proposed site Landscape Plan complies with the Landscaping Requirements Sections 280-266, 85, 89, 277, and 81 of the Code as noted below:

Code Section	Required	Proposed
§280-266	Perimeter Landscape Requirements Along a rear lot line or an interior side lot line which abuts a residential district, a compact evergreen hedge which will reach a height of 5' within 3 years or by a solid uniformly planted fence or an unpierced masonry wall 5' in height. Planning Board may require and modify landscaping plans for site locations to establish a positive design image.	Complies
§280-85	Parking Setbacks/Buffers Front (W): 35 ft from street line, 10 ft from property line Rear (E): 10 ft from property line Side (N): 10 ft from property line Side (S): 20 ft	Complies
§280-89	Interior (Parking) Landscape Requirements None required by the Code, Planning Board may require and modify landscaping plans for site locations to establish a positive design image.	Complies
§280-89	Foundation Planting Requirements None required by the Code, Planning Board may require and modify landscaping plans for site locations to establish a positive design image. Required Tree Preservation or Mitigation No preservation or mitigation required. Tree removal permit required for tree removal of over 10 trees within a regulated setback area.	Complies Complies
§280-277	Dumpster Screening Requirements Must be enclosed and/or screened with suitable material. Enclosure shall provide complete visual screening made up of a wall or solid fence. Materials for wall and solid fence shall be wood, masonry, metal or concrete.	Complies
§280-81	Loading Zone None required by the Code, Planning Board may require and modify landscaping plans for site locations to establish a positive design image.	Complies

V. Evaluation of Mitigation Measures

The below sections offer a discussion of the identified potentially significant adverse environmental impacts from the Final Scope and a description of the proposed mitigation measures to be implemented to minimize the identified impacts to the maximum extent practicable.

V.A. Proposed Water Supply Analysis

The proposed water use demands for the ModWash facility were analyzed and provided to the Erie County Water Authority and Town of Hamburg for review and approval for the proposed connection to the public main. The estimated average daily demand on the ECWA's system from the proposed car wash use is approximately 6,950 gpd with a peak flow demand of 4.83 gpm. These demands are based on data from similar operating ModWash facilities with a single tunnel in the mid-Atlantic climate region.

These demands are consistent with other commercial uses and lower than most commercial car washes. This is due to ModWash's reclamation and re-use practice which results in more than 70% of the water demand being taken from recycled water on site in lieu of a municipal source. ModWash uses reclaim tanks to process water for recycling. ModWash will reuse water captured in the tunnel, several times, prior to discharging to the sanitary system which undergoes treatment prior to discharging to the drainage ways (see Appendix J for Carwash Operations Guidelines).

The proposed domestic water supply system to the proposed building in its entirety will be installed by the developer's contractor per the Town of Hamburg, Erie County Water Authority, Local Health Code and Plumbing Code standards and in accordance with the appropriate American Water Works Association standards. The water service will be metered and backflowed within the building per local requirements.

V.B. Proposed Backflow Design

The water supply will be backflow protected within the building, and the device will be installed, and tested as required per all local standards. The backflow prevention system has been designed and the application has been reviewed by Erie County Water Authority. A proposed 2" type 'k' copper service is proposed to serve the ModWash facility by connection to the existing public water main along Southwester Boulevard. The 2" service is proposed to enter the mechanical room, which is located on the northern end of the building. A 2" T-10 Neptune meter and 2" Zurn 975XL2 RPZ are proposed to protect the water supply upon entry to the building. These devices are reviewed and will be approved by the Erie County Water Authority and Health Department prior to installation (See Appendix I for completed backflow application submitted). Upon completion of installation, the device will be tested and certified by a licensed professional and all documentation provided to ECWA and the ECHD.

V.C. Proposed Design Features to Establish a Buffer

The proposed site plan layout has been designed to comply with the General Commercial District C-2 zoning requirements. In complying with the established setbacks, the ModWash building itself has been shifted as far north and east as possible away from the residential adjoining properties to the site. The proposed development is working within the development pad and existing grading that was established with the 2017 Mavis development. In addition, the proposed development is

proposing to maintain the existing buffer along the southern property line that was established and approved to be adequate at the time the Mavis site plan was approved by the Planning Board. There is no existing buffer to the residential property to the west today.

The finished grade of the proposed ModWash building has been designed to be as low as possible in relation to the adjoining properties. The site is constrained by Southwestern Boulevard and the existing commercial access drive to the north and the existing Mavis building and parking lot to the east. Bedrock also exists below the surface which restricts the depths at which the development can be constructed to.

ModWash will be further establishing a buffer to the residential properties through the installation of additional landscaping and fencing. A solid 6' tall fence is proposed along the western and southern property lines. The fence will be on ModWash's property and be installed to not disturb any existing trees. In addition, and due to the existing topography of the site, a concrete block retaining wall, ±4' to ±6' tall, will need to be installed 10' from the western and southern property lines along the length of the access drive to the car wash tunnel. This will allow for the existing slope and vegetation to the rear of the property to remain undisturbed.

The Landscaping Plan (see Appendix N, #C-8) proposed includes over 120 evergreen trees, as well as additional deciduous trees, shrubs, evergreen shrubs and grasses on site. The proposed Landscape Plan meets and exceeds all landscaping requirements and buffering requirements of the Town Code. At the top of the retaining wall, various types of evergreen trees, planted at a minimum of 6' in height, will be planted along the western and southern property lines. Additional trees and shrubs are also proposed to be planted along the driveway and queing area for the entrance to the car wash. Evergreen trees are proposed along the entire length of the south property line to enhance the existing buffer. As shown in Appendix M, Exhibits 2, 3 & 4, an additional 10 evergreen trees are proposed to be planted on the neighboring property to the south. These trees are proposed to be planted in the existing visible gaps in their current evergreen buffer.

All processes for the car wash facility will be performed inside the tunnel, include pre-soaks and thus no spray will be external to the building.

The fencing and landscaping proposed are designed to provide a visual as well as noise buffer to the residential neighbors from the car wash facility and its operations. The enclosed Landscape Plan and exhibits illustrate the extent of the proposed buffer to be provided to the residential properties to the maximum extent possible

V.D. Proposed Stormwater Management System

Stormwater management design for the project will implement a Stormwater Pollution Prevention Plan (SWPPP) to address potential impacts to surface water and groundwater resources as a result of the proposed action. The SWPPP design for the Site includes provisions to attenuate flow rates from the Site under the post development condition so as not to exceed the current peak existing flow rates and to provide water quality treatment. Appendix H includes the project SWPPP which demonstrates the proposed detailed stormwater management system design complies with the NYSDEC General Permit Guidelines for Construction Activities, Town of Hamburg design standards and the requirements of NYSDOT.

Stormwater runoff associated with the proposed project will be treated during and after construction to meet New York State Department of Environmental Conservation (NYSDEC) water quality and quantity requirements. Storm sewers, a dry swale, and a bioretention area will be constructed on-site to capture, treat and detain runoff from the developed portions of the property, and then release runoff downstream at a controlled rate.

The development pad area of the Site slopes to the northern and southern existing swale systems, designed and constructed in 2017 with the Mavis development, which ultimately outfall into the stormwater management facility on the Mavis property in the northeast corner of the site. The stormwater facility then ultimately discharges to the NYSDOT storm sewer system, which received permit approval from NYSDOT in 2017. The existing swales also receive drainage from the residential properties adjoining the site to the west and south, as these properties sit 10' higher than the site.

The existing stormwater management facility has been designed to accommodate flows from the proposed development. There have been no concerns by the Town of Hamburg or NYSDOT of the function of the existing facility through the current design and approval process.

V.E. Proposed Site Grading

The proposed site grading has been designed to be consistent with the existing topography and maintain drainage patterns as established during the 2017 Mavis site plan approval and associated stormwater facility design and construction and clearing of the site. The proposed ModWash building finished grade elevation is set consistent with the improved building pad elevation and Southwestern Boulevard access drive grade established with the 2017/2018 site construction.

The building elevation is situated as low as it can be, given the above site conditions. The proposed building is a single-story building with a maximum height of 27' which is consistent with the Mavis building elevation to the east. Given the similar building height and finish floor elevation, the viewshed of the proposed ModWash will be consistent with the adjacent Mavis Discount Tire store.

V.F. Proposed Mechanical System Screening

Building mechanical equipment will be located on the roof and the screening of this equipment will consist of locating the equipment into the interior of the roof to allow partial screening from the building parapet wall, along with additional screening materials around the equipment itself. The screening provided will shield the view of this equipment from Southwestern Boulevard. There is no ground mounted mechanical equipment proposed for the south side of the building, adjacent to the residential zoned property.

V.G. Proposed Visual Buffer

The Project Sponsor is proposing to establish a buffer to the adjoining residential properties to the maximum extent possible through the installation of landscaping and fencing. The building has been sited on the previously developed level part of the property, set back to take advantage of the natural screening and buffering provided by the existing rear property slope and existing vegetation which provides screening to the residential property to the south. The existing rear

slope provides a vertical rise of ±10' to the rear property line and ±7' to the western property line. This rear slope will remain in place and the existing vegetation enhanced with conifer plantings to provide a year-round landscape buffer to the south.

The landscaping Plan (see Appendix N #C-8) proposed includes over 120 evergreen trees, as well as additional deciduous trees, shrubs, evergreen shrubs and grasses on site. The proposed Landscape Plan meets and exceeds all landscaping requirements and buffering requirements of the Town Code.

The proposal also includes a 6' tall solid fence on the ModWash property along the western and southern property lines, without disturbing existing trees. The fence would provide a sound buffer and separate the two uses. A concrete 4'-6' tall retaining wall is also proposed along the driveway entrance to the car wash tunnel to act as a barrier from the facility to the adjacent residential neighbors and avoid grading into the existing slope and disturbing existing vegetation.

The photo simulation exhibits provided in Appendix M illustrate the effectiveness of the proposed landscaping and fencing to provide a buffer between the two uses. The exhibits illustrate the proposed use will not detract from an existing scenic view or scenic resource, and the proposed buffer will also be effective of providing a buffer to the current commercial development that exists along the Southwestern Boulevard corridor. The applicant has provided a buffer to the maximum extent practical utilizing plantings, fencing and the available land to install the buffer.

V.H. Proposed Lighting

A Lighting Plan for the site has been prepared and is included in Appendix N, Drawing C-6. The Lighting Plan complies with all Town of Hamburg Zoning Code §155-3 lighting requirements. As stated in the Code, illumination provided by artificial lighting on the property shall not exceed two (2) footcandles beyond any property line. At the western and southern property lines, the lighting intensity will be at 0.2 footcandle and reduces to 0.0 at both residential houses. The proposed lighting complies with the Town's requirements and does not result in light spill onto the adjoining residential properties.

Lighting will be LED dark sky compliant and will consist of parking lot fixtures on 27' high poles. Additional lighting will occur at the order kiosks and vacuum stations. The project does not propose any uplighting. All fixtures are located north of the proposed building. There will be no building mounted lighting on the rear of the building facing the adjoining residential neighbors. The site lighting fixtures will turn on 1 hour before dark and will be on for the remainder of the night for safety. Lights at the vacuum booms will be on only during operational hours (8 am – 8 pm).

V.I. Design Standards Conformance and Consistency with Community Character

The Project and associated Site Plans and Building Plans (see Appendix N) meet the intent of the C-2 zoning district and has been prepared to comply with the lot standards of the zoning district. The site plan complies with both front yard parking and building setbacks established per the district. Per §280-312 of the Code, the Planning Board shall review the site plan and supporting data and take into consideration the items listed in the Code. This site plan has been designed in accordance with these factors.

Both Mavis, a commercial use, and the Site are zoned General Commercial District (C-2). Per Section 280-81(A)(18)(E) of the Zoning Code, a commercial carwash is a specially permitted use in the C-2 district upon the granting of a special use permit by the Town Planning Board. The site plan complies with the Special Permit Conditions of Chapter 280-329 for Commercial Car Washes

The site plan and the architectural features of the Project are in harmony and consistent with the character of the adjoining commercial uses along Southwestern Boulevard including the adjacent Mavis auto center and the Walmart Supercenter located directly across Southwestern Boulevard. The Site is surrounded by a variety of uses including the mentioned commercial uses in the C-2 commercial district and other uses such as mini-storage facilities, and a warehouse and shipping facility. The R-2 Single Family residential zoning district is to the south, and additional residential uses to the west include a manufactured home community. These various uses are present within a relatively small geographic footprint resulting in the lack of a cohesive neighborhood aesthetic and thus the Project will not detract from the varied character of the neighborhood.

The Project is keeping with the character of the community with Mavis situated to the east of the Site, Walmart Supercenter with two outparcels across the street to the north, as well as a Key Bank with drive-thru, and sporadic frontage lot development to the west and east along Southwestern Boulevard from the Site. The carwash use is compatible with the existing commercial corridor and does not produce an undesirable change in the character of the neighborhood.

VI. Unavoidable Adverse Environmental Impacts

Any land development construction project creates unavoidable impacts to the environment and surrounding community. Generally, these impacts can be, and are often required to be, mitigated to the extent practical in order to achieve conditions as close to pre-development as possible. The Project will affect the surrounding environment and community; however, each effect has been analyzed and mitigation is proposed to compensate for the potential adverse impacts to the greatest extent practicable.

VI.A Vegetation Removal and Additional Impervious Surfaces

Development of the Site will result in the removal of approximately ±0.04 acres of existing vegetation. Given the low quality and quantity of this vegetation its removal will not have a significant impact upon the environment. The current vegetation does not serve as a meaningful habitat area, nor does it serve as a wildlife corridor.

The vegetation on this Site was previously impacted with development activity in 2018 when the site was prepared for commercial development. This previous work removed any mature vegetation from the Site and established the current viewshed and minimal buffer. The Project will incorporate a grading design to maintain as much of the existing vegetation along the south property line as practical and will include a proposed landscape and fence plan to enhance the current buffer.

The Project will result in the addition of ±0.70 acres of impervious area to the project site in the form of building and pavement coverage. This impervious surface will generate additional stormwater runoff which will be captured, treated and released at a controlled rate, less than pre-development conditions. All applicable Town regulations and NYS Department of Environmental Conservation permit requirements will be met with all aspects of the stormwater management design. Mitigation associated with the stormwater management design would utilize several techniques including green infrastructure practices, which will mitigate site generated stormwater runoff.

VI.B Groundwater and Water Resources

The Project use will introduce new impervious surfaces to the Project Site with the potential to increase stormwater runoff. The Project will also include wastewater disposal from the car wash operation. The Project will incorporate the latest technology in water use, water reclamation and on-site water treatment to minimize the impact from operations.

The Project will include the implementation of a Stormwater Pollution Prevention Plan (SWPPP) prepared per the standards and requirements of the NYSDEC Stormwater Design Manual and General Permit for Construction Activities such that the post development stormwater runoff will be attenuated on-site and there will no impact to groundwater or water resources as a result of the impervious cover constructed with the Project.

The Project will utilize a car wash system that reclaims 75% of water used in the car wash operation, and this reclamation takes place within the car wash tunnel, eliminating the potential

for runoff off-site. Of the remaining water used, the final rinse application and drying system minimize the carry-out of water off-site from the property. Within the ModWash building, water not directed to the on-site reclamation tank system is collected and disposed of to the sanitary system, after passing through an oil-water separator, providing protection to groundwater and surface water resources.

The Project will be served by public water supplied by the Erie County Water Authority, and will not rely upon, and thus not impact, groundwater resources.

VI.C Lighting Sources

The Project will result in the addition of new light sources on the Site consisting of pole mounted parking lot lighting and building mounted light sources, including illuminated signage. Proposed lighting will be limited to provide safety for pedestrians and motorists within parking areas and along vehicular travel routes within the Site. The fixtures for the above will comply with Dark-Sky initiatives and will be full cut-off LED luminaires. The fixtures and illumination levels will also comply with the Town of Hamburg development regulations. No lighting is being proposed at the rear of the building along the south property line adjacent to the residential zoned area. No light spill onto adjoining properties will result from the Project.

All lighting fixtures will be placed on timers to turn off one hour after the close of business, except for building mounted security lighting.

VI.D Additional Energy Use

The Project will generate additional demands on the existing electric and natural gas distribution systems. The Project will connect to the existing systems, which are readily available along Southwestern Boulevard. Energy will also be expended during construction in order to power construction equipment. NYSEG is the local energy provider and has initially agreed to provide service to the development. While energy usage cannot be mitigated, measures can and will be considered to construct an energy-efficient facility with the latest technologies to reduce consumption.

VI.E Additional Public Utility Use

The Project will create additional demand on the existing public utility systems, including water and sanitary sewer service, within the Town of Hamburg and Erie County. The Modwash building will be connected to existing public water and sanitary sewer mains which are available for service at the Site. Public water is sourced and distributed by the Erie County Water Authority, and sanitary sewers are owned and maintained by the Erie County Sewer District. Both water and sanitary sewer mains presently run along or adjacent to the Site. The Project will incorporate a water recovery, reclamation and reuse system which dramatically reduces the demand on both water supply and wastewater disposal. Estimated demands for each service are approximately 6,950 gallons per day of fresh water supply and 3,950 gallons of wastewater disposal per day. The utility providers have indicated that sufficient capacity exists within the distribution system to accommodate the Project. The utility usage cannot be mitigated, although

the implementation of the reuse/reclamation measures limit water consumption and wastewater disposal.

VI.F Reduction of Air Quality

As with any new development, the proposed car wash facility will result in a minimal reduction of air quality due to additional vehicles on the site. However, it will be minimal given the Project's location along Southwestern Boulevard and its annual daily traffic volumes.

Construction equipment will also affect air quality during the construction process; however, the use of well-maintained and running equipment can help to mitigate air quality. The utilization of high efficiency mechanical equipment will also be utilized to effectively manage air quality discharges from these uses.

The disturbance of the Site may have some adverse impacts on air quality during the construction process. Without proper soil management dust and particulate matter may cause short term air quality degradation in the immediate vicinity of the given construction activity. The Storm Water Pollution Prevention Plan (SWPPP) will set guidelines to mitigate this potential impact.

VI.G Aesthetic Resources (Views)

The Project will alter the current view of a vacant lot from any given vantage point. However, the building has been sighted to be located within the pre-determined development pad area of the Site. The Site was prepped for commercial development back in 2018, which included review and approval from the Town of Hamburg. As a result of this past work, tree removal, clearing and grading work took place which altered the pre-2018 view. Removal of this vegetation and grading created the current view of a vacant parcel with minimal ground cover and successional growth from any vantage point. Views from the residential zoned lands to the south consist of a view which overlooks the vacant parcel and minimally vegetated buffer view of the existing commercial development along Southwestern Boulevard and its 5 lanes, including the Mavis Tire Store, the Wal-Mart with its associated large building mass, parking area and parking lot lighting.

The Project will introduce a ±4,380 sf single story building with a proposed height of 27' to the top of the parapet wall. The proposed building height is less than the maximum allowed 35' within the zoning district and is lower than the adjacent Mavis building. The construction of the new car wash building is not out of context with its surroundings in terms of scale of development.

The current view from the residential zoned lands to the south will be altered with the addition of the new building. The Project calls for additional landscaping and fencing to be installed in the area along the south property line to enhance the current vegetation in place and to improve the buffer between the two properties. Photo simulations of the proposed buffering plan are included in Appendix M to illustrate both the current viewshed and the post development viewshed. The simulations show the effectiveness of the proposed buffering plan to mitigate to the extent practical the view from the residential property.

VI.H Noise Levels

A noise related effect of developing formerly vacant land is an increase in noise levels during and following construction. There will be audible noise from the Site temporarily due to construction operations. Construction operations will follow current Town of Hamburg guidelines, regarding time of day and weekend construction limitations.

There will also be an increase in typical noise levels once the Project is constructed, as compared to the existing vacant parcel. However, the levels are well below noises such as vehicle traffic, lawn mowing, commercial business activity and other such activities similar to the surrounding neighborhood can be expected. The car wash use will produce noises associated with its use, which will occur during normal business hours. The ModWash facility will utilize start-of-the-art equipment with regards to noise attenuation. It is not anticipated that any noise from the Project will be greater than the existing commercial activities along Southwestern Boulevard and its associated daily traffic volumes.

Buffers of proposed plantings and existing trees and vegetation will be implemented between the Project and the adjoining property to the south which will further help mitigate anticipated noise impacts.

VI.I Grading and Earthwork

Grading and earthwork operations are a necessary part of the construction process and will result in changes to the existing topography of the Site. Given the previous disturbance of the Site in 2018, most of the clearing and grading work was completed in preparing this Site for future commercial development. Grading on the Site will alter the elevation of the development pad area on average of 1'-2' to prepare the Site for the new building and pavement areas. Grading to the rear of the site will result in excavation to construct the on-site stormwater management facility and re-establish the existing slope at the south property line. A full erosion and sediment control plan will be developed and implemented prior to and during any earthwork.

VI.J Community Services

The Project will have minimal demand on local community and emergency services, including police, fire, ambulance, schools, as well as Town of Hamburg given the commercial nature of the Project. There will be no demand on the school system nor municipal maintenance requirements such as snow plowing. Demand for emergency services will be no different than other similar commercial uses in the community; the proposed use is not one that would be considered high risk or high demand.

Water and sanitary sewer service will be provided by the appropriate agency and both ECWA and ECSD have provided correspondence confirming their ability to serve the Project. The storm sewer system and stormwater management facility will be privately owned and maintained, and not require municipal services for operation and maintenance.

VI.K Transportation

Southwestern Boulevard, US Route 20, is a four-lane highway with a center turn lane adjacent to the Project Site. The posted speed limit is 50 mph. The existing site driveway is located ±350' west of the existing Walmart signalized intersection with Southwestern Boulevard and ±300' east of the unsignalized, full-service access to Walmart. The AADT in 2022 for Southwestern Boulevard was 26,919 vehicles.

The Site is currently served by a full-service entrance from Southwestern Boulevard that serves the Mavis site today and was designed as a shared access for the Site. This driveway was approved by the NYSDOT and the Town of Hamburg and constructed in 2018. The Project includes the TIS prepared by Stonefield Engineering & Design which evaluated traffic operations at the Site and included in Appendix G. The TIS analysis of existing and build conditions indicates the Project will have none to minimal impact on the surrounding road network. The operation of the existing driveway was also analyzed as part of the TIS and determined it will continue to operate at a satisfactory level of service with no identified impacts to mitigate.

VII. Project Alternatives

VII.A Property Developed per 2017/2018 Mavis Plan

See Exhibit 7 in Appendix M

This alternate depicts the proposed development of the Site consistent with the proposed site plan approved with the 2017 Mavis development and site plan approval. This plan calls for 12,000 sf of retail space with 49 parking spaces on the 1.83 acre parcel. Permitted uses under the Code could include retail sales, eating and drinking establishments, drive-thru restaurants and other uses with drive-thrus. The retail building could be up to 35' in height. This alternate results in a larger building footprint, greater lot coverage, larger parking area and associated parking lot lighting, longer hours of operation, additional noise generators, and a building up to 35' in height. The layout would result in all back-of house operations such as deliveries, and garbage disposal occurring adjacent to the residential zoned properties. The potential exists with the development of the 2017/2018 plan and would result in greater impacts.

VII.B Alternate Site Layout

Given the linear configuration of the Site, and its shallow north-south dimension, the other possible alternate layout would be to locate the proposed ModWash building along the Site's front setback line, 40' from the Southwestern Boulevard right-of-way. This layout would maximize the distance between the Project and the existing residential zone to the south and could minimize the viewshed impact of the proposed ModWash building, however it would not eliminate the view of commercial development of the Site or of the existing Southwestern Boulevard corridor. The alternate layout does not result in a greater existing vegetated buffer being retained, partially because of the low quality and volume of the current existing vegetation.

While this alternate could minimize the viewshed impact, it would likely be at the expense of noise impact and lighting impacts. It would place all vehicular traffic, including the vacuum stations, and site lighting to the south of the building adjacent to the residential zoned property. This could result in increased lighting and noise levels from both current levels and those proposed with the preferred project layout.

VII.C Site Layout with Fence Buffer

Please refer to Exhibit 3 and 4 in Appendix M for further information.

An alternate consideration for providing an enhanced buffer for the residential property to the south is to incorporate a 6' high solid fence with the proposed landscape plantings along the south property line. This fence provides a year-round buffer. While the fence provides an immediate buffer upon installation it does not afford the benefit of increasing in height or volume over time. A vegetated buffer may not be as nearly effective upon initial installation, but

through growth and maturity has the potential to provide a taller buffer, which is a consideration given the elevation difference between the two properties. The optimum buffer could be a combination of a vegetated and fence buffer.

VII.D No Action Alternative Shall Be Evaluated

The No Action alternate replicates the existing conditions on the parcel. There would be no construction activity on the Site and the existing vacant land use would be continued. There would be no change to the environmental impact on the Site as otherwise exists. Please see Section III of this DEIS regarding the existing conditions of the Site. These existing conditions including the current viewshed to the south from the residential zoned properties which includes the Mavis Discount Tire sore, 5 lanes of Southwestern Boulevard, and the Wal-Mart plaza.

SEQRA requires that there be a "range of reasonable alternatives to the action that are feasible, considering the objectives and capabilities of the Project Sponsor" (6NYCCR Section 617.9(b)(5)(v)). The objective of the Project is to develop the parcel for commercial use and to provide economic return from the initial investment in the Site. Permanently paying taxes on the 1.83 acres of vacant General Commercial C-2 zoned property does not meet the objectives of the Project. The "No Action" alternate is not consistent with the commercial zoning of the Site.

Under the "No Action" alternative SEQRA states that there should be an evaluation of the "adverse or beneficial site changes that are likely to occur in the reasonable foreseeable future, in the absence of the proposed action" (6NYCRR 617.9(b)(5)(v)). In the event the Project is not approved the Site is not likely to stay forever in its current state. Instead, the most likely scenario would be something akin to Alternative VII.A a project based upon the previously reviewed two-lot site plan of 2017 which resulted in the development of the Mavis Discount Tire store and the site preparation of the subject parcel for future commercial development.

For private project sponsors, the alternative and no action analysis may be limited to parcels owned by, or under option to, a private project sponsor. The Project Sponsor has an option for the Site and does not have an option nor pursuing any other property locations in the vicinity of the Site. The Site under consideration is properly zoned, has been subject to previous review for commercial development, and has been prepared for commercial development. A "No Action" alternate is not consistent with land use and zoning decisions rendered for the Site to date.

VIII. Potential Impacts Determined to be Insignificant

Pursuant to 6 NYCRR Part 617 of the SEQRA Regulations, the Planning Board 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 are not to be included in the DEIS. The list of these issues excluded from the DEIS consist of the following, determined to have "No or Small Impact May Occur" per the completion of Part 2 of the EAF.

Conflicts with existing plans or zoning

Change in use or intensity

Impact on critical environmental areas

Impact on traffic, transportation or pedestrian opportunities

Impact on energy

Impact on historic, archaeological, architectural, or aesthetic resources

Impact on natural resources

Impact on erosion, flooding or drainage