DRAFT ENVIRONMENTAL IMPACT STATEMENT

for

PARKER ROAD RESIDENTIAL SUBDIVISION

Town of Hamburg, Erie County, New York

Prepared For:

Parker Road Developers, LLC

Prepared By:
Greenman – Pedersen, Inc.

APPLICANT:	**Parker Road Developers, LLC** David Manko 4534 Clinton Street, Building – Suite 4 West Seneca, NY 14224
CONSULTING ENGINEERS:	**Greenman – Pedersen, Inc.** 4950 Genesee Street, Suite 100 Buffalo, NY 14225
LEGAL REPRESENTATION:	**Sean Hopkins, Esq.** Hopkins, Sorgi & McCarthy, PLLC 5500 Main Street, Suite 343 Williamsville, NY 14221
ARCHAEOLOGISTS:	**Douglas J. Perrelli, Ph.D., RPA** Department of Anthropology University at Buffalo
WETLANDS ECOLOGISTS:	**Wetlands Investigation Co.** 503 Maynard Drive Amherst, NY 14226

DRAFT ENVIRONMENTAL IMPACT STATEMENT

for

Parker Road Residential Subdivision

Property Located at 4825 Big Tree Road,
Town of Hamburg, NY, Erie County, New York

LEAD AGENCY:

Town of Hamburg Planning Board
6100 South Park Avenue
Hamburg, New York 14075

CONTACT PERSON FOR LEAD AGENCY:

Sarah DesJardins, Town of Hamburg Planning Coordinator

PREPARED BY:

Greenman – Pedersen, Inc.
4950 Genesee Street, Suite 100
Buffalo, New York 14225
Telephone: (716) 633-4844
FAX: (716) 633-4940

CONTACT PERSON FOR PREPARERS:

Mr. Sean W. Hopkins, Esq, Project Manager

DATE OF ACCEPTANCE BY LEAD AGENCY:

_____

DATE ALL COMMENTS DUE:

_____

TABLE OF CONTENTS

SECTION	DESCRIPTION	PAGE NO.
EXECUTIVE SUMMARY		ES-1
1.0	INTRODUCTION	1-1
1.1	Project Location and Setting	1-1
1.2	Project Description	1-2
1.3	Purpose and Objectives	1-3
1.4	Public Need and Benefits	1-3
1.5	Project History	1-3
1.6	Project Phasing	1-4
1.7	Utilities and Stormwater Management	1-4
1.8	Site Access	1-4
1.9	Regulatory Compliance	1-4
2.0	EXISTING CONDITIONS OF THE PROJECT SITE	2-1
2.1	TOPOGRAPHY, GEOLOGY, AND SOILS	2-1
2.1.1	Topography & Geology	2-1
2.1.2	Soils	2-1
2.2	WATER RESOURCES	2-3
2.2.1	Groundwater and Groundwater Gradient	2-3
2.2.2	Surface Water Hydrology and Drainage	2-3
2.2.3	Existing Waterbodies and Wetlands	2-4
2.2.4	100-year Flood Plain	2-5
2.3	PLANT & ANIMALS	2-5
2.3.1	Vegetation	2-5
2.3.2	Wildlife	2-6
2.3.3	Threatened and Endangered Species	2-6
2.4	LAND USE AND ZONING	2-7
2.4.1	Existing Land Uses and Zoning	2-7
2.5	EXISTING TRANSPORTATION (Traffic Conditions)	2-8
2.5.1	Existing Traffic Conditions	2-8
2.5.2	Public Transportation	2-12
2.5.3	Bicycle & Pedestrian Use	2-12
2.6	HISTORICAL AND ARCHAEOLOGICAL RESOURCES	2-13
2.7	EXISTING UTILITIES AND CAPACITY	2-14
2.7.1	Sanitary Sewers	2-14
2.7.2	Storm Sewers	2-14
2.7.3	Water	2-14
2.7.4	Other Utilities	2-15
2.8	COMMUNITY AND EMERGENCY SERVICES	2-15
2.8.1	Educational and Community Services	2-15
2.8.2	Police	2-15
2.8.3	Fire and Other Emergency Services	2-15
2.9	AIR QUALITY, NOISE AND LIGHTING LEVELS	2-16
2.10	COMMUNITY CHARACTER	2-18
2.11	AGRICULTURAL LAND RESOURCES	2-19

3.0 ASSESSMENT OF POTENTIALLY SIGNIFICANT ADVERSE ENVIRONMENTAL IMPACTS AND MITIGATION 3-1
3.1 IMPACT ON LAND 3-1
3.1.1 Land Use 3-1
3.1.1.1Mitigation 3-5
3.2 IMPACTS TO SURFACE WATER & GROUNDWATER RESOURCES 3-6
3.2.1 Groundwater 3-6
3.2.1.1 Mitigation 3-7
3.2.2 Surface Water Hydrology and Drainage 3-7
3.2.2.1 Mitigation 3-7
3.2.3 Water Bodies and Wetlands 3-10
3.2.3.1 Mitigation 3-11
3.3 IMPACTS TO PLANT & ANIMALS 3-11
3.3.1 Plants & Animals 3-11
3.3.1.1 Mitigation 3-13
3.4 IMPACTS TO TRANSPORTATION 3-13
3.4.1 Transportation 3-13
3.4.1.1 Mitigation 3-14
3.5 IMPACTS ON ENERGY / UTILITY RESOURCES 3-15
3.5.1 Energy Resources 3-15
3.5.1.1 Mitigation 3-15
3.5.2 Utilities 3-15
3.5.2.1 Mitigation 3-17
3.6 NOISE & ODOR IMPACTS 3-18
3.6.1 Noise 3-18
3.6.1.1 Mitigation 3-18
3.6.2 Odor 3-18
3.6.2.1 Mitigation 3-19
3.7 IMPACTS PUBLIC HEALTH 3-19
3.8 IMPACT ON GROWTH AND CHARACTER OF COMMUNITY AND THE NEIGHBORHOOD 3-21
3.8.1.1 Mitigation 3-23
3.9 IMPACTS ON AGRICULTURAL LAND RESOURCES 3-23
3.9.1 Agricultural Resources 3-23
3.9.1.1 Mitigation 3-24

4. SUMMARY OF PROPOSED MITIGATION MEASURES 4-1

5. UNAVOIDABLE ADVERSE ENVIRONMENTAL IMPACTS 5-1

6. PROJECT ALTERNATIVES TO PROPOSED ACTION 6-1
6.1 NO ACTION ALTERNATIVE 6-1
6.2 ALTERNATIVE SITE DESIGN 6-1

7. CUMULATIVE IMPACTS 7-1

8. GROWTH INDUCING ASPECTS OF THE PROJECT 8-1

APPENDICES

APPENDIX NO.*	DESCRIPTION
1	SEQRA EAF
2	Positive Declaration
3	SWPPP Report
4	Traffic Impact Study
5	Phase 1 Archaeological Reconnaissance Survey Report
6	Engineer's Report
7	Phase I Environmental Site Assessment

LIST OF EXHIBITS

EXHBIT NO.*	DESCRIPTION
1-1a	Project Location- Aerial Image
1-1b	Project Location- USGS Topo
1-1c	Project Location- Erie County Tax Parcels
1-2	As-of-Right Site Plan
1-3	Lot Layout Plan
1-4	Cluster Site Plan
2-1	NYS Geologic Survey
2-2	Erie County Soil Survey
2-3	FEMA Flood Map
2-4	1951 Aerial Image
2-5	Town of Hamburg Zoning Map
2-6	ECDEP-DSM Concurrence Letter
2-7	No Impact Determination Letter
3-1	Proposed Grading Plans
3-2	Proposed Landscaping Plans
3-3	USACE Approved JD Letter
3-4	Riparian Buffer Planting Plan
3-5	Proposed Utility Plan
3-6	Letter From Land Owner to Town
3-7	Agricultural Soil Value Map

* All exhibits are at the end of each corresponding section

LIST OF TABLES

TABLE NO.	DESCRIPTION	PAGE NO.
1-1	Anticipated Permits and Approvals for the Parker Road Subdivision Project	1-6
1-2	Distribution List for the Draft EIS	1-7
2-1	Typical Noise Levels Associated with Various Indoor or Outdoor Activities	2-17

EXECUTIVE SUMMARY

Parker Road Developers, LLC (Project Sponsor) proposes to develop a single-family residential subdivision on an approximately 41.1-acre parcel located at 4825 Big Tree Road in the northeastern portion of the Town of Hamburg, Erie County, New York. Referred to as the Parker Road Residential Subdivision ("subdivision" or "the project"), the proposed development would consist of 65 new single-family residences.

The subdivision is planned for development on an undeveloped parcel, consisting predominantly of brushland and meadow, historically used for agricultural purposes.

The entire portion of the site encompassing the proposed development is presently zoned R-1, which is consistent with the proposed subdivision. The proposed single-family homes will be constructed on lots of varying size, ranging from a minimum of approximately 0.34 acres to 0.69 acres. The project will involve the development of approximately 34.2 acres of the 41.1 acres site. A total of 4.1 acres of the site are intended to be preserved as Permanent Open Space. Two bioretention areas will be located on the northwest and southwest portions of the site. Access to the site will be from Parker Road.

The project is planned for one phase. The full build-out is expected to take place over a 3-year period and will end in the construction of 65 lots with single-family homes.

This document is the Draft Environmental Impact Statement ("DEIS" or "Draft EIS") for the project. The Draft EIS has been prepared in accordance with the requirements of the New York State Environmental Quality Review Act (SEQRA). The SEQRA process is designed to assess both the positive and negative impacts of a project, and to demonstrate that the potentially significant adverse environmental and economic impacts of a project are identified, mitigated to the extent possible, and weighed against the potential benefits so that a determination of the appropriateness of the project can be made.

As described in this DEIS, the Parker Road Subdivision project will not cause any unmitigable significant adverse environmental impacts to transportation, cultural resources, visual resources, ecological resources, or community services. Further, a detailed review of all available environmental data and information regarding existing soil and groundwater conditions at the formerly agricultural property has determined that the proposed development of this property as the Parker Road Subdivision will not pose a health hazard to either construction workers or future residents.

1. INTRODUCTION

1.1 PROJECT LOCATION AND SETTING

Parker Road Developers, LLC ("Project Sponsor") proposes to develop a single-family residential subdivision on approximately 41.1-acres of the property located at 4825 Big Tree Road (SBL No. 160.2-2.1) (the "Project Site") in the northeastern portion of the Town of Hamburg, Erie County, New York. Referred to as the Parker Road Residential Subdivision ("subdivision" or "the project"), at full build out, the proposed development would consist of a proposed public roadway, public storm sewer, sanitary sewer and water mains, an-on site stormwater management system and lighting improvements. A total of sixty-five (65) single family residential building sublots are being proposed within the subdivision, including 59 sublots on the new road and six along the Parker Road frontage.

The subdivision is planned for location on an undeveloped parcel south of Big Tree Road (New York State Route 20A). Historically, the Project Site was used for agricultural purposes. Buildings presently located on the site include a single-family residential home, as well as several barns and sheds associated with current owner of the property. The home, barns/sheds as well as an approximately 5.4-acre portion of the parcel that adjoins Big Tree Road will be excluded from the subdivision and the ownership will remain with Gary Hartloff. The use of the property for agricultural purposes can be traced back more than 100 years. Historically, agricultural activities consisted of primarily of hay production; farm operations also included raising a limited number of livestock (beef cattle, chickens, pigs). A review of aerial photography (dating to the 1920s) and interviews with the former owner/operators of the farm confirmed the agricultural use of the site remained consistent over time.

The Project Site presently consists predominantly of meadow (reverting agricultural fields), bordered by hedgerows comprised of mature hardwood or coniferous trees.

The Project Site is generally rectangular in shape and is bounded on the east by Parker Road beyond which are single family residential homes. Several single-family homes along the west side of Parker Road directly adjoin the southeastern portion of the site. The Project Site is bound to the north by Big Tree Road beyond which is a single-family residential home and vacant and undeveloped portions of Erie Community College's South Campus. Adjoining the site to the west is primarily vacant commercial land with a small portion in the southwest corner adjoining a municipally owned park. A residential subdivision adjoins the site to the south. Southwestern Boulevard (State Route 20) and McKinley Parkway are located less than 0.4 mile to the west of the site, while the municipal boundary between the Town of Hamburg and Town of Orchard Park is located less than 0.4 miles to the east. Exhibits 1-a, 1-b, and 1-c, located at the end of this section, illustrate the location of the proposed project.

The majority of the Project Site is presently zoned R-1 (Single Family Residential) pursuant to the Town's Zoning Map, which is consistent with the proposed residential subdivision use and with adjacent land uses and zoning. Consequently, the project will complement other existing and planned residential developments in the northeastern portion of Hamburg. The northern most portion of the site (approximately 6-acres) is zoned C-3 (Office). The project does not include any development on the portion of the site zoned C-3.

This revised Draft Environmental Impact Statement ("DEIS" or "Draft EIS") for the project has been prepared in accordance with the requirements of the New York State Environmental Quality Review Act ("SEQRA"). The SEQRA process is designed to assess the environmental impacts of a project, identify any potentially significant adverse impacts, and determine whether those impacts can be adequately mitigated so as to allow the project to proceed.

The DEIS is organized into 8 major sections and follows the format of the "Final Written Scoping Document" that was issued for the project on February 1, 2023 by the Town of Hamburg Planning Board.[1] Appendices to the DEIS consist of supporting studies and documents, including:

- The SEQRA Environmental Assessment Form (EAF) and associated studies that were prepared for the project in 2021;
- Reports concerning the results of investigations regarding cultural resources, wetlands, engineering, and traffic;
- Copies of agency correspondence relevant to the proposed project;

The text of the DEIS summarizes the results of these technical studies.

1.2 PROJECT DESCRIPTION

The Project entails the development of the Project Site as a residential subdivision consisting of detached single-family homes on individual lots. The Project Site is R-1 Single-Family Residence District ("R-1"), which expressly permits detached single-family dwellings on individual lots per Section 280-31A(2) of the Zoning Code. The Project Site is proposed for development as a residential subdivision consisting of sixty-five (65) lots for detached single-family homes along with all related site improvements. A conceptual layout of the proposed development is depicted on the Concept Site Plan [Drawing C-100 – Date: 8/13/2024] prepared by Carmina Wood Design. The proposed single-family homes will be constructed on lots of varying size, ranging from a minimum of approximately 15,000 sq. ft. to more than

[1] This DEIS has been updated based on the deficiencies identified by the Planning Board during its meeting on July 24, 2024.

30,000 sq. ft. A copy of the Concept Site Plan depicting the proposed As-of-Right subdivision layout is provided as Exhibit 1-2. Copies of the Typical Lot Layout Plans [Drawings LL-100 and LL-101] as prepared by Carmina Wood Morris DPC depicting the layout of two (2) potential models of homes and related improvements are provided as Exhibit 1-3. Stormwater management facilities, which are described in more detail in subsequent sections of this DEIS, will be situated in the northwest and southwest corners of the Project Site

Overall, the project will involve the development of approximately 34.2-acres of the 41.1-acre Project Site. There will be approximately 9.2 acres of newly impervious area after development. Residential uses will occupy approximately 26.5 acres of the site, while public roads will occupy approximately 2.5 acres. The stormwater management facilities will encompass 1.6 acres, and the remaining 4.1 acres will be preserved as open space. An existing 0.644-acre jurisdictional federal wetland located on the northwestern portion of the site will remain undisturbed.

1.3 PURPOSE AND OBJECTIVES

The purpose of the project is to provide for the existing and future region-wide housing demand by developing a high-quality residential neighborhood for persons seeking to live in the Town of Hamburg. The objectives of the Project Sponsor are to provide for this need in a way that promotes sound planning and community development goals, to create an attractive residential neighborhood in a manner that is consistent with the zoning requirements while earning a reasonable return on the investment necessary to undertake the residential subdivision.

1.4 PUBLIC NEED AND BENEFITS

The Project Sponsor has determined that there is a public need for additional single-family housing in the Town of Hamburg and in surrounding areas. This project would provide needed housing inventory and should provide social and economic benefits by adding to the tax base of the Town, Erie County and the school district.

1.5 PROJECT HISTORY

The Project Sponsor, Parker Road Developers, LLC, identified the Project Site as having potential for residential development several years ago. After meetings with the landowner, they were able to purchase the property. Initially the site was intended for a multi-family project, but after assessing the Zoning Code and discussions with the Town it was determined that the site was best suited for a single-family development. Project submissions and review by the Town of Hamburg Planning Board began in

late 2020.

1.6 PROJECT SCHEDULE

Pending the receipt of the appropriate approvals from the Town and other involved agencies (refer to Section 1.9), the Project Sponsor expects to initiate construction of the subdivision in 2025. The project is planned to be constructed in one single phase. This construction phase will consist of all 65 proposed sublots and associated roads and infrastructure. Home construction is anticipated to occur for approximately three years following the initial site construction of required infrastructure improvements.

1.7 UTILITIES AND STORMWATER MANAGEMENT

Utilities will be installed within the roadway rights-of-ways. Sanitary sewer will be provided to each lot by tying into the existing public sanitary sewer main maintained by Erie County Sewer District No. 3 located on Parker Road. Water service for each lot will be provided by connecting to the existing public Erie County Water Authority ("ECWA") water main on Parker Road. Electric and gas are also available in the vicinity to provide service to the lots on this planned subdivision as well.

The project area in general slopes to the west and north. Sheetflow from the site is to the existing ditch/creek along the north side of the site and the adjacent vacant property to the west. The proposed lots will keep the same general drainage paths following construction of the homes. Backyard drainage will be installed along the west property line to catch the runoff and convey it to the storm water management area rather than sheet drain offsite. Swales and a new drainage system associated with the new public roads will be installed to direct the water to the proper locations. The project will have a storm water management system designed in accordance with the NYSDEC requirements and Town of Hamburg requirements, which will include both quantity and quality controls. Two storm water management areas will be constructed, and the discharge will be to the existing ditch/creek on site and the existing ditch in the southwest corner of the site.

1.8 SITE ACCESS

A new public road will be constructed in accordance with Town of Hamburg requirements. This road will connect to Parker Road in two locations.

1.9 REGULATORY COMPLIANCE

The primary approvals required for the project include:

- Various Town and County approvals, including preliminary plat approval, water and sanitary sewer extensions, building permits, and public improvement permits;
- A New York State Department of Environmental Conservation ("NYSDEC") stormwater discharge permit ("SPDES Permit").

A full list of anticipated approvals needed for the project can be found in Table 1-1 (page 1-7).

In August 2021, the Project Sponsor submitted a SEQRA EAF to the Town of Hamburg Planning Board (the designated lead agency) and subsequently appeared before the Planning Board to respond to questions about the project. The SEQRA EAF is attached to this DEIS as Appendix 1.

On September 15, 2021, the Town of Hamburg Planning Board, as the Lead Agency, determined that the proposed Parker Road Subdivision may result in potentially significant adverse environmental impacts and issued a Positive Declaration pursuant to the State Environmental Quality Review Act ("SEQRA"), requiring the submission of a Draft Environmental Impact Statement by the Project Sponsor. A copy of the Positive Declaration issued by the Planning Board is provided as Appendix 2 of this Scoping Document.

A Draft Scoping Document was submitted by the Project Sponsor on December 8, 2022. The Planning Board, acting as the designated Lead Agency, sent out the Draft Scoping Document to Involved and Interested Agencies and held a public scoping session during its meeting on January 18, 2023. A Final Scoping Document was issued by the Planning Board during its meeting on February 1, 2023.

The Scoping Document sets forth the content of the Draft Environmental Impact Statement ("DEIS") that the Project Sponsor shall prepare for the purpose of evaluating the environmental impacts of the proposed residential subdivision. The Scoping Document provides a general description of the proposed action, an overview of the environmental review process pursuant to SEQRA, discussion of the potentially significant adverse environmental impacts that have been identified within the Positive Declaration issued by the Planning Board on September 15, 2021 and resulting from the scoping process that must be evaluated by the Project Sponsor in the DEIS, the extent of information needed to adequately address each identified potentially significant adverse environmental impacts, identification of potential mitigation measures, reasonable alternatives to the proposed action to be evaluated, identification of information to be included in the Appendices of the DEIS, and issues and concerns raised that have been determined to be not relevant or to not pertain to potentially significant adverse environmental impacts.

This revised Draft EIS is being submitted to the Town of Hamburg Planning Board as the SEQRA Lead Agency for the project. After a completeness review is finalized by the Planning Board, a combined notice of completion of the Draft EIS and notice of public hearing concerning the revised DEIS will be published. The Draft EIS, along with a copy of the public notice, will be distributed for review to the public and to the agencies listed in Table 1-2 (page 1-8).

Table 1-1

ANTICIPATED PERMITS AND APPROVALS FOR THE PARKER ROAD SUBDIVISION

Agency	Description of Permit or Approval Required
Town	
• Town of Hamburg Planning Board	• Approval of EIS (as SEQRA Lead Agency) • Approval of subdivision plan
• Town of Hamburg Departments (Engineering, Highway, Building, Police, Attorney)	• Approval of development infrastructure plans (public waterline extensions, road extensions, drainage facilities, sanitary sewer extensions) • Review of building plans for conformance with NYS Building Construction and Energy Conservation Codes • Issuance of building and plumbing permits • Review and approval of street names and conformance to local and state law
• Town of Hamburg	• Public improvement permit
Erie County	
• Department of Health • Erie County Water Authority	• Review and approval of public water supply and public sanitary sewer extensions • Approval of Realty Subdivision • Review and approval of public water supply
State	
• Department of Environmental Conservation	• State Pollution Discharge Elimination System (SPDES) General Permit for Construction Activities Greater than 5 Acres

Table 1-2
DISTRIBUTION LIST FOR THE DRAFT EIS

State Agencies	
New York State Department of Transportation, Region 5 100 Seneca Street Buffalo, New York 14203	New York State Department of Environmental Conservation Region 9 700 Delaware Avenue Buffalo, New York 14209
New York State Department of Health 295 Main Street, Suite 300 Buffalo, New York 14203	
New York State Office of Parks, Recreation and Historic Preservation Peebles Island, P.O. Box 189 Waterford, New York 12188-0189	
Erie County Agencies	
Erie County Department of Environment and Planning 95 Franklin Street Buffalo, New York 14202	Erie County Department of Health 95 Franklin Street Buffalo, New York 14202
Local Agencies	
Town of Hamburg Planning Board 6100 S Park Avenue Hamburg, NY 14075	Town of Hamburg Town Engineer 6100 S Park Avenue Hamburg, NY 14075
Hamburg Central School District 5305 Abbott Road Hamburg, New York 14075	

SECTION 1.0
EXHIBITS

EXHIBIT 1-1A:
PROJECT LOCATION- AERIAL IMAGE

EXHIBIT 1-1B:
PROJECT LOCATION- USGS TOPO

BLVD
Big Tree
721
730
20A
20
750
760
737
720
680
RD
750
761
BIG
TREE
700
ERIE-LACKAWAN
MC KINLEY
730
751
770
ABBOTT
780
700

EXHIBIT 1-1C:
ERIE COUNTY TAX PARCELS

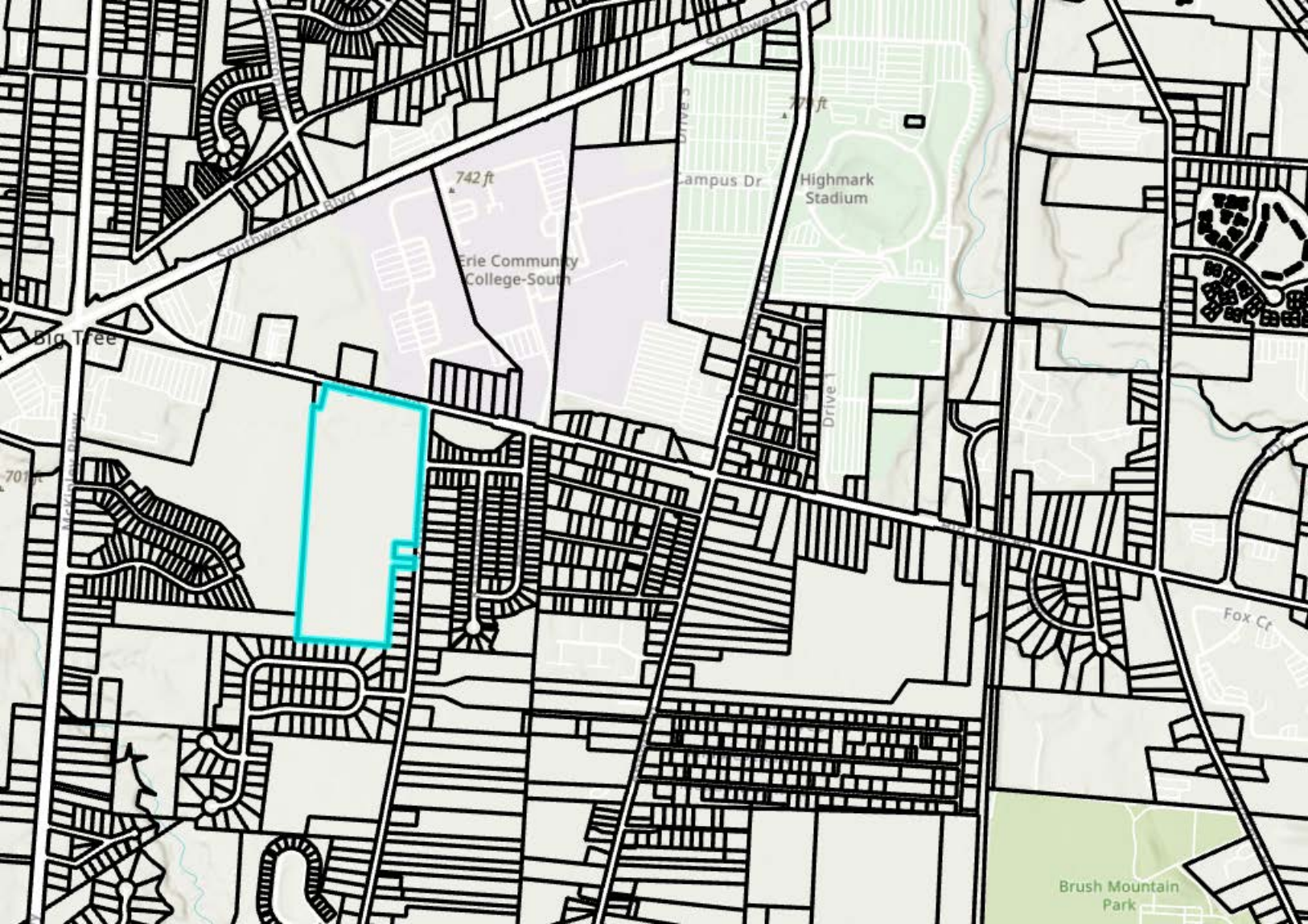
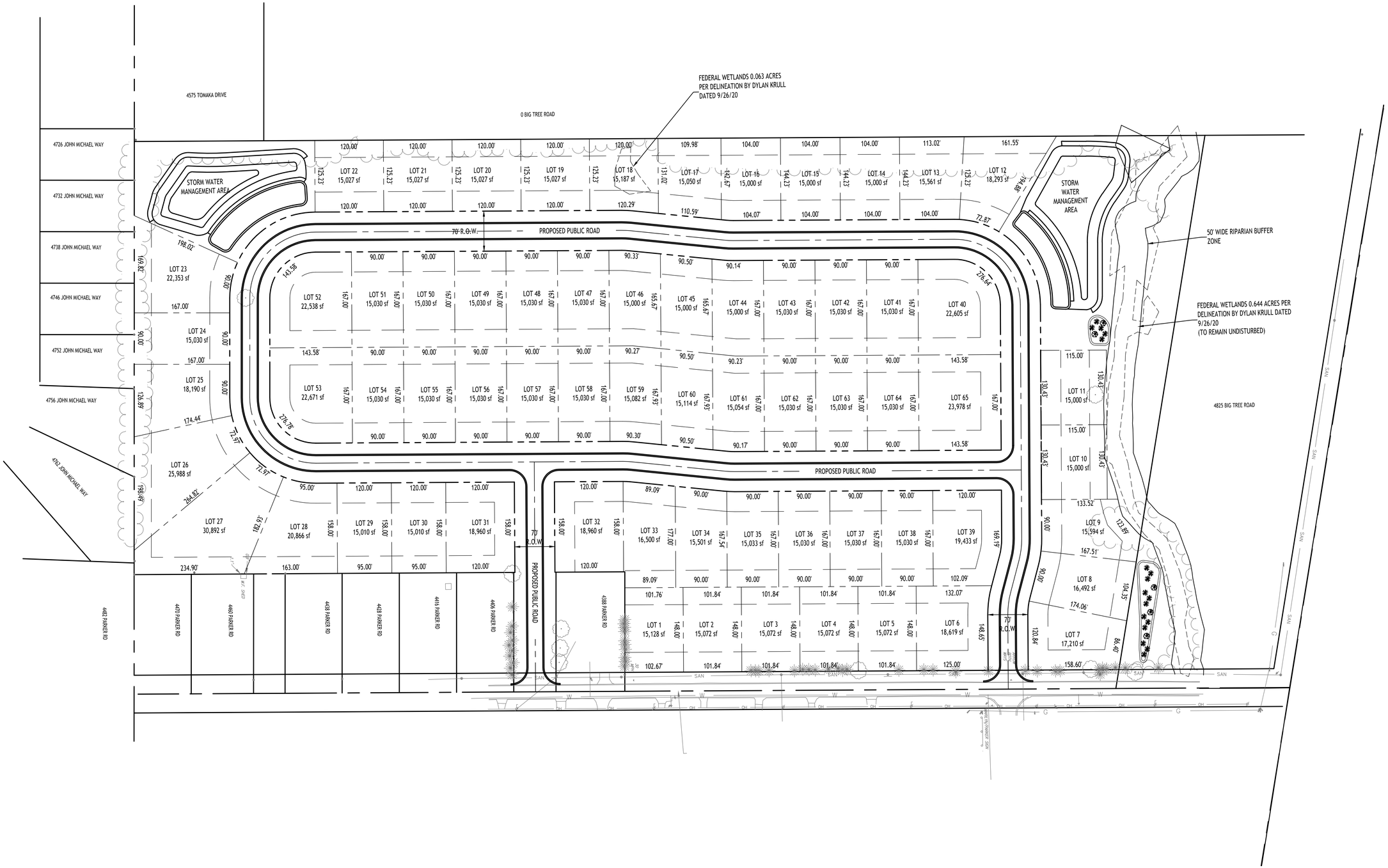

742 ft
Campus Dr
Highmark Stadium
Erie Community College-South
Big Tree
Fox Ct
Brush Mountain Park

EXHIBIT 1-2:
AS OF RIGHT SITE PLAN



SITE PLAN

SCALE: 1"=80'

ZONING DATA:	
AREA = 35.3 ACRES	
CURRENT ZONING:	R-1
LOT WIDTH AT FRONT LINE:	30'
LOT WIDTH AT BUILDING LINE:	90'
MINIMUM FRONT YARD:	35'
MINIMUM SIDE YARD:	10' (25' TOTAL)
MINIMUM REAR YARD:	30'
MAXIMUM BLDG. HEIGHT:	35'
MINIMUM LOT AREA:	15,000 sf

NOTE: BOUNDARY AND TOPOGRAPHIC INFORMATION PROVIDED BY OTHERS, CARMINA WOOD MORRIS, D.P.C. ASSUMES NO RESPONSIBILITY FOR ITS ACCURACY.

80' 80 0 80 160Ft.

CARMINAWOOD DESIGN
Buffalo | Utica | Greensboro

New Construction
Single Family Subdivision
By-Right Plan
Parker Rd & Rte 20A
Hamburg, New York

REVISIONS:

No.	Description	Date

PRELIMINARY
NOT FOR CONSTRUCTION

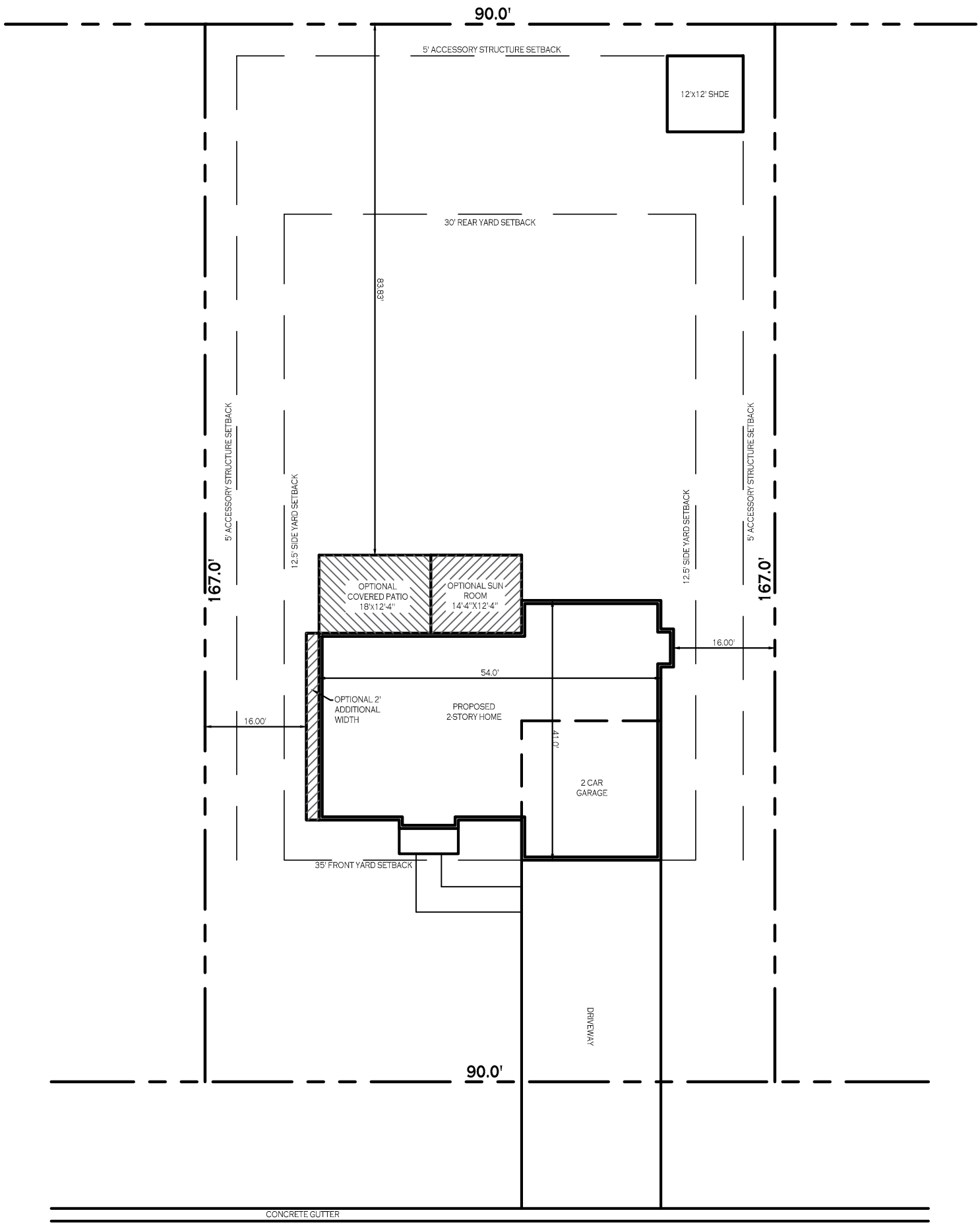
DRAWING NAME:
Site Plan
Overall

Date: 08/13/24
Drawn By: C. Wood
Scale: As Noted

DRAWING NO.
C-100

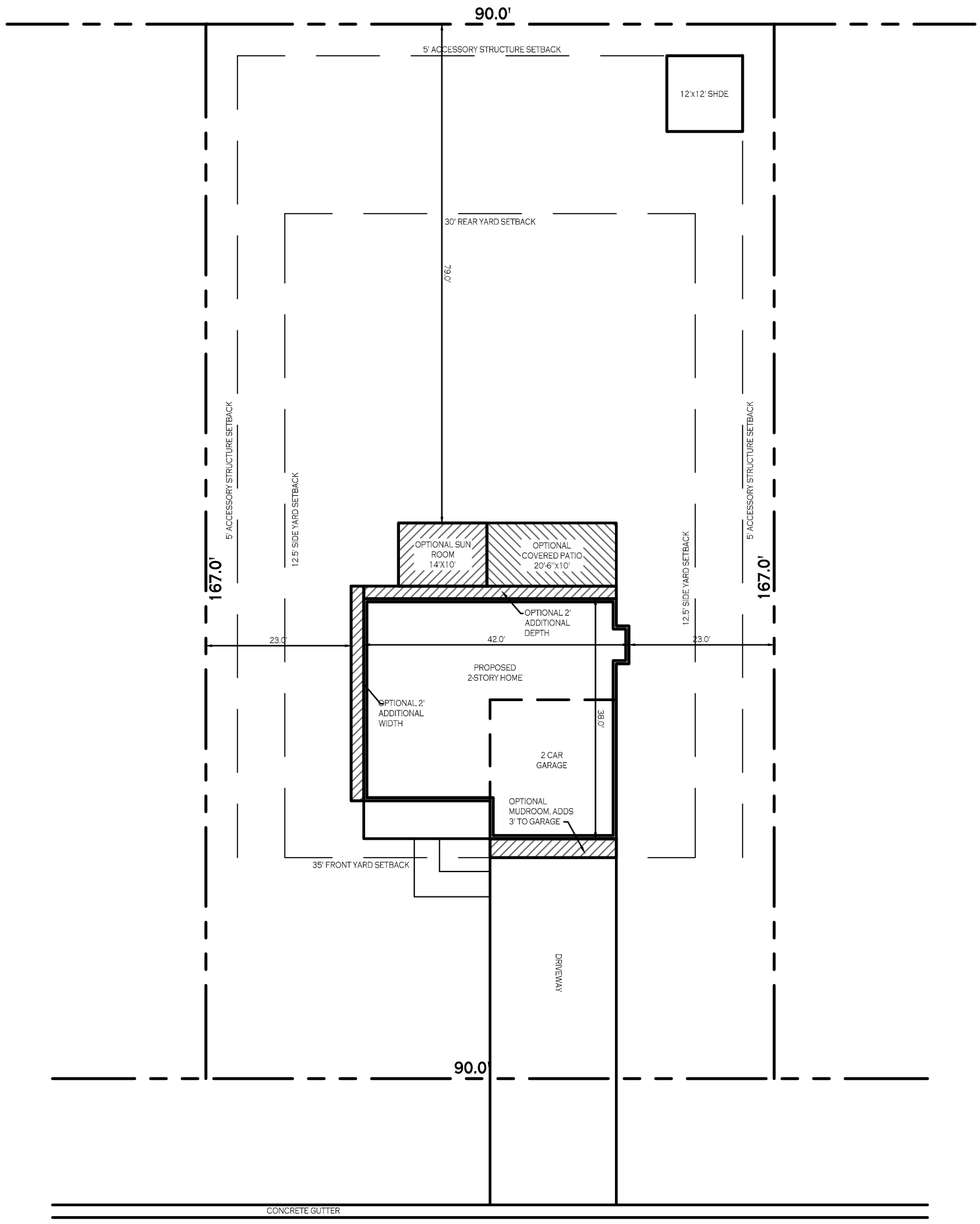
Project No: 19.241

EXHIBIT 1-3:
LOT LAYOUT PLANS



SQUARE FOOTAGE SUMMARY:
BASE SQUARE FOOTAGE = 2,228 SF
SQUARE FOOTAGE WITH ALL OPTIONS = 2,514 SF

ADVANTAGE II



PUBLIC STREET

SQUARE FOOTAGE SUMMARY:
BASE SQUARE FOOTAGE = 1,995 SF
SQUARE FOOTAGE WITH ALL OPTIONS = 2,471 SF

DISCOVERY 9

280-278 (B)
ACCESSORY STRUCTURES IN AN R DISTRICT:

1. ACCESSORY BUILDINGS AND ROOFED PROJECTIONS SHALL NOT OCCUPY MORE THAN 30% OF A REQUIRED REAR YARD OF AN INTERIOR LOT NOR MORE THAN 40% OF A REQUIRED REAR YARD OF A CORNER LOT.

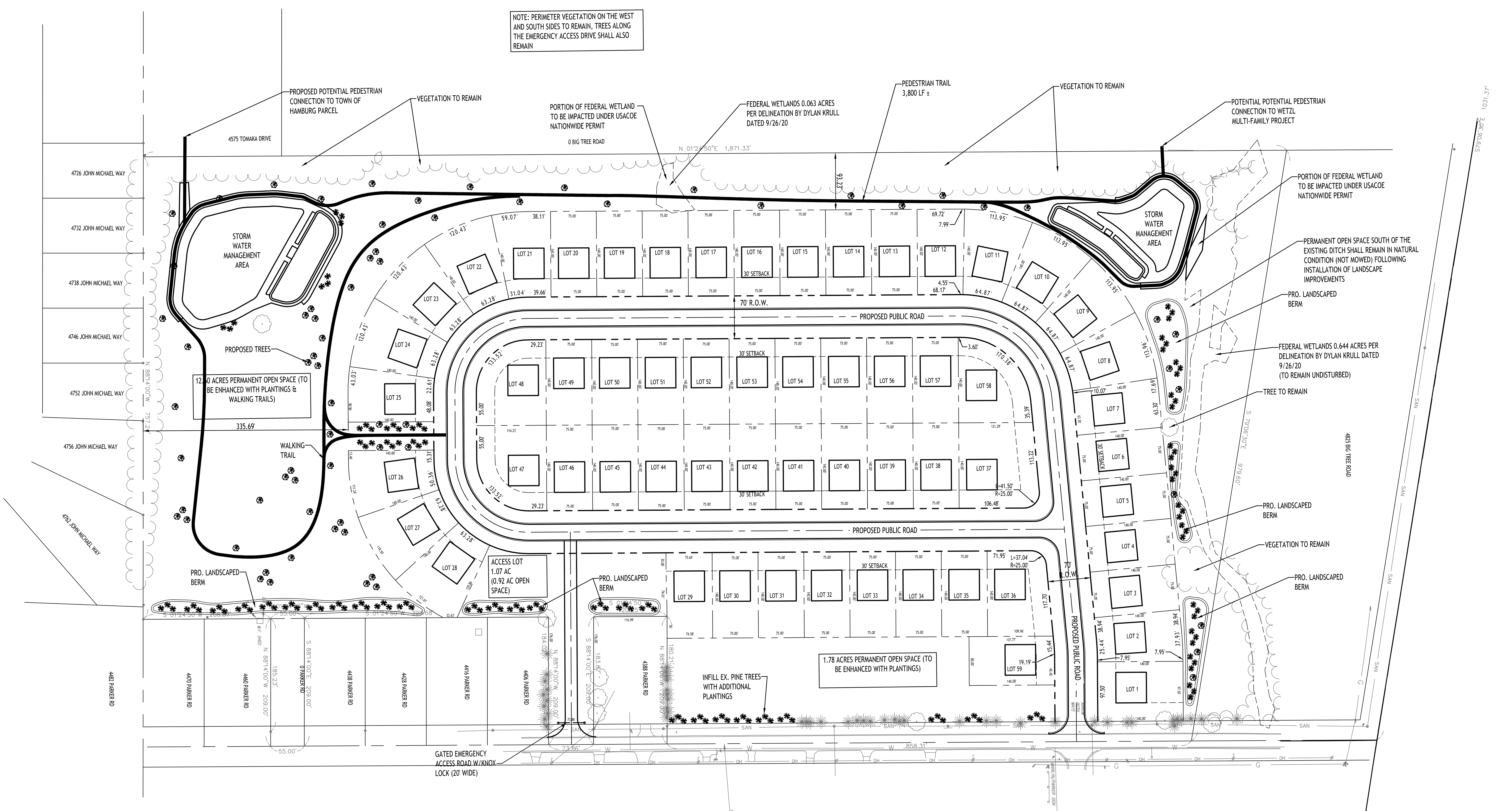
2. NO PART OF AN ACCESSORY BUILDING SHALL BE NEARER THAN THREE FEET TO A REAR OR SIDE LOT LINE, EXCEPT THAT, WHERE SUCH LOT LINE ABUTS A SIDE YARD OF AN ADJOINING LOT IN ANY R DISTRICT, THE SETBACK SHALL NOT BE LESS THAN FIVE FEET.

3. DETACHED ACCESSORY BUILDINGS SHALL BE AT LEAST 10 FEET FROM ANY DWELLING AND FIVE FEET FROM ANY OTHER BUILDING.

4. NO DETACHED ACCESSORY BUILDINGS SHALL BE PERMITTED IN REQUIRED FRONT YARDS, AND THE MAXIMUM SIZE OF ALL ACCESSORY BUILDINGS ON A PROPERTY SHALL BE AS FOLLOWS:

(A) FOR LOTS LESS THAN ONE ACRE IN ANY RESIDENTIAL ZONING DISTRICT: 850 SQUARE FEET MAXIMUM AREA.

EXHIBIT 1-4:
CLUSTERED SITE PLAN


NOTE: PERIMETER VEGETATION ON THE WEST AND SOUTH SIDES TO REMAIN, TREES ALONG THE EMERGENCY ACCESS DRIVE SHALL ALSO REMAIN
PROPOSED POTENTIAL PEDESTRIAN CONNECTION TO TOWN OF HAMBURG PARCEL
VEGETATION TO REMAIN
PORTION OF FEDERAL WETLAND TO BE IMPACTED UNDER USACOE NATIONWIDE PERMIT
FEDERAL WETLANDS 0.063 ACRES PER DELINEATION BY DYLAN KRULL DATED 9/26/20
PEDESTRIAN TRAIL 3,800 LF ±
POTENTIAL POTENTIAL PEDESTRIAN CONNECTION TO WETZL MULTI-FAMILY PROJECT
4575 TOMAKA DRIVE
0 BIG TREE ROAD
N 01°24'50"E 1,871.33'
4726 JOHN MICHAEL WAY
4732 JOHN MICHAEL WAY
4738 JOHN MICHAEL WAY
4746 JOHN MICHAEL WAY
4752 JOHN MICHAEL WAY
4756 JOHN MICHAEL WAY
4762 JOHN MICHAEL WAY
STORM WATER MANAGEMENT AREA
PORTION OF FEDERAL WETLAND TO BE IMPACTED UNDER USACOE NATIONWIDE PERMIT
PERMANENT OPEN SPACE SOUTH OF THE EXISTING DITCH SHALL REMAIN IN NATURAL CONDITION (NOT MOWED) FOLLOWING INSTALLATION OF LANDSCAPE IMPROVEMENTS
PRO. LANDSCAPED BERM
FEDERAL WETLANDS 0.644 ACRES PER DELINEATION BY DYLAN KRULL DATED 9/26/20 (TO REMAIN UNDISTURBED)
TREE TO REMAIN
PROPOSED TREES
12.50 ACRES PERMANENT OPEN SPACE (TO BE ENHANCED WITH PLANTINGS & WALKING TRAILS)
335.69'
WALKING TRAIL
70' R.O.W.
PROPOSED PUBLIC ROAD
30' SETBACK
LOT 1
LOT 2
LOT 3
LOT 4
LOT 5
LOT 6
LOT 7
LOT 8
LOT 9
LOT 10
LOT 11
LOT 12
LOT 13
LOT 14
LOT 15
LOT 16
LOT 17
LOT 18
LOT 19
LOT 20
LOT 21
LOT 22
LOT 23
LOT 24
LOT 25
LOT 26
LOT 27
LOT 28
LOT 29
LOT 30
LOT 31
LOT 32
LOT 33
LOT 34
LOT 35
LOT 36
LOT 37
LOT 38
LOT 39
LOT 40
LOT 41
LOT 42
LOT 43
LOT 44
LOT 45
LOT 46
LOT 47
LOT 48
LOT 49
LOT 50
LOT 51
LOT 52
LOT 53
LOT 54
LOT 55
LOT 56
LOT 57
LOT 58
LOT 59
ACCESS LOT 1.07 AC (0.92 AC OPEN SPACE)
PROPOSED PUBLIC ROAD
1.78 ACRES PERMANENT OPEN SPACE (TO BE ENHANCED WITH PLANTINGS)
INFILL EX. PINE TREES WITH ADDITIONAL PLANTINGS
4825 BIG TREE ROAD
4482 PARKER RD
4470 PARKER RD
4460 PARKER RD
4438 PARKER RD
4428 PARKER RD
4416 PARKER RD
4406 PARKER RD
4388 PARKER RD
GATED EMERGENCY ACCESS ROAD W/KNOX LOCK (20' WIDE)
SAN
W
OH
G

SITE PLAN

SCALE: 1"=80'

ZONING DATA:

LOT AREA = 35.3 AC

CURRENT ZONING: R-1 (CLUSTERED)

REQUIRED (SECTION 280-282 (D) THRU (H)):
REQUIRED OPEN SPACE (50%) = 14.62 AC (SEE CALCULATION)

MIN. LOT WIDTH: 50'

MINIMUM FRONT YARD:	20'
MINIMUM SIDE YARD:	10'
MINIMUM DISTANCE BETWEEN BUILDINGS:	15'
MINIMUM REAR YARD:	25% LOT DEPTH, NOT LESS THAN 20'
MAXIMUM BLDG. HEIGHT:	35'
MINIMUM LOT AREA:	5,000 sf

PROPOSED:
PROVIDED OPEN SPACE = 15.30 AC (52.3%)

MIN. LOT WIDTH AT SETBACK LINE (CORNER LOT): 97.5'
MIN. LOT WIDTH AT SETBACK LINE (INTERIOR LOT): 75'

MINIMUM FRONT YARD:	30'
MINIMUM SIDE YARD:	7.5' (15' TOTAL)
MINIMUM DISTANCE BETWEEN BUILDINGS:	15'
MINIMUM REAR YARD:	25'
MAXIMUM BLDG. HEIGHT:	35'
MINIMUM LOT AREA:	10,500 sf

MAXIMUM DENSITY CALCULATION (SECTION 280-282 (I) (1) THRU (5))

LOT AREA = 35.3 AC

1. WETLAND AREA = 0.644 AC
2. DITCH AREA = SEE ITEM 1
3. STORM WATER MANAGEMENT AREAS = 2.1 AC
4. LOT AREA MINUS ITEMS 1, 2 & 3 AREA = 32.556 AC (1,418,139 SF)
5. ADJUSTED TOTAL GROSS AREA = ITEM 4 - 10% = 29.3 AC (1,276,325 SF)

ALLOWABLE LOTS = ITEM 5 / 15,000 SF = 85 LOTS

OPEN SPACE REQ'D = 50% OF ITEM 5 = 14.65 AC

PROVIDED OPEN SPACE = 15.30 AC (52.3%)
PROVIDED OPEN SPACE W/O STORM WATER MANAGEMENT AREAS = 13.20 AC

NOTE: BOUNDARY AND TOPOGRAPHIC INFORMATION PROVIDED BY OTHERS, CARMINA WOOD DESIGN, D.P.C. ASSUMES NO RESPONSIBILITY FOR ITS ACCURACY.

80' 80 0 80 160Ft.

CARMINA WOOD DESIGN
Buffalo | Utica | Greensboro

New Construction
Single Family Subdivision
Parker Rd & Rte 20A
Hamburg, New York

REVISIONS:

No.	Description	Date

PRELIMINARY
NOT FOR CONSTRUCTION

DRAWING NAME:
Site Plan
Overall

Date:	01/26/24
Drawn By:	C. Wood
Scale:	As Noted

DRAWING NO.
C-100

Project No: 19.241

2. EXISTING CONDITIONS OF THE PROJECT SITE

This section describes the existing environmental conditions on and in the vicinity of the proposed Parker Road Residential Subdivision site (the "Project Site").

2.1 TOPOGRAPHY, GEOLOGY, AND SOILS

2.1.1 Topography and Geology

The Project Site is located within the Erie-Ontario Lake Plain physiographic region, on the boundary of that region as it rises to meet the Allegheny Plateau. The site topography is typical of this region and is characterized by gently undulating terrain consisting of small knolls and intermittent drainage swales that are the products of Late Pleistocene glacial events. The site's gently rolling landscape slopes to the west, toward a tributary of Rush Creek. The tributary connects to the main branch of the creek approximately 0.7 mile west of the Project Site.

Elevations on the Project Site range approximately 750 feet at the eastern border to 730 feet in the center western border and 720 feet in the northwestern and southwestern corners.

The Project Site is primarily comprised of open fields, although some small, wooded areas are located along the perimeter of Project Site.

Bedrock in the vicinity of the Project Site consists of both the West Falls Group and the Sonyea Group. A dividing line, based on NYS geologic survey maps (Exhibit 2-1), goes through the eastern portion of the Project Site. The Upper Devonian bedrocks of the West Falls Group include Angola and Rhinestreet Shales. The Sonyea Group is made up of Cashaqua and Middlesez Shales, which are Upper Devonian as well. Based on the Erie County Soil Survey, the depth to bedrock on the Project Site is greater than 6 feet.

No exposed bedrock is present on the Project Site. Similarly, there are no unique landforms or geological formations within or in the vicinity of the Project Site.

2.1.2 Soils

The *Soil Survey of Erie County* (U.S. Department of Agriculture, Soil Conservation Service

1986, Soil Maps 55, 56, 61, and 62) identifies soils within the project area as consisting of the Darien-Remsen-Angola association. In general, these soils are characterized as predominantly nearly level and gently sloping, deep and moderately deep, and somewhat poorly drained. They are medium-textured soils found on uplands underlain by alkaline shale bedrock.

Within the Darien-Remsen-Angola association, six[1] specific soil types are found on the Project Site and in the vicinity. Exhibit 2-2 illustrates the locations of these soil types in the project area. As Exhibit 2-2 shows, the soils on the Project Site include:

- ***Canandaigua silt loam [Cc]***. These gently sloping soils are deep, somewhat poorly drained, and found on lowland lake plains and depressional areas on glaciated uplands. Canandaigua silt loam soils are found on the southwestern portion of the project site. The farmland classification is listed as farmland of statewide importance.

- ***Ilion silt loam [In].*** These nearly level, deep and poorly drained soils were formed in calcareous glacial till deposits and are found on depressions and along drainage ways on glacial till plains. The soil has a perched water table at or near the surface from November through May. Ilion Silt Loam soils are found on the eastern portion of the project site. The farmland classification is listed as farmland of statewide importance.

- ***Niagara silt loam [Nh].*** Niagara silt loam soils are gently sloping, deep, and somewhat poorly drained. They are formed in silty glacio-lacustrine deposits, found in lake plains and valleys. Within the project area, Niagara silt loam soils make up almost half the site and are primarily found in the western portion of the site. The farmland classification is listed as prime farmland if drained.

- ***Wayland soils complex (0 – 3%) [Wd]***. These very deep, very poorly drained soils are found in low areas or slackwater areas on floodplains. This soil type is found along the northern border of the project site. The farmland classification is listed as not prime farmland.

- ***Darien Silt Loam (0 – 3%) [DbA].*** These nearly level soils are deep and somewhat poorly drained and were formed in shaley glacial till deposits. During the winter and spring, Darien soils have a perched water table in the upper part of the subsoil. They are found in the southeastern portion of the site. The farmland classification is listed as prime farmland if drained.

- ***Darien Silt Loam (3 – 8%) [DbB].*** Gently sloping, deep, and somewhat poorly drained, these soils also were formed in shaley glacial till deposits and during the winter and spring have a perched water table in the upper part of the subsoil. They are found in the southeastern portion of the project site. The farmland classification is listed as prime farmland if drained.

[1] Two variations of Darien Silt Loam have the same characteristics, but are found on different slopes.

All of the soil types are somewhat poorly drained and are characterized by a seasonally high-water table, which varies by soil type, and may be as shallow as 0 to 2 feet. Such soil characteristics, as well as the gently rolling local topography, tend to retard the flow of groundwater through the soil profile.

2.2 WATER RESOURCES

2.2.1 Groundwater and Groundwater Gradient

As described in Section 2.1.2 ("Soils"), the depth to groundwater on the Project Site varies seasonally and can be at or within 2 feet of the surface at certain times of the year. In general, shallow groundwater commonly flows in the direction of the local topographic surface, otherwise known as the "lay of the land." Because the eastern edge of the Project Site represents the highest elevation in that immediate area, groundwater would be anticipated to primarily flow due west-northwest. Local geologic characteristics affecting the shallow groundwater flow indicate that shallow groundwater will flow from Parker Road westward, towards the Seven Corners Development property. The farmer that has been leasing the site for approximately 15 years has confirmed that no pesticides have been used on the Project Site in at least as many years. It should be noted that the Project Site is not located over any NYSDEC identified sole-source, principal, or primary aquifer system.

2.2.2 Surface Water Hydrology and Drainage

The primary drainage feature in the general project region is a tributary of Rush Creek, which is located along the northern edge of the Project Site. Rush Creek flows in a northwesterly direction into Lake Erie. Small man-made drainage ditches are located along Parker Road, which will primarily contain drainage from areas to the east of the Project Site due to the general westerly flow on the site.

The primary surface water drainage feature in the immediate vicinity of the Project Site is its topographic elevation. As described in Section 2.3.1 with respect to shallow groundwater, surface water would also be anticipated to flow either northerly or southerly, depending on the origin point of the flow. The presence of Rush Creek to the north will control surface water runoff to the north. Similarly,

to the southwest, surface water runoff also will be controlled via a swale owned by the Town of Hamburg. No portions of the Project Site currently drain into any storm sewer system.

The Project Site is not located within a 100-year flood zone, as identified by the Federal Emergency Management Agency ("FEMA") (See Exhibit 2-3).

2.2.3 Existing Waterbodies and Wetlands

Wetlands Investigation Co. ("WIC") was hired to complete a field investigation and Wetland Delineation Report of the Project Site. A complete copy of the Wetland Delineation Report is provided in Appendix K of the *SWPPP Report* (See Appendix 3). The wetland investigation was designed to facilitate a determination of the extent of U.S. Army Corps of Engineers ("USACE") and New York State Department of Environmental Conservation ("NYSDEC") jurisdiction over the project area pursuant to Section 404 of the Clean Water Act and Article 24 (Freshwater Wetlands) of the New York State Environmental Conservation Law. The investigation was completed and submitted to USACE for review in 2021.

WIC determined that the project site does not encompass any NYSDEC wetlands. Two possible federal wetland areas were identified during the wetland investigation. After review by USACE, it was determined that only one of these areas is an aquatic resource subject to USACE jurisdiction. This area consists approximately 0.644 acres and is located along the northern section of the Project Site.

The small wetland area, which is characterized as a freshwater emergent wetland, includes the Rush Creek tributary and the floodplain directly adjacent to it. The tributary flows west to the main part of Rush Creek, which flows directly into Lake Erie. The tributary was observed to be 5-10 feet in width at the time of the wetland delineation investigation. Based on these observations, it was determined by the USACE that the smaller wetland area is a perennial tributary.

Plant community boundaries on the Project Site are well defined, and the jurisdictional area contained two distinct communities. The floodplain portion of the wetland is dominated by purple loosestrife, spreading bent, devil's pitchfork, silky dogwood, and white willow trees. Plant

communities in the creek bed include white willow, boxelder, silky dogwood, crack willow, spotted touch-me-not, rice cut-grass, and purple loosestrife. While these are the predominant plant species identified in each community, there are others present as well.

The USACE Buffalo District is primarily responsible for wetland regulation in the project area. The Buffalo District reviewed the Wetland Delineation Study prepared for the Project Site and issued a Jurisdictional Determination in a letter dated May 31, 2021. No jurisdictional wetlands will be disturbed on the Project Site.

2.2.4 100-Year Floodplain

A tributary to Rush Creek, which crosses the northern section of the Project Site is tributary to the Lake Erie water basin. The main branches of this creek are within a 100-year floodplain. However, the tributary that is located on the Project Site is not classified as a floodplain, according to the Federal Emergency Management Administration ("FEMA") Flood Insurance Rate map, Flood Map No. 36029C0343H, Town of Hamburg, NY, effective June 7, 2019 (Exhibit 2-3).

2.3 PLANTS & ANIMALS

2.3.1 Vegetation

The Project Site consists predominantly of a single vegetative community type - abandoned farmland. A line of conifers and a mixed hardwood woodlot are located on the northern and northeastern edge of the property, and lawn type areas are located on the residential properties bordering the southeastern portion of the site. The properties bordering the southern and western portions of the site are wooded with a mix of conifer and hardwood trees. Each of the community types on the Project Site is summarized below.

Abandoned field community. The vegetative community on the former hay fields is dominated by forbs and grasses that occur on sites that have historically been cleared, plowed, and farmed. Species commonly found in this community include timothy grass, Canada blue grass, orchard grass, sweet

vernal grass, red fescue, birdsfoot trefoil, wild madder, common plantain, common dandelion, wild carrot, red and white clover, and tall buttercup.

Hedgerow community. Hedgerow communities occur on sites that have otherwise been cleared or disturbed, and typically constitute the boundaries between farm fields. Hedgerows commonly contain graystem dogwood, glossy buckthorn, tartarian honeysuckle, and staghorn sumac.

Woodlot community. An upland woodlot community is located along the northeastern border of the site. Successional woodlots are communities of hardwood and mixed forests that occur on sites that were cleared in the past and, through vegetative succession, have developed into woodlots in which the existing species have thrived by out-competing other less shade-tolerant species. Species commonly found in this vegetative community include shagbark hickory, green ash, red maple, red and white oak, black cherry, and American hornbeam.

In addition to this woodlot, there are hardwood trees dispersed at a low density across the northern edge of the property.

Lawn community. There are residential properties bordering along the southeast portion of the Project Site where vegetation consists of mostly cut grasses. Species commonly found in this area include goldenrod, teasle, and other grasses.

2.3.2 Wildlife

Wildlife expected to be found on the Project Site are species common to open field and mixed suburban/rural environments. These species included small mammals (e.g., chipmunk, gray squirrel, rabbits) and various birds. Because the site was farmed extensively over a long period of time, it does not include any unique habitats and does not support a diverse wildlife population.

2.3.3 Threatened and Endangered Species

Consultation with the NYSDEC Natural Heritage Unit indicates that there are no federal or state listed threatened or endangered species reported to occur on or in the immediate vicinity of the Project Site.

2.4 LAND USE AND ZONING

2.4.1 Existing Land Uses and Zoning

The Project Site is located in the northeastern portion of the Town of Hamburg, in an area that is predominantly residential. The Project Site is bordered on the north by a residential property facing Big Tree Road; to the east by Parker Road and some residential lots that face on Parker Road; to the south by a small, wooded area and single family residential properties; and to the west by vacant, wooded land.

Big Tree Road (NYS State Route 20A) intersects with Parker Road approximately 190 feet to the north of the northeastern corner of the Project Site; the boundary between the Town of Hamburg and the Town of Orchard Park is located approximately 950 feet from the eastern edge of the Project Site. Exhibits 1a-c illustrate the location of the Project Site.

The Project Site is privately owned and presently consists predominantly of brushland and meadow (reverting agricultural fields), bordered by wooded areas or less dense hedgerows consisting of mature hardwood or coniferous trees. A tributary to Rush Creek crosses the northern section of the Project Site, separating the existing residential property from the proposed residential subdivision.

Land uses along Big Tree Road to the north of the site are mixed, with some single-family residential properties, the SUNY ECC South Campus, and some commercial businesses. Highmark Stadium is approximately a half mile away to the east of the Project Site. Land uses along Parker Road are residential, including several existing subdivisions. The Project Site is not designated nor accessible for public use purposes.

The Project Site has historically been used as agricultural land. It had been in the former owner's family for several generations before being sold to the current owner. According to the former owner, the land has not been used as an active farm for approximately 30 years. An aerial photograph from 1951 (See Exhibit 2-4) confirms that the Project Site and most surrounding properties were agricultural at that time. Current aerial photographs show that there are no longer any properties used

for agriculture in the immediate vicinity of the Project Site (See Exhibit 1-a).

The Project Site is zoned R-1 Single-Family Residence District ("R-1"). The R-1 zoning district expressly allows single-family detached dwellings on individual lots. Lands in the immediate vicinity are also zoned R-2, R-3, C-2, C-3, and M-1.

The Project Sponsor does not anticipate the need for any area variances for development of the Project Site as a residential subdivision as proposed. Exhibit 2-5 identifies the Project Site, zoning on the Project Site and in the vicinity, and existing land uses in the vicinity.

2.5 EXISTING TRANSPORTATION (TRAFFIC CONDITIONS)

2.5.1 Existing Traffic Conditions

The Project Site is located 190 feet south of the intersection on the south side of Big Tree Road (New York State Route 20A) and the west side of Parker Road. The only existing access to the property is via Parker Road. Other roads in the vicinity include Marilyn Drive (which intersects with Parker Road east of the Project Site) and Harmony Way (which intersects with Parker Road south of the Project Site). Big Tree Road intersects with Southwestern Boulevard and Abbot Road to the northwest and northeast of the Project Site.

While the proposed Parker Road residential subdivision and the proposed Wetzl multifamily project (a proposed 156-unit multifamily project along Big Tree Road adjoining the project site to the west) are not dependent on each other, at the request of the Planning Board, consideration of the cumulative traffic impacts of both projects was included in the comprehensive Traffic Impact Study ("TIS") prepared by SRF Associates dated April 2, 2021. Existing traffic patterns for the project area were identified based on traffic count information developed by SRF Associates in April 2021 (based on data from 2019 and 2021). This study established future traffic conditions for nearby sections of Big Tree Road (US-20A), Parker Road, Southwestern Blvd (US-20), Abbott Road (CR-4), and Marilyn Drive, assuming a 0.5% annual growth rate of traffic over a three-year period, to account for unidentified future projects in the area. A summary of the TIS is presented below and included in its

entirety in Appendix 4 (*Traffic Impact Study for the proposed Residential Projects at Big Tree Road and Parker Road*, SFR Associates, April 2, 2021).

The TIS provides a description of the study area that included the following existing intersections:

- Big Tree Road/Southwestern Boulevard;
- Big Tree Road/Parker Road;
- Big Tree Road/Abbott Road; and
- Parker Road/Marilyn Drive

Table I of the Traffic Impact Study provides a description of the existing roadway network within project study area. A copy of Table I of the Traffic Impact Study is provided below as follows:

TABLE I: EXISTING HIGHWAY SYSTEM

ROADWAY[1]	CLASS[2]	AGENCY[3]	SPEED LIMIT[4]	# OF TRAVEL LANES[5]	TRAVEL PATTERN/ DIRECTION	EST. AADT[6] & SOURCE[7]
Southwestern Blvd (US-20)	14	NYSDOT	50	6	Two-way/ Northeast-Southwest	21,267 NYSDOT (2016)
Big Tree Road (US-20A)	14	NYSDOT	45	2	Two-way/ East-West	12,584 NYSDOT (2018)
Abbott Road (CR-4)	16	ECDPW	45	4	Two-way/ North-South	7,586 NYSDOT (2018)
Parker Road	19	Town	30	2	Two-way/ North-South	1,500 SRF (2021)
Marilyn Drive	19	Town	30	2	Two-way/ East-West	280 SRF (2021)

Notes:
1. Route Name/Number: "NY" = New York; "CR" = County Road
2. State Functional Classification of Roadway (All are Urban): 14 = Principal Arterial, 16 = Minor Arterial, 19 = Local
3. Jurisdictional Agency of Roadway. "NYSDOT" = New York State Department of Transportation; "ECDPW" = Erie County Department of Public Works
4. Posted or Statewide Limit in Miles per Hour (mph).
5. Excludes turning/auxiliary lanes developed at intersections.
6. Estimated AADT in Vehicles per Day (vpd).
7. AADT Source (Year). SRF data estimated based upon an extrapolation of turning movement counts.

Existing traffic conditions for the study area were analyzed in the TIS utilizing relevant data

obtained from the GBNRTC database and NYSDOT, the results of the turning movement counts conducted by SRF Associates at the study area intersections, performance of field observations, and an analysis of recent crashes at the study area intersections using data obtained from the New York State Department of Motor Vehicles.

Future Area Development and Growth was summarized in the TIS and includes justification for the 0.5% annual growth rate that was utilized by SRF Associates in connection with its evaluation of the projected traffic from both projects during the AM and PM weekday peak travel periods.

The vehicular trip projections for both the projects that was performed by SRF Associates utilized the 10th edition of the Trip Generation Report published by the Institute of Transportation Engineers ("ITE"). Table IV of the TIS, a copy of which is reproduced below, provides the total site projected generated trips for the weekday commuter AM and PM weekday peak travel periods for both proposed projects.

TABLE IV: SITE GENERATED TRIPS

DESCRIPTION	ITE LUC[1]	SIZE	AM PEAK HOUR		PM PEAK HOUR	
			ENTER	EXIT	ENTER	EXIT
Multifamily Project	220	156 Units	17	56	55	33
Single-Family Project	210	67 Lots	13	39	43	26
Total Site Generated Trips			30	95	98	59

Note:
1. LUC = Land Use Code.

The design hour volumes for the proposed project are illustrated in Figure 9 of the TIS under full build-out conditions.

SRF conducted a capacity analysis that provided detailed information regarding the Levels of Service at the intersections in the study area during both the AM and PM weekday travel periods. Capacity analysis is a technique used for determining a measure of effectiveness for a section of roadway and/or intersection based on the number of vehicles during a specific time period. The

Capacity Analysis results are set forth in detail in Table V of the TIS. While SRF included recommendations for restriping existing striping patterns along Big Tree Road for the proposed Wetzl development, they indicated that no improvements are warranted nor recommended for the remaining study area roadways/intersections. An analysis of whether the installation of left hand turn lanes is justified for vehicles traveling on Big Tree Road turning left into the proposed Wetzl multifamily project was also conducted.

The results of TIS determined that the existing transportation network can adequately accommodate the projected traffic volumes and resulting minor impacts to study area intersections with the noted improvements in place. Based upon the results of its analysis of the cumulative traffic impacts of the two unrelated proposed projects, SRF had the following conclusions and recommendations in the TIS:

1. The proposed residential projects are expected to generate approximately 30 entering/95 exiting vehicle trips during the AM peak hour and 98 entering/59 exiting vehicle trips during the PM peak hour.
2. The existing crash investigation did not reveal inherent safety deficiencies related to the geometric design of the study area intersections.
3. The left-turn warrant investigation at the proposed driveways along Big Tree Road determined that the proposed Driveway multifamily project Big Tree Road/Proposed Multifamily Easterly Driveway during the PM peak hour was satisfied; no other peak hours at either the proposed westerly or easterly intersections for the proposed multifamily family project were satisfied.
4. At the intersection of Big Tree Road/Proposed Multifamily Westerly Driveway, the existing striping pattern should be restriped to legally accommodate drivers turning left from Big Tree Road onto the proposed driveway via a two-way left-turn lane (TWLTL) treatment This maintains the ability for drivers to turn left onto the commercial driveway west of the proposed driveway location while accommodating drivers to exit the proposed westerly driveway.

Please note a single driveway off Big Tree is now proposed.

5. The projected traffic impacts resulting from full development of both of the proposed residential projects during both peak hours can be accommodated by the existing transportation network with the noted improvements in place.
6. For purposes of the environmental review of the proposed residential projects pursuant to the State Environmental Quality Review Act (SEQRA), it is our firm's professional opinion that the proposed residential projects will not result in any cumulative potentially significant adverse traffic impacts to the study area intersections. Given that both proposed residential projects will not result in any cumulative potentially significant traffic impacts, our firm's professional opinion as state above also applies to each of the two proposed residential projects if they had been evaluated separately.

2.5.2 Public Transportation

Public transit service within the study area is provided by the Niagara Frontier Transit Metro System, Inc ("NFTA"). NFTA currently provides service via Route 72 along Abbott Road and Big Tree Road (east of Abbott Road).

2.5.3 Bicycle and Pedestrian

There are sidewalks along both sides of Southwestern Boulevard west of the Project Site and there is a short segment of sidewalk along the south side Big Tree Road that extends from Southwestern Boulevard to the commercial plaza (southeast of the McKinley Parkway and NYS Route 20) driveway.

There are no dedicated bicycle lanes or trails although cyclists are permitted to share the road on all roadways within the study area. No on-street bicycle routes exist on Big Tree Road or Parker Road according to the Greater Buffalo Niagara Regional Transportation Council's available mapping. There are no sidewalks along the Project Site frontage to allow for bicycle or pedestrian access.

2.6 HISTORICAL AND ARCHAEOLOGICAL RESOURCES

A Phase 1 Archaeological Reconnaissance Survey was performed to assess the potential for the Project Site to encompass historical or archaeological resources. This investigation, which was conducted by the University at Buffalo (SUNY) Department of Anthropology in July 2020 included a Phase 1A analysis -- literature research and cultural resource sensitivity assessment of the Project Site.

The results of the cultural resource investigations are summarized below and presented in Appendix 5, *Phase 1 Archaeological Reconnaissance Survey Report for Parker Road Subdivision* (University of Buffalo Department of Anthropology September 2020).

The Phase IA analyses included a review of pertinent literature, site files, historic maps and atlases, regional cultural resource reports, histories, and environmental reports. Sources consulted for the project included the Archaeological Survey, State University of New York at Buffalo (SUNYAB), Amherst: the OPRHP and the New York State Museum in Albany; the Buffalo and Erie County Historical Society; and the Buffalo and Erie County Public Library. Research also included a review of the New York State and National Registers of Historic Places (NRHP) and the NRHP-eligible and State/NRHP-proposed lists. Further, interviews with people knowledgeable about the project area and a review of the Abstract of Title was also performed.

The Phase 1A evaluations did not identify any cultural resources within the project area currently listed on or eligible for the NRHP or the State/NRHP proposed lists. As a result, the Phase IA analysis determined that the Project Site was not eligible for listing on the NRHP or State Register of Historic Places. A copy of the 'No impact determination letter' issued by Josalyn Ferguson, Ph.D. of the New York State Office of Parks, Recreation and Historic Preservation dated October 9, 2020 is included in Exhibit 2-7.

2.7 EXISTING UTILITIES AND CAPACITY

2.7.1 Sanitary Sewers

There is an existing 8" RCP sanitary sewer line on the west side of Parker Road, which flows north into a 10" RCP sanitary sewer line along Big Tree Road and then west into a 42" trunkline along McKinley Parkway that flows directly to the Southtowns Wastewater Treatment Plant. The Project Site is located within Erie County Sewer District 3.

A Downstream Sewer Capacity Analysis ("DSCA") was prepared by Carmina-Wood Morris DPC August 6, 2020 and was submitted to the Erie County Department of Environment and Planning - Division of Sewerage Management ("ECDEP-DSM"). The ECDEP-DSM concurred with the Carmina Wood Morris analysis in a letter, dated December 19, 2020, that there is sufficient downstream sanitary sewer capacity in the system for the proposed peak flow of approximately 92,000 gallons per day. Copies of the DSCA and the ECDEP-DSM concurrence letter are provided in Appendix A of *Engineer's Report* (See Appendix 6) and Exhibit 2-6.

2.7.2 Storm Sewers

The existing topography on the Project Site causes surface water drainage paths to be split between the north and west portions of the Project Site. The north portion of the Project Site drains directly into Rush Creek, which flows across the entire length of the northern border of the Project Site. The rest of the site drains into two natural low areas to the west, which will eventually drain into the same creek off site (refer to the Engineering Report in Appendix 6).

2.7.3 Water

There is an existing 8" Erie County Water Authority main located along Parker Road, which will be the source for the proposed residential subdivision. Current hydrant pressure flow information provided by Erie County Water Authority ("ECWA") indicates that the static pressure in the main is 80 psi and the residual is 39.3 psi with a hydrant flow of 1,177 gpm.

2.7.4 Other Utilities

Gas is provided to the site from National Fuel Gas Corporation.

Electric is supplied to the site from National Grid.

Solid waste disposal will be provided by a private hauler. Spectrum provides cable/ internet services. Verizon has phone lines adjacent to the Project Site.

2.8 COMMUNITY AND EMERGENCY SERVICES

2.8.1 Educational and Community Services

The project site is serviced by the Frontier Central School District and the schools servicing the residential subdivision include Big Tree Elementary, Frontier Middle School, and Frontier High School. The current publicly available data for the district indicates the enrollment in the district to be 4,473 in 2022-2023 (Source: NYSED, 2024).

Community services are provided by the Town of Hamburg, as well as by Erie County.

2.8.2 Police

The area is served by the Town of Hamburg Police Department located at 6100 South Park Avenue, Hamburg, New York 14075. The nearby NYS Thruway (I-90) is served by the New York State Police Department. Josh Rogers of the Planning Department spoke with the Police Department, who confirmed that they do not have any concerns pertaining to the Project. This was communicated by Josh Rogers to the Project Sponsor via e-mail on August 23, 2024.

2.8.3 Fire and Other Emergency Services

The Armor Volunteer Fire Company will provide first aid and fire protection for this area. The company is located at 4932 Clark Street., Hamburg, NY 14075. The subdivision plan was mailed to the Armor Volunteer Fire Department Chief by Sarah desJardins, and no comments have been received as confirmed via a conversation between Sean Hopkins, Esq. and Sarah desJardins on August 30, 2024.

2.9 AIR QUALITY, NOISE AND LIGHTING LEVELS

Air Quality

Climate data for this site is collected in Buffalo, NY, approximately 12 miles away. The climate in Buffalo, New York is warm during the summer when average temperatures tend to be in the 70's and very cold during winter when average temperatures tend to be in the 20's. The National Oceanic and Atmospheric Administration ("NOAA") monitors the local climate conditions in Buffalo Niagara International Airport, New York. The warmest month of the year is July with an average high temperature of 81 degrees Fahrenheit, while the coldest months of the year are January and February with an average high temperature of 33 degrees Fahrenheit. Temperature variations between night and day tend to be fairly consistent during summer season with a difference that can reach 22 degrees Fahrenheit, and comparable in winter months with an average difference of approximately 15 to17 degrees Fahrenheit. The annual average precipitation in Buffalo is around 41 inches. This area receives about 95 inches of snow per year on average.

NYSDEC monitors air quality throughout the State. There are currently 48 active air monitoring sites in New York State. Parameters observed vary from air monitoring sites. As of December 31, 2021, four (4) monitoring sites are active within NYSDEC Region 9 in Erie County. These monitoring sites are identified as 36_029_0002 located at 500 Maple Road, Buffalo, NY 14221; 36_029_0005 located at the NYSTA Bridge Maintenance Access Road at Dingens Street and Weiss Street; 36_029_023 located off NYS I-90 in Cheektowaga; and 36_029_1014 located at Brookside Terrace Way in Tonawanda. Various parameters are evaluated, such as for carbon monoxide, ozone, particulate matter and sulfur dioxide, etc.

Noise

Existing noise levels in the vicinity of the proposed project are typical of a suburban / rural environment. Noise levels are variable throughout the day, and typically result primarily from automobile traffic on roadways in the vicinity of the Project Site and other sounds common to suburban areas. Table 2-1 provides a comparison of typical sounds associated with various activities.

Table 2-1

Typical Noise Levels Associated with Various Indoor and Outdoor Activities

Outdoor Noise Levels	A-Weighted Sound Level (dBA)	Indoor Noise Levels
Jet aircraft take-off at 100 feet	+ 120	
Riveting machine at operator's position	+110	
Cut-off saw at operator's position	+100	
Elevated subway at 50 feet		Newspaper press
Automobile horn at 10 feet	+90	Industrial boiler room
Diesel truck at 50 feet		Food blender at 3 feet
Noisy urban daytime	+80	Diesel bus at 50 feet
Diesel bus at 50 feet		Garbage disposal at 3 feet
		Shouting at 3 feet
	+70	
Gas lawn mower at 100 feet		Vacuum cleaner at 10 feet
Quiet urban daytime	+60	Normal conversation at 5 - 10 feet Large business office
Quiet urban nighttime	+50	Open office area background level
Quiet suburban nighttime	+40	Large conference room Small theater (background)

Outdoor Noise Levels	A-Weighted Sound Level (dBA)	Indoor Noise Levels
Quiet rural nighttime	+30	Soft whisper at 2 feet Bedroom at nighttime
	+20	Concert hall

Lighting Levels

There are several lights located along Parker Road and Big Tree Road to the east and north of the Project Site. To the north of the site, on Big Tree Road, is an entrance to the ECC South Campus, which is well lit with lights located approximately every 100 feet along the roadway. To the northwest of the Project Site there are several commercial businesses, including a West Herr car dealership on the north side of Big Tree Road with 56 lights placed every 50-80 feet throughout the nearly 8-acre parking lot. On the south side of Big Tree Road, to the west of the Project Site, is an additional commercial parking lot approximately 5 acres in size. To the northeast of the Project Site on Abbott Road is Highmark Stadium. That property includes streetlights, stadium lights, and parking lot lights. Residential homes in the vicinity may have their own lighting as well.

2.10 COMMUNITY CHARACTER

The Town of Hamburg has many diverse neighborhoods, hamlets, and communities. These areas vary in size, age, and type but have a common characteristic of being strong and sustainable. Land uses include residential, commercial, agricultural, recreational, and also industrial. Although each of these areas have their unique assets and constraints, some common themes include maintaining a high quality of life, community character, and preserving greenspace.

As development continues, the historically agricultural area has lost many areas of agricultural land uses. This change has concerned both the local community and the town government. The Comprehensive Plan for the Town encouraging further development for economic growth while still preserving the rural character of the Town. Land use decisions are made based on consideration the Town's Zoning Code and Subdivision Regulations (when applicable) as well as the Town's planning objectives and goals.

2.11 AGRICULTURAL LAND RESOURCES

As described in Section 2.1, the Project Site, like other lands in this area of Hamburg, was historically used for agricultural purposes. A consultation with the former property owner documents that the site was farmed for at least three generations. For the past 30 years it has been rented out to various farmers as the owner no longer wanted to farm the property himself.

The long-time property owner sold the site to the current owner with no intent of ever farming it in the future. None of the neighboring parcels are zoned for agriculture use and the Project Site is not in a County Agricultural District. The surrounding area is predominantly used for residential or commercial purposes.

SECTION 2.0
EXHIBITS

EXHIBIT 2-1:
NYS GEOLOGIC SURVEY

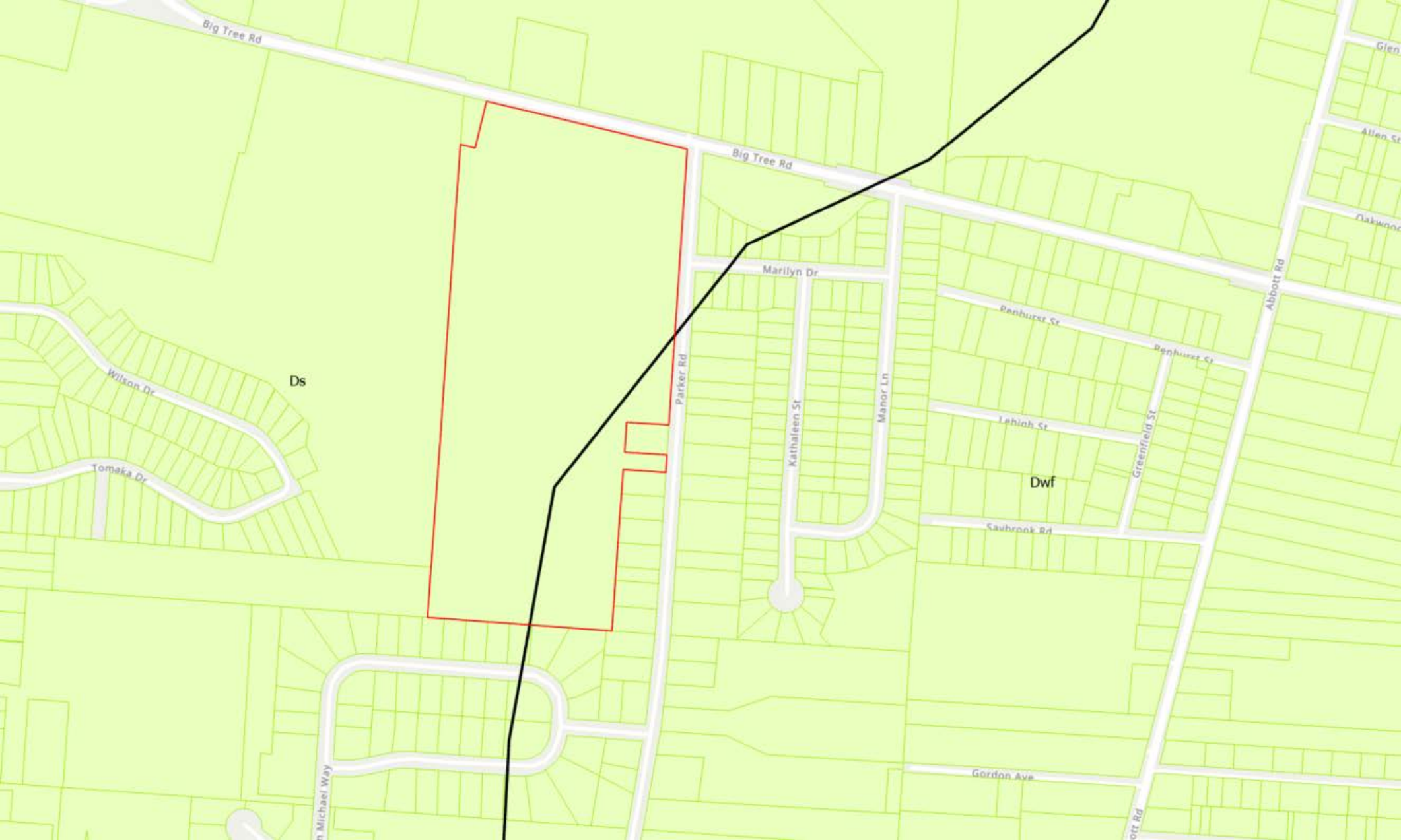
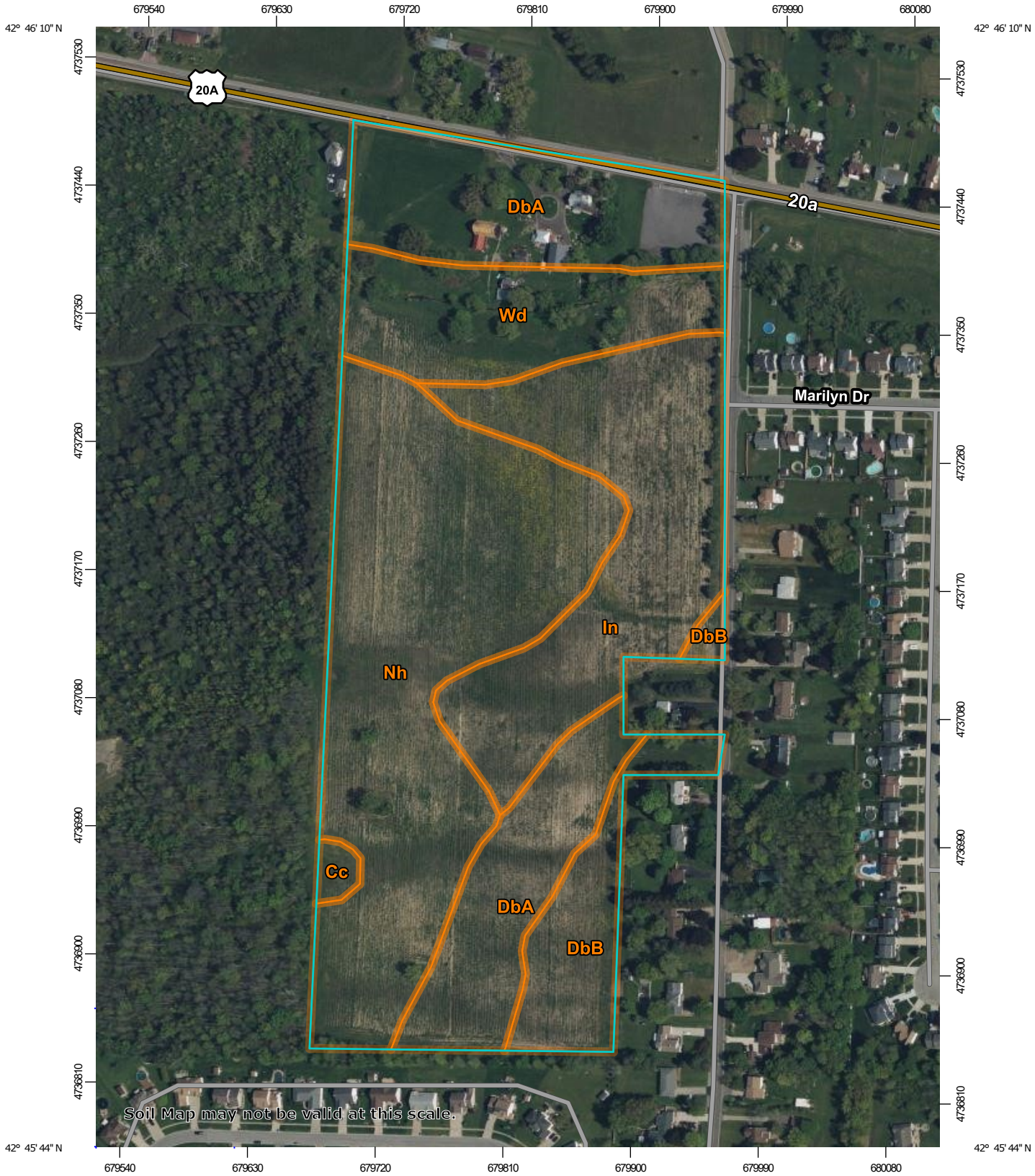

Big Tree Rd
Big Tree Rd
Marilyn Dr
Penhurst St
Penhurst St
Abbott Rd
Parker Rd
Kathaleen St
Manor Ln
Greenfield St
Lehigh St
Saybrook Rd
Gordon Ave
Wilson Dr
Tomaka Dr
Ds
Dwf

EXHIBIT 2-2:
ERIE COUNTY SOIL SURVEY

Soil Map—Erie County, New York
(USDA Soils Map)



Map Scale: 1:3,830 if printed on A portrait (8.5" x 11") sheet.

N

Meters
0 50 100 200 300

Feet
0 150 300 600 900

Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 17N WGS84

MAP LEGEND

Area of Interest (AOI)
- Area of Interest (AOI)

Soils
- Soil Map Unit Polygons
- Soil Map Unit Lines
- Soil Map Unit Points

Special Point Features
- Blowout
- Borrow Pit
- Clay Spot
- Closed Depression
- Gravel Pit
- Gravelly Spot
- Landfill
- Lava Flow
- Marsh or swamp
- Mine or Quarry
- Miscellaneous Water
- Perennial Water
- Rock Outcrop
- Saline Spot
- Sandy Spot
- Severely Eroded Spot
- Sinkhole
- Slide or Slip
- Sodic Spot
- Spoil Area
- Stony Spot
- Very Stony Spot
- Wet Spot
- Other
- Special Line Features

Water Features
- Streams and Canals

Transportation
- Rails
- Interstate Highways
- US Routes
- Major Roads
- Local Roads

Background
- Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:15,800.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Erie County, New York
Survey Area Data: Version 22, Sep 10, 2022

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

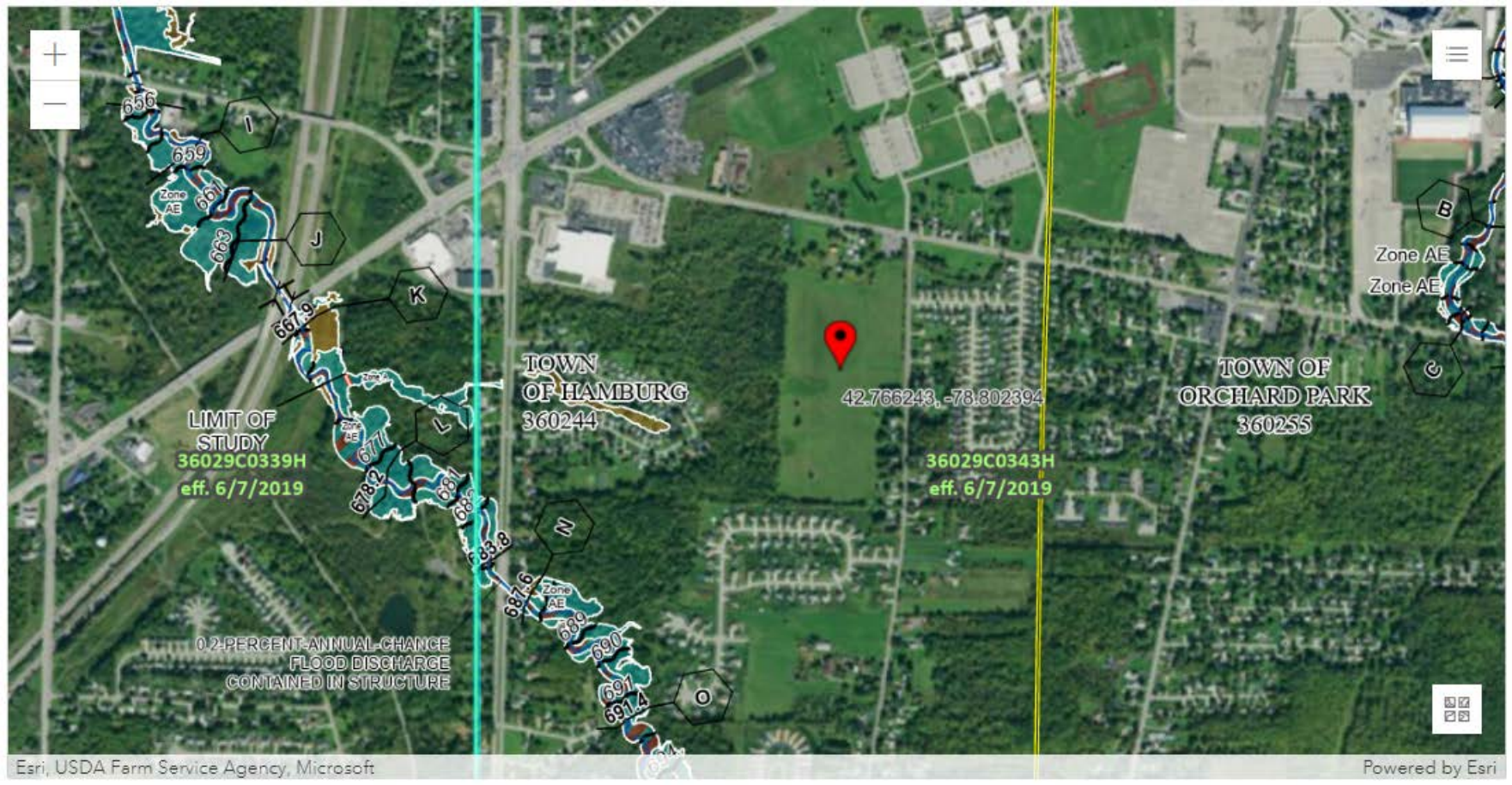
Date(s) aerial images were photographed: Data not available.

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
Cc	Canandaigua silt loam	0.3	0.7%
DbA	Darien silt loam, 0 to 3 percent slopes	9.1	23.3%
DbB	Darien silt loam, 3 to 8 percent slopes	2.9	7.5%
In	Ilion silt loam	8.4	21.5%
Nh	Niagara silt loam, till substratum	13.7	35.2%
Wd	Wayland soils complex, 0 to 3 percent slopes, frequently flooded	4.6	11.8%
Totals for Area of Interest		**39.0**	**100.0%**

EXHIBIT 2-3:
FEMA FLOOD MAP



PIN
- Approximate location based on user input and does not represent an authoritative property location

MAP PANELS
- Selected FloodMap Boundary
- Digital Data Available
- No Digital Data Available
- Unmapped

OTHER AREAS
- NO SCREEN — Area of Minimal Flood Hazard *Zone X*
- Effective LOMRs
- Area of Undetermined Flood Hazard *Zone D*
- Otherwise Protected Area
- Coastal Barrier Resource System Area

SPECIAL FLOOD HAZARD AREAS
- Without Base Flood Elevation (BFE) *Zone A, V, A99*
- With BFE or Depth
- Regulatory Floodway *Zone AE, AO, AH, VE, AR*

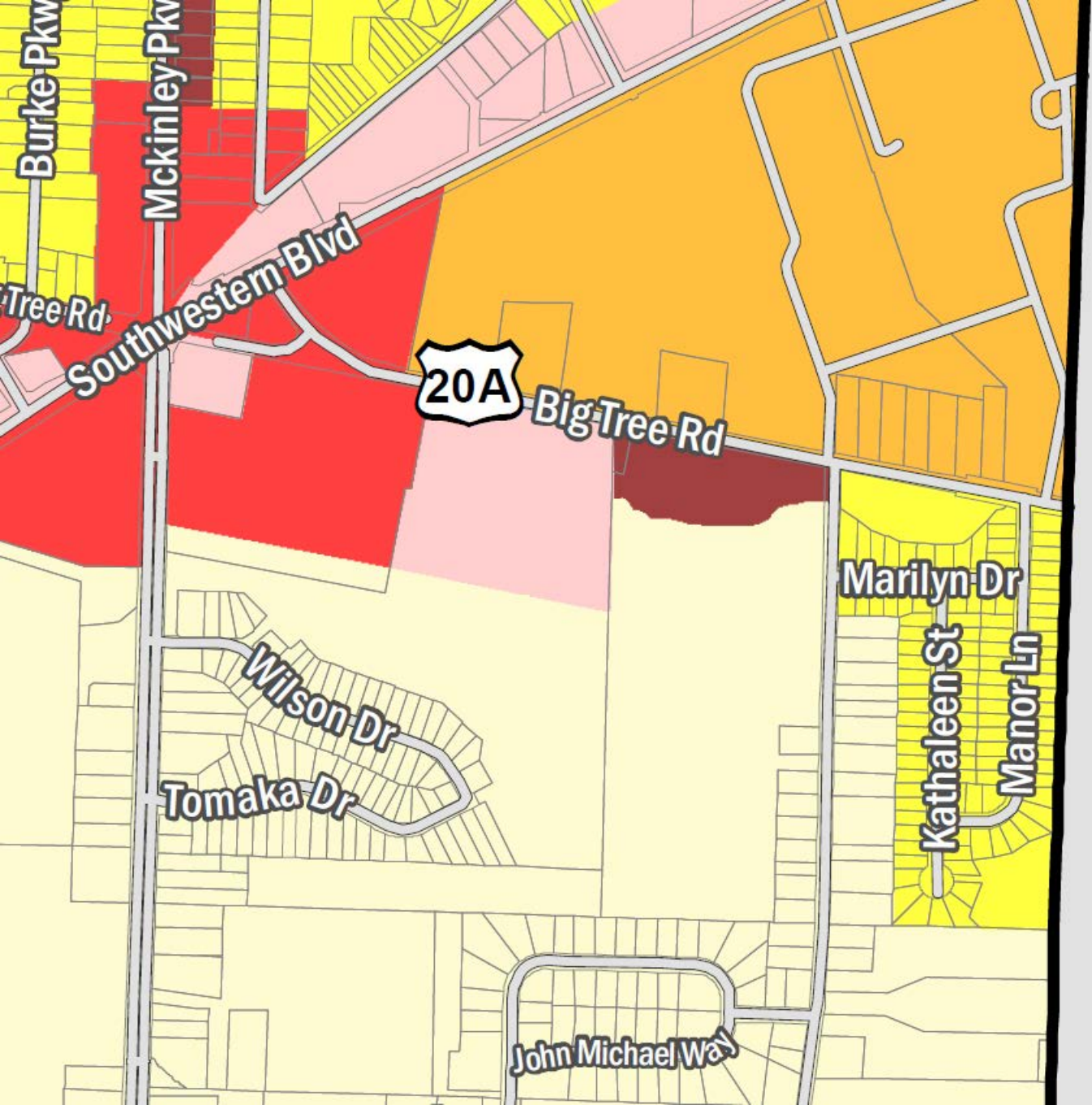
OTHER AREAS OF FLOOD HAZARD
- 0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile *Zone X*
- Future Conditions 1% Annual Chance Flood Hazard *Zone X*
- Area with Reduced Flood Risk due to Levee. See Notes. *Zone X*
- Area with Flood Risk due to Levee *Zone D*

OTHER FEATURES
- 20.2 — Cross Sections with 1% Annual Chance
- 17.5 — Water Surface Elevation
- Coastal Transect
- Base Flood Elevation Line (BFE)
- Limit of Study
- Jurisdiction Boundary
- Coastal Transect Baseline
- Profile Baseline
- Hydrographic Feature

GENERAL STRUCTURES
- Channel, Culvert, or Storm Sewer
- Levee, Dike, or Floodwall

EXHIBIT 2-4:
1951 AERIAL IMAGE

EXHIBIT 2-5:
TOWN OF HAMBURG ZONING MAP


Burke Pkwy
Mckinley Pkwy
Tree Rd
Southwestern Blvd
20A
Big Tree Rd
Marilyn Dr
Kathaleen St
Manor Ln
Wilson Dr
Tomaka Dr
John Michael Way

LEGEND

Parcel Boundary (2019)

Town of Hamburg Zoning

C1

C2

C3

WC

FG

HC

M1

M2

M3

P: Pre-Permitted Designation

NC

PR

PRD

PUD

R1

R2

R3

R4

RA

RE

EXHIBIT 2-6:
ECDEP-DSM CONCURRENCE LETTER

COUNTY OF ERIE

MARK C. POLONCARZ
COUNTY EXECUTIVE
DEPARTMENT OF ENVIRONMENT & PLANNING

THOMAS R. HERSEY, JR.
COMMISSIONER

JOSEPH L. FIEGL, P.E.
DEPUTY COMMISSIONER

December 18, 2020

Rami Herzellah, EIT
Carmina Wood Morris
487 Main St., Suite 500
Buffalo, NY 14203

RE: Erie County Sewer District No. 3 (ECSD #3) – DSCA Review
4825 Parker Road, near Route 20A in the Town of Hamburg

Dear Mr. Herzellah,

The Erie County Department of Environment and Planning - Division of Sewerage Management (ECDEP-DSM) reviewed the Downstream Capacity Analysis (DSCA) submitted for the above mentioned project in the Town of Hamburg and concurs with your analysis that there is sufficient capacity in the system for the proposed peak flow of approximately 92,000 gallons per day.

The required I&I remedial work for this development is 9 lateral replacements.

The DSM will forward the Engineer's Certification and this letter to the Health Department during the coordinated review process.

The DSCA verifies capacity in the ECSD #3 collection system. This letter does not constitute approval or disapproval of this project. If not already done, please submit for review and approval the Sanitary Sewer Plans and Engineer's Report to Matt Salah, P.E., ECDEP-DSM, 95 Franklin Street, Room 1034, Buffalo, NY 14202.

Please contact me with any questions or concerns at (716) 858-6586.

Sincerely,

Christopher Fiume
Assistant Sanitary Engineer

cc: M. Salah / 3.2.5.Capacity Analysis
Camie Jarrell, P.E. (GHD, Town Engineer)

EXHIBIT 2-7:
NO IMPACT DETERMINATION LETTER

NEW YORK STATE OF OPPORTUNITY. | Parks, Recreation, and Historic Preservation

ANDREW M. CUOMO
Governor

ERIK KULLESEID
Commissioner

October 9, 2020

Mr. Charles Vandrei, Agency Historic Preservation Officer
NYS Environmental Conservation, Division of Lands and Forests
625 Broadway
Albany, NY 12233-4255

Re: DEC
Residential Subdivision Construction Project (12.1 ha (30 ac) of 14.7 ha (36.3 ac) Parcel)
Parker Road, Hamburg, Erie County, NY
20PR05658

Dear Mr. Vandrei:

Thank you for requesting the comments of the Division for Historic Preservation of the Office of Parks, Recreation and Historic Preservation (OPRHP). The Archaeology Unit has reviewed the Phase I Archaeological Reconnaissance Survey report prepared by UB's Archaeological Survey (Whalen & Lackos, September 2020; 20SR00472) in accordance with the New York State Historic Preservation Act of 1980 (section 14.09 of the New York Parks, Recreation and Historic Preservation Law). These comments are those of the Division for Historic Preservation and relate only to archaeological Historic/Cultural resources.

Based upon this review, it is OPRHP's understanding that the Native American Parker Road Site (USN 02915.000516) was identified during the above noted investigation. OPRHP has determined that this site is not eligible to the State or National Registers of Historic Places. The Archaeology Unit therefore has no further concerns for impacts to archaeological sites and no further archaeological investigations are warranted. Should the project design be changed OPRHP recommends further consultation with this office.

An outstanding request for additional information from Ms. Jennifer Walkowski of OPRHP's Survey and Evaluation Unit remains incomplete. Please continue to consult with Ms. Walkowski regarding this project.

If you have any questions, I can be reached via e-mail at Josalyn.Ferguson@parks.ny.gov.

Sincerely,

Josalyn Ferguson, Ph.D.
Scientist Archaeology

via email only

c.c. Christopher Wood, Carmina Wood Morris
c.c. Kathryn Whalen, UB Archaeological Survey
c.c. David Manko, Parker Road Developers

3. ASSESSMENT OF POTENTIALLY SIGNIFICANT ADVERSE ENVIRONMENTAL IMPACTS AND MITIGATION

The following section describes the environmental impacts, including benefits, expected to result from the Parker Road Residential Subdivision project. Included are analyses of short-term impacts likely to occur as a result of construction activities, as well as long-term impacts expected to result from the development of the proposed Project Site. Following the assessment and analysis of impacts, the proposed mitigation measures to be implemented as part of the project to mitigate against detrimental environmental impacts are discussed.

3.1 IMPACTS ON LAND

3.1.1 Potential Impacts on Land Use

The Project Sponsor proposes to develop the vacant and undeveloped portion of the site into a residential subdivision layout consisting of sixty-five (65) lots along with two stormwater management facilities (i.e. ponds and bioretention areas). The Proposed Project will consist of a residential subdivision consisting of detached owner-occupied single-family homes on individual lots. The project will encompass approximately 41.1+/- acres of land located at 4825 Big Tree Road in the Town of Hamburg, Erie County, New York. Exhibit 1-2 shows the proposed site plan, indicating proposed buildings, structures, and infrastructure improvements. The portion of the site that is being developed is zoned "R-1" Single-Family Residence District, which allows for detached single-family dwellings per the Town of Hamburg Zoning Code. The northern most portion of the site (the approximately 6-acres located north of the tributary to Rush Creek) is zoned C-3 (Office). No homes will be constructed on the portion of the site zone C-3.

The proposed subdivision layout is depicted in Exhibit 1-2 while the layout of two (2) potential models of homes and related improvements on the residential lots are provided in Exhibit 1-3. Pursuant to the proposed layout, the minimum lot size is 15,000 sq. ft. and each of the lots will have a minimum depth of 115 ft. The proposed subdivision also is consistent with the predominant existing and proposed uses in the immediate area, which also include single-family residential subdivisions to the south and east of the Project Site.

The project is expected to be developed in a single phase. The full build out of the project is expected to occur over a three-year period, with a total of 65 residential sublots developed in accordance with market needs. The community will benefit because the demands placed on existing services will increase gradually, allowing orderly absorption. In addition, the environmental impacts resulting from construction of the project over three years will generally be less intensive and concentrated than if the

entire project were constructed in a single year. Consequently, the anticipated construction period of the project does not represent a significant adverse impact.

The site's existing topography will be graded as necessary, including removal of existing topsoil and vegetation. The proposed project will result in minor, but long-term impacts to the topography of the site. The topography will be altered slightly in conjunction with the development of roads, building lots, and the wet detention ponds. However, because the site is relatively flat (no portions of the site have slopes greater than 10%), any elevation changes associated with the project will be limited. The site is expected to balance, and therefore, fill material will not be required. Topsoil will be stockpiled and used for soil berms and/or landscaping onsite. Minimal areas of relief may be created on individual lots for landscaping or for aesthetic/buffer screen purposes. In addition, the development of the wet detention ponds in the northwestern and southwestern portions of the site will create water features where none presently exist.

The primary physical impact to the property will be disturbance to soils during site development, which will result in an increased potential for soil erosion. Site clearing, road building, infrastructure installation, and building construction will require vegetation removal, earth moving, and general soil disturbance that will increase the potential for wind/water erosion and sedimentation into surface waters. Existing topographic changes will be limited to those necessary to develop the site for residential purposes, in accordance with the project site plan. The wooded area lining the western boundary of the site as well as the trees lining the eastern side of the side adjacent to Parker Road will be preserved.

Grading/Fill

The proposed grading plans for the Project Site are presented in Exhibit 3-1 (includes Drawing Nos. C-200, 201 and 202 prepared by Carmina Wood, August 2024). It is anticipated that approximately 63,150 CY of existing soil/fill will be cut, and 76,600 CY will be filled, with 13,450 CY of fill to be imported to make up the difference.

Infrastructure

Extensions of existing public sanitary sewer, storm sewer, and water supply lines will be required to serve the proposed subdivision. These lines will extend from the existing public lines located along Parker Road, into and throughout the subdivision as described below. Detailed engineering information regarding these services is included in the *Engineer's Report for Parker Road Development, LLC* (Carmina Wood Design, August 2024) that was prepared for the project (refer to Appendix 6).

Water Supply. An existing 8" public water main is located along Parker Road will be the source of water for this project. Approximately 3,880 LF of new 8" AWWA C-900 PVC water main will be installed along the public roadway. New ¾" Type 'k' copper services will tap the new 8" main and be installed for each lot. Nine (9) new public fire hydrants will be installed with maximum spacing not to exceed 500 feet.

Pipe material for the new main, hydrant installation and all fittings, valves, etc. will be in accordance with Town of Hamburg and Erie County Water Authority ("ECWA") standards. The proposed main, hydrant branches and hydrants will be installed and tested in accordance with Town of Hamburg and ECWA Standard Specifications. Inspection and certification of the installation and testing of the water samples will be done by the ECWA. There are no conflicts with existing utilities in the area, the land is currently vacant. The proposed water main will maintain physical separation from other utilities as specified per Ten States Standards.

Domestic Summary:

Peak Operating Demand: 195 gpm (assumed per 3 gpm/unit)

Water Main: 8" PVC on Parker Road

See water demand calculations in Appendix A of the Engineer's Report (Appendix 6) for additional information.

The proposed main, hydrant branches and hydrants will be installed and tested in accordance with ECWA Standard Specifications. Inspection and certification of the installation and testing of the water samples will be done by ECWA.

Sanitary Sewers. The site is not served by a public sanitary sewer main and will require a sewer extension. The sewer extension will connect to the existing 8" sanitary sewer located along the west side of Parker Road. A pump station and force main will also be required to service each lot with a gravity sewer lateral. The pump station will be located on the south side of the subdivision, and the force main will run along the proposed public road and connect to the proposed sewer extension on the north side of the subdivision, which then connects to the existing sewer main on Parker Road.

The flow requirement determination has been outlined in the attached appendices:

Design Parameters

Total: 28,600 gpd

The hydraulic loading rate is per "Design Standards for Intermediate Sized Wastewater Treatment Systems" 2014, NYSDEC.

Storm Water Management System. The site drains from the east to the west and north. A portion of the site drains to an existing natural stream along the north side of the property and leaves at the northwest corner. The rest of the site drains to the west to two natural low areas, which eventually drain to the natural stream off site.

The proposed onsite storm sewer system for this development project consists of smooth interior and perforated HDPE and RC pipes connected by a series of catch basins. The storm water management system for this project consists of two bioretention areas and outlet control structure prior to discharge. There are two ponds proposed, and they are connected by a 36- inch HDPE pipe allowing the ponds to act as one pond with on control structure. The ponds drain to the existing stream. The bioretention areas proposed on site are designed to provide 100% of the required Runoff Reduction volume (RRv) for the site. The soils in the vicinity of the bioretention area are mainly USDA hydrologic group 'D' and therefore the system will be installed with underdrains per NYSDEC requirements. The bioretention areas will consist of 8" perforated HDPE underdrains in 12" of drainage gravel, followed by filter fabric and then finally 18" minimum of planting soil. Overflow catch basins will be installed to allow 6" maximum temporary ponding for RRv treatment. The proposed detention pond outlet control pipe is designed to accommodate the 1-year through 100-year storm events controlling the offsite runoff rate to less than the existing runoff rates for pre-development drainage area which drains to the existing stream.

Runoff reduction volume (RRv), water quality volume (WQv) and stormwater volume attenuation for the site is designed in accordance with Chapter 4 of the NYSDEC Stormwater design manual. The bioretention areas will be provided as a "green infrastructure" practice to provide runoff reduction to meet the Chapter 4 requirements for the currently undeveloped areas. Runoff from the site was looked at as a whole for the calculation of volume attenuation requirements. The amount of impervious cover post-development is 9.2 acres. The proposed detention ponds are designed to accommodate the 1-year through 100-year storm events controlling the offsite runoff rate to less than the existing runoff rates.

Detention Pond Summary:

Top of basin elevation = 726.10

Bottom of basin elevation = 720.50

Max. pond storage volume = 216,387 cf @ 725.59

Water Quality Summary:

WQv req'd = 36,191 cf (0.831 ac-ft)

RRv min. req'd = 6,345 cf (0.146 ac-ft)

RRv provided - bioretention area = 6,400 cf (0.147 ac-ft)

WQv provided – bioretention area = 29,791 cf (0.684 ac-ft)

Total RRv + WQv provided = 6,345 cf + 29,791 cf = 36,191 cf (0.831 ac-ft)

Bioretention: 100% of minimum post-development Runoff Reduction volume (RRv)

Area: 6,667 & 9,333 sf

Bottom Elevation: 723.50, & 724.00 ft

Design Criteria:

Storm pipes: 10-year storm

Detention: Comparison of the existing 1-year vs. the proposed 1-year runoff

Comparison of the existing 10-year vs. the proposed 10-year runoff

Comparison of the existing 100-year vs. the proposed 100-year runoff

Runoff Summary

Event	Existing Runoff (cfs)	Proposed Runoff (cfs)	Results (cfs)
Drainage Area 1			
1-year	14.88	3.77	-11.11
10-year	37.32	16.14	-21.18
25-year	48.01	28.40	-19.61
100-year	64.69	32.58	-32.11
Drainage Area 2			
1-year	13.50	0.00	-13.50
10-year	33.89	0.00	-33.89
25-year	43.60	0.00	-43.60
100-year	58.73	0.00	-58.73
Drainage Area 3			
1-year	13.67	0.00	-13.67
10-year	33.13	0.00	-33.13
25-year	42.35	0.00	-42.35
100-year	56.65	0.00	-56.65

*See attached storm drainage calculations and drainage report in Appendix B of Engineers Report (Appendix 6) for additional information.

3.1.1.1 Mitigation

Extensive erosion and sediment control measures (summarized below) will be utilized to protect exposed soil surfaces. Upon completion of construction, stockpiled topsoil will be redistributed, fertilized and revegetated as soon as practicable to minimize the amount of soil erosion.

The following measures will be employed to mitigate the potential impacts on the site due to soil disturbance:

1. A temporary stabilized construction access will be installed at the entrance(s) to the Project Site, while under construction, to reduce or eliminate the tracking of sediment onto public rights-of-way or streets.
2. Silt fence will be installed parallel to contours to intercept sediment laden runoff from small drainage areas of disturbed soil by temporarily ponding the sediment laden runoff allowing settling to occur. Silt fence will be routinely inspected for damage and after every rain event.
3. Soil stockpiles will be erected to temporarily store usable soil. Stockpiles will be protected from excessive erosion by cover with an erosion control fabric or by installing filter fabric barriers at the perimeter of the piles.
4. Erosion control matting will be installed on slopes steeper than 3:1 to aid in controlling erosion by absorbing rain splash energy and withstand overland flow as well as promoting seed establishment.
5. Soil amendments such as topsoil, sterilized manure and fertilizer will be added to improve soil growing characteristics in disturbed areas. The site will be revegetated and landscaped as soon as practicable after disturbance. This will help reduce runoff and erosion caused by wind and water on the exposed soil surface and improve soil characteristics.

Additionally, the Project Sponsor will conduct landscaping to include berms and native plantings along the boundaries of the of the Project Site to be developed. The implementation of the plantings as depicted on the Landscaping Plans (see Exhibit 3-2) will ensure the project does not result in any significant adverse environmental impacts to the portion of the tributary of Rush Creek located on the Project Site.

3.2 IMPACTS ON SURFACE WATER & GROUNDWATER RESOURCES

3.2.1 Groundwater

An increase in impervious surfaces will allow less rainfall to seep into the soil as it is collected in a stormwater drainage system and detention basins. This could, but is not expected to, impact the seasonally high-water table in the area.

Construction of the proposed project will take place in an area where the seasonal water table is close to the surface, and thus site construction and excavation could encounter groundwater if construction occurs during a wet season. However, this impact will be minor and short-term and not have an impact on

groundwater. No project change can alter this fact. However, similar construction routinely occurs throughout the Town of Hamburg and other portions of Western New York under similar conditions with no significant adverse impacts, and in fact the site is a redevelopment project, where development has already occurred without significant impact to water resources.

3.2.1.1 Mitigation

These minor short-term impacts cannot be mitigated.

3.2.2 Surface Water Hydrology and Drainage

Development of the project will require land grading and create additional impervious areas on the project site, thereby altering the hydrologic characteristics of the existing watershed. These alterations have the potential to create indirect impacts on water resources. Impervious areas such as rooftops, roads, driveways, and parking lots increase the time of concentration of stormwater runoff, which if not controlled, has the potential to increase the rate and volume of runoff, and generate erosion when discharged overland. In addition, impervious surfaces can introduce additional nutrients and pollutants into surface water resources. Also, lands, surface waters and/or stormwater management facilities downstream of the site may be impacted due to siltation built up during construction. A build-up of silt in downstream catch basins and drainage swales and ditches can reduce the capacity of existing drainage systems and cause flooding. As such, the management of stormwater runoff from the site after the construction phase is vital to controlling the impacts of the proposed development on water quality. The project area in general slopes to the west and north. Sheet flow from the site is to the existing ditch/creek along the north side of the site and the adjacent vacant property to the west.

3.2.2.1 Mitigation

A storm water management system using detention ponds will be designed for the project that will meet Town of Hamburg and state requirements for storm water detention. The site will disturb greater than one-acre during construction. As such, coverage under the New York State Department of Environmental Conservation (NYSDEC) State Pollution Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Construction Activity General Permit Number GP-0-20-001 (effective January 29, 2020 through January 28, 2025) will be required and a Stormwater Pollution Prevention Plan (SWPPP) must be prepared. The SWPPP prepared for the proposed development (*SWPPP for Construction Activities at the Parker Road Single Family Subdivision*, Prepared by Carmina Wood Design, August 2024) is included in Appendix 3.

The stormwater management system is proposed for the impervious surfaces including the roadways, driveways, and the single-family homes. This system will consist of catch basins placed along the new public road to collect runoff from the development. Roof downspouts from the homes will be connected to this system. The proposed catch basins will be connected by a series of storm pipes which will convey the runoff to the storm water management areas. The storm water management areas will be designed in accordance with the NYSDEC Stormwater Management Design Manual. These areas will provide both water quality and water quantity storage components.

The existing drainage path of the development is from the east to the west and north. The north portion sheet drains to the existing on-site creek. The south portion of the site sheet drains to the existing swale on the adjacent Town of Hamburg property to the southwest. In the developed condition, any developed areas will be conveyed to the storm water management areas and ultimately discharge to the existing ditch in the northwest corner of the property. This will prevent water from our developed areas from sheet draining offsite and ensure it is treated and detained. The discharge from the storm water management area will be controlled by our engineered outlet control structure to not exceed the current existing rate of runoff to the existing ditch under all storm events which include the 10-year, 25 year & 100 year storm events. The south portion of the site will be handled in a similar manner as the north and will discharge to the existing swale.

The proposed storm water management areas will consist of a bioretention area followed by a dry detention basin which will provide runoff reduction, volume attenuation and water quality treatment. The current Conceptual Site Plan prepared by Carmina Wood Morris DPC shows the storm water management area in the northwest corner of the property, this location has been selected based on an evaluation of on-site topography and the Project Site as explained above. A similar storm water management area will also be constructed in the southwest corner of the site for the same reason stated above.

The NYSDEC Stormwater Management Design Manual requires (5) five different criteria be considered when designing a storm water management system. Those criteria are Water Quality, Runoff Reduction Volume, Channel Protection, Overbank Flooding and Extreme Storm Protection. Below is a summary of each item and how it will be incorporated into the proposed subdivision.

The NYSDEC requires water quality treatment prior to discharge. The goal of the design will be to achieve 100% of the water quality volume requirement by applying a practice recognized in the design manual, a Standard Stormwater Management Practice (SMP) with Runoff Reduction capacity. For this project, the standard SMP will be the implementation of a bioretention area.

As stated above, the goal is for the total water quality volume for the site to be reduced by the implementation of a Standard SMP used to achieve the Water quality requirement. The design methodology

will be based on the NYSDEC Stormwater Management Design Manual five-step process for Stormwater Management Planning as outlined in Chapter 3.

For channel protection the NYSDEC requires that extended detention be provided for the proposed 1-year storm event. The storage volume will be accommodated in the proposed storm water management areas and the outlet will be restricted through the use of an engineered outlet structure designed in accordance with NYSDEC criteria.

To address overbank flooding the NYSDEC requires that the 10-year proposed storm event be attenuated with detention and that the outlet be restricted to the 10-year existing storm event. The storage volume will be accommodated in the proposed storm water management areas and the outlet will be restricted through the use of an engineered outlet structure designed in accordance with NYSDEC criteria.

For extreme storm protection The NYSDEC requires that the 100-year proposed storm event be attenuated with detention and that the outlet be restricted to the 100-year existing storm event. The storage volume will be accommodated in the proposed storm water management areas and the outlet will be restricted through the use of an engineered outlet structure designed in accordance with NYSDEC criteria.

The stormwater pipes will designed for the 10-year storm while the detention system will be designed to contain the 1-year, 10-year, 25-year, 50-year and the 100-year 24-hour design storms for the post-development peak rates of runoff, while restricting the outflow rate equal to the 1-year, 10-year, 25-year, 50-year and the 100-year 24-hour design storms for the pre-development peak rates of runoff respectively. In accordance with Town of Hamburg and NYSDEC requirements a Notice of Intent and SWPPP will be prepared for the proposed project due to the total disturbance of greater than one (1) acre. As demonstrated by the above overview, the proposed residential subdivision will include storm water management improvements per the applicable stringent standards of both the Town of Hamburg and the NYSDEC. This will ensure that the project will not result in any potentially significant drainage or flooding impacts.

As outlined in detail above, there are stringent standards that ensure the proposed residential subdivision will not result in any potentially significant adverse drainage impacts. The fully engineered plans, Engineer's Report and SWPPP will need to be reviewed by the Town's consultant and involved agencies to confirm compliance with the applicable stormwater quality and quantity standards of the NYSDEC. The storm drainage calculations and drainage report are contained in Appendix B of *Engineer's Report* (Appendix 6).

The portions of the Project Site consisting of stormwater management areas will be owned and maintained by a Homeowner's Association. In connection with the proposed subdivision, a Stormwater Maintenance Agreement will be recorded at the Erie County Clerk's Office to ensure long-term

maintenance of the on-site stormwater management system. A summary of the Post Construction Operation & Maintenance Procedures for the on-site stormwater management system is provided below as follows:

1. On a quarterly basis, perform the following:
   a. Inspect catch basins, storm piping and detention basin for debris,
   b. Inspect catch basins and storm piping for accumulation of sediment,
   c. Remove and properly dispose of any collected debris from structures,
   d. Flush storm sewers with water, if necessary to remove accumulated sediment,
   e. Inspect grasses/landscaped areas for unvegetated areas or areas with less than 80% healthy stand of grass and reseed and mulch as necessary. Water areas daily if reseeded through July and August.

2. Maintain all lawn areas by regular mowing, including the grassed slopes of the wet pond and grassed swale. Any eroded areas shall be re-graded, seeded and mulched immediately.

3. The detention basin shall be inspected annually.

4. The proposed bioretention area is to be maintained as required by the New York State Stormwater Management Design Manual and as a component of the property landscaping and shall be maintained on a regular basis. Mulching, weeding and plant replacement shall occur on an annual basis. Sediment must be removed when accumulation depth exceeds one inch. Any erosion of the bioretention berm must be repaired as soon as possible to prevent diversion around the bioretention area.

3.2.3 Waterbodies and Wetlands

A wetland delineation and report were conducted and prepared by Wetlands Investigation Co. WIC submitted to the US Army Corps of Engineers ("USACE"). WIC's wetland delineation report was reviewed by USACE, which determined in a letter dated May 13, 2021 (see Exhibit 3-3) that approximately 0.644 of wetlands on the Project Site were to be considered jurisdictional and subject to USACE regulations and permitting. No NYSDEC jurisdictional wetlands are located on or adjoining the Project Site. The NYSDEC Environmental Resource Mapper ("ERM") website was consulted to determine the presence of regulated streams. A tributary to Rush Creek, that flow east to west is located along northern boundary of the project site. This tributary is classified as a Class C Standard C stream. The best usages for Class/Standard "C"

water are for primary and secondary contact recreation and fishing. The water quality is suitable for fish shellfish and wildlife propagation and survival.

The project will not result in any impacts to the approximately 0.644 acre of jurisdictional federal wetland located on the northern portion of the Project Site. Pursuant to the subdivision layout consisting of 65 lots for detached single family homes, the approximately 0.644-acre jurisdictional wetland will be located in the 50-foot-wide riparian buffer zone to be provided for the tributary of Rush Creek.[1]

The flood map for the project site is number 36029C0343H, effective on June 7, 2019. A review of this map indicates that the project site is not located within the boundaries of a floodway or floodplain.

3.2.3.1 Mitigation

The Project Sponsor will be establishing a 50 ft. wide riparian buffer with native plantings along the portion of the existing tributary that bisects a portion of the Project Site to be developed. A copy of the Riparian Buffer Planting Plan prepared by Earth Dimensions, Inc. is attached as Exhibit 3-4.

The riparian buffer to be established for the tributary of Rush Creek will have a width of 25 ft. on each side of tributary and will include 81 trees [5 types] and 66 shrubs [3 types]. The implementation of the plantings as depicted on the Riparian Buffer Planting Plan will ensure the project does not result in any significant adverse environmental impacts to the portion of the tributary of Rush Creek located on the Project Site.

3.3 IMPACTS TO PLANTS AND ANIMALS

The development of the proposed Parker Road subdivision project will result in both temporary and permanent, but minor, impacts to wildlife and vegetation resources. The primary impact to biological resources as a result of the proposed project will be a permanent loss or conversion of former agricultural fields/meadows currently found on the site, and the wildlife habitat it represents, to primarily residential areas. In addition, during construction, the wildlife species that use the existing reverting farmland as habitat will be slightly displaced to fields and woods covering surrounding properties in the area.

3.3.1 Plants & Animals

Vegetation

Overall, the proposed development will result in the conversion of the approximately 40-acre

[1] Pursuant to the layout for the cluster development alternative consisting of a 59 lot residential subdivision, the approximately 0.644-acre jurisdictional federal wetland will be located within the 15.30 acres of Permanent Open space that will be owned and maintained by a Homeowner's Association to be formed in connection with the project.

former farm, including 0.3 acres of the tributary to Rush Creek presently located on the site, to the following uses:

- 27 acres of lawns and landscaped areas.
- 7.8 acres of roads, buildings, and other paved surfaces.
- 0.644 acres of jurisdictional federal wetlands to remain in their existing condition.
- 1.6 acres of water surface area (wet detention pond areas).
- 4.1 acres of Open Space, to be owned by the Homeowners Association.

In general, the proposed development will modify on-site habitat from uniform open fields to a mix of landscaped lawn, meadow / reverting field, and pond areas. The majority of the few existing wooded areas (approximately 3.3 acres of the total 4.3 acres of wooded land) on the site will be retained to the extent practical and will serve as vegetative buffers.

The proposed project will result in more on-site vegetative diversity, which may be expected to attract a wider range of species than presently use the site. In addition, the habitat types that will be created by the development of the subdivision can be expected to remain relatively constant (i.e., the landscaped lawns, ornamental trees, and wet detention ponds can be expected to be maintained by residents over time). In contrast, historically, farming activities conducted on the Project Site resulted in annual mowing, plowing, and modification of the on-site habitat.

The proposed project will not result in any adverse effects to vegetation on adjacent properties.

Animals

The wildlife species that presently frequent or inhabit the proposed Parker Road subdivision property are those commonly found in agricultural and rural/suburban areas, such as small mammals (e.g., chipmunk, gray squirrel, rabbits), deer, geese, and a variety of other birds that inhabit open areas. Such species are relatively common in the vicinity and are adaptable, being found in a variety of habitats. Consequently, the conversion of the existing open field habitat to residential uses will not represent a significant impact, either locally or on a regional scale.

In addition, the landscaped residential sites will represent similar habitats to those being displaced, and can be expected to compensate, to some extent, for the loss of existing vegetation/habitat. Small mammals, birds (including geese), deer, and other species common in rural/suburban areas can be expected to frequent the site after the subdivision is developed.

Habitat provided by and in the vicinity of the wet detention ponds may attract some species not presently found on the site.

As a result, only minor terrestrial biological impacts are expected to occur as a result of the proposed project, although these impacts do represent a permanent conversion of existing resources.

Threatened and Endangered Species

A US Fish and Wildlife Services (USFWS) Information, Planning, and Conservation (IPaC) Key review was conducted on October 10, 2023, for the Project Site. The review indicated that there is one (1) federally listed, endangered or threatened species identified within the project location. The northern long-eared bat (NLEB) is listed as endangered. Based on the IPaC submission analysis the proposed project has reached the determination of "May Affect" the northern long-eared bat. In this location, the tree cutting window (i.e. the inactive season for the NLEB) is from October 1st to March 31st. There are approximately 80 trees (1.0 acres) of anticipated tree removals. The project is not within 0.50 miles of a known hibernacula or 1.5 miles of a known maternity roosting or foraging area. Additionally, the Monarch Butterfly is listed as a candidate species. A candidate species is any species for which USFWS has sufficient information on its biological status and threats to propose it as endangered or threatened under the Endangered Species Act (ESA), but for which development of a proposed listing regulation is precluded by other higher priority listing activities. Candidate species are not protected by the take prohibitions of Section 7 of the ESA.

The Environmental Resource Mapper (ERM) was consulted on the New York State Department of Environmental Conservation (NYSDEC) website to determine the project's effect on State ecological resources. No reported occurrences of significant natural communities, or other significant habitats, on or in the immediate vicinity of the project site were identified. Since the Project Site is not mapped within areas of Rare Plant and Rare Animals and/or Significant Natural Communities on NYSDEC's ERM, the NYSDEC New York Natural Heritage Program (NYNHP) office was not contacted.

3.3.1.1 Mitigation

As summarized in the Section 3.2 the Project Sponsor will be establishing a 50 ft. wide riparian buffer with native plantings along the portion of the tributary of Rush Creek that bisects a portion of the Project Site to be developed. The existing wooded areas will be retained to the extent practical and will serve as buffers. The riparian buffer and retention of the majority of the existing trees on-site, residential landscaping and plantings associated with the stabilization of disturbed areas will mitigate to some extent the necessary removal of vegetation that supplies wildlife habitat and cover. Tree cutting will be conducted during the inactive season of the NLEB.

3.4 IMPACTS TO TRANSPORTATION

3.4.1 Transportation

A new public road within the proposed subdivision will be constructed in accordance with Town of Hamburg standards. This public road will connect to the west side of Parker Road in two locations,

approximately 440-ft and 955-ft south of the Parker Road and Big Tree Road intersection.[2] A summary Traffic Impact Study (TIS) prepared by SRF Associates is included in Section 2.5.1 of this report. The Planning Board determined the proposed projects may result in potentially significant traffic impacts since the Level of Service ("LOS") at the intersection of Abbott Road and Big Tree Road will be "E" for the AM commute and "F" for the afternoon commute and the LOS for intersection of Parker Road and Big Tree Road will be "D" for the afternoon commute.

The Level of Service for all turning movements at the signalized intersection of Abbott Road and Big Tree Road during both the A.M. and P.M. weekday peak travel periods will be a "B" with the exception of the southbound left at Abbott Road which will be a highly acceptable Level of Service of "C". The comprehensive traffic analysis prepared by SRF Associates demonstrated the proposed projects will not result in any potentially significant adverse traffic impacts at the intersection of Abbott Road and Big Tree Road.

The Levels of Service for all turning movements at the unsignalized intersection of Big Tree Road, Parker Road and the Erie Community College driveway will be "C" or better during both the A.M. and P.M. weekday peak travel periods with the exception of northbound – Parker Road during the P.M. weekday peak travel period, which will reduce from a "C" to a "D". This slight decrease of the LOS for only one movement at this intersection during the P.M. weekday travel period does not represent a potentially significant adverse traffic impact as confirmed by the professional opinion of SRF Associates based on its comprehensive traffic analysis of both of the proposed projects.

No impacts to public transportation will result from the project, as the site is not served by any means of public transportation and consequently, few (if any), residents of the subdivision are expected to utilize the regional public transportation system on a regular basis.

There will also be no adverse impacts to pedestrian traffic, as the site is presently not used by pedestrians; there is currently no reason for pedestrians to visit the site, and no public amenities such as sidewalks are located nearby so as to permit connection to the site from other areas in the Town to accommodate pedestrian usage.

3.4.1.1 Mitigation

While SRF included recommendations for restriping existing striping patters along Big Tree Road for the proposed Wetzl development, they indicated that no improvements are warranted nor recommended

[2] The List of Deficiencies document issued by the Planning Board on July 24, 2024 indicated that discussion of proposed vehicular access to the Project Site needs to be provided.

for the remaining study area roadways/intersections. The TIS indicated that the projected traffic impacts resulting from full development of both of the proposed residential projects during both peak hours can be accommodated by the existing transportation network with the noted improvements (i.e. restriping) in place.

3.5 IMPACTS ON ENERGY/UTILITY RESOURCES

3.5.1 Energy Resources

Energy resources will be required during the development of the project, and additional energy services will be demanded as a result of the occupation of the new homes in the Parker Road Residential Subdivision.

Short-term impacts, which will be incurred during the development of the project, will be limited to minor increases in the demand for fossil fuels and petroleum products necessary for the operation and maintenance of construction equipment, machinery, and vehicles. Energy use also will increase as a result of construction personnel traveling to and from the site.

The addition of 65 new housing units to the project area will result in a minor, long-term increase in energy usage. However, there is sufficient capacity (electric) available to serve the proposed development, and no improvements to the existing energy supply system are anticipated to be necessary for the proposed action (other than extending existing utility lines within the Project Site). In addition, the new homes can be expected to be constructed using energy efficient building materials. Also, all new homes within this development will be built in accordance with the New York State Building Codes as well as other applicable requirements. Therefore, the project will not result in any significant adverse impacts to energy resources or to the provision of energy services to local residents.

3.5.1.1 Mitigation

The minor short-term impacts cannot be mitigated. The Proposed Project will result in a minor long-term increase in energy usage.

3.5.2 Potential Impacts to Utilities

Water, sanitary and storm sewer impacts are the primary utility demand impacts associated with the proposed Parker Road Residential Subdivision. Summaries of the proposed water, sanitary and storm sewer management systems are summarized in Section 3.1 and are presented in the *Engineer's Report for Parker Road Development, LLC* (Carmina Wood Design, August 2024) that was prepared for the project

(refer to Appendix 6). New extensions of and connections to existing public sanitary sewer, storm sewer, and water supply lines will be required to serve the Parker Road Residential Subdivision. These lines will extend from the existing public lines located along Parker Road, into and throughout the site.

Water service to the site is currently, and will continue to be, provided by the Erie County Water Authority. There is an existing 8" Erie County Water Authority main located along Parker Road. Current hydrant pressure flow information provided by ECWA indicates that the static pressure in the main is 80 psi and the residual is 60 psi with a hydrant flow of 1,000gpm. There are 9 fire hydrants proposed for the subdivision, Utility Plans [Drawing C-400] depicting the proposed locations for the hydrants are included in Exhibit 3-5.[3] Peak operating demands of the project require a flow of 195gpm, and water demand for firefighting purposes will need an additional 1,000gpm. Accordingly, the demands of the project for water supply are easily accommodated by the capacity of the existing water supply delivery system. (Refer to Appendix A of *Engineer's Report,* Appendix 6)

A sanitary sewer extension will be required for the site to discharge to the existing 8" sanitary sewer located along the west side of Parker Road. This line flows to the west along Big Tree Road and the to the north in a 24" line along McKinley Parkway. Flow continues to the west and southwest as the line increases in size until it discharges into the Southtowns Wastewater Treatment Plant. The proposed daily discharge from the site at full build-out is 28,600 gallons and the peak discharge is 116,895 gallons per day (for sewer calculations, Refer to Appendix A of *Engineer's Report,* Appendix 6). NYSDEC policy also require that each new development within the County sewer districts that will generate 2,500 gallons per day or more of sanitary sewer flow must eliminate Infiltrations and Inflow ("I/I") in the existing systems at a rate equal to four times the peak flow rates. Following this requirement, the Project Sponsor will be required to repair a certain number of building laterals in need of repair within the sewer district. Using NYSDEC standards for I/I removal the calculated peak flow rate is 81.2 gallons per minute. Using a value of 30 gpm per building lateral repaired, the required number of lateral repairs is 11. In response to a letter sent by Carmina Wood, requesting capacity, a letter was received from the Erie County Division of Sewerage Management on December 18, 2020 (Exhibit 2-6) confirming downstream sanitary sewer capacity for the project within Erie County Sewer District #3.

There are strict guidelines governing the design and construction of wastewater facilities and the design of such systems are subject to intensive multi-agency reviews. The initial review is conducted by the Town of Hamburg Engineering Department, followed by a review by the Erie County Department of Environment and Planning, Division of Sewerage Management. These reviews are performed to ensure

[3] The List of Deficiencies document issued by the Planning Board on July 24, 2024 indicated that the location of fire hydrants needs to be provided.

strict compliance with Erie County design standards and specifications for sanitary sewer facilities. Additionally, all states tributary to the Great Lakes and the upper reaches of the Mississippi River adhere to technical design standards set by the Great Lakes and Upper Mississippi Board of Sanitary Sewer Engineers. The responsibility for oversight of these criteria, commonly referred to as the "Ten States Standards," is the New York State Department of Environmental Conservation (NYSDEC). NYSDEC oversees the permit review process for Wastewater Systems which is conducted under their auspices, by the engineering staff of the Erie County Department of Health (ECDOH). This final, "Environmental Compliance Review," includes a certification of downstream capacity through existing facilities to the ultimate point of treatment and discharge. It also includes a final check that any other environmental permits required by the project (related or unrelated to sewer construction), have been issued. If any of the steps fail the review process, a permit for extension of wastewater facilities must be denied. Consequently, no significant adverse impacts will occur to wastewater systems, as a technical limitation of the required permits.

Stormwater collected on-site and in two bioretention areas will ultimately be discharged to the Rush Creek tributary found in the north section of the site. The two ponds are connected by a 36" HDPE pipe which allows them to act as one pond with one outlet control structure. The outlet control structure is designed to control discharge at the pre-developed rate. Stormwater will be treated with several layers of filtration media in the bioretention areas per NYSDEC standards for final stormwater treatment prior to outletting through underdrains to the tributary of Rush Creek. As described in detail previously, storm discharges from the site will be restricted to predevelopment levels to ensure that no significant, adverse impact will occur to offsite properties.

The development of the project will cause additional demands on telephone and cable/internet services. However, because these services are in adequate supply in Western New York, the increased needs associated with the project will have a negligible effect. Local telephone and cable or internet services are sufficient to meet any increased demand resulting from the proposed project. Telephone and cable lines or internet will be extended to the project site in conjunction with the development of other infrastructure facilities. Capacity exists in these systems and therefore no adverse impact is expected.

3.5.2.1 Mitigation

Utility demand increases associated with this project cannot be mitigated. However, as part of the Erie County Division of Sewerage Management Approval, the Project Sponsor will be required to repair approximately eleven (11) building laterals, locations to be determined by the County.

3.6 NOISE AND ODOR IMPACTS

3.6.1 Noise

The development and occupation of the Parker Road Residential Subdivision will have minor short- and long-term impacts on noise levels in the project vicinity. Short-term increases in noise levels (generally in the range of 80-100 dB) will result from the operation of construction equipment during the development of the project development. Long-term increases in background noise will result primarily from increased traffic volumes in the project area, as well as from the sounds typical of a suburban residential area (e.g., lawn mowing, children playing outdoors).

Short-term increases in noise levels will result from the operation of construction and related equipment during the project development phases. The noise generated during the performance of site preparation work and home site construction activities is generally expected, in most instances, to be limited to that of standard construction equipment. Episodes of higher noise levels should only occur on an intermittent basis, when (and if) equipment operates at maximum power. Properly operating equipment and vehicles equipped with mufflers will serve to mitigate these noise effects. No blasting is expected to be required during site preparation activities.

On a long-term basis, the modifications to the noise environment as a result of the project will not represent substantial adverse effects. The project will generate unavoidable yet limited increases to background noise level in the surrounding community.

3.6.1.1 Mitigation

As proposed on the Concept Site Plan for the Clustered Layout Alternative Plan, landscaped berms will be created along the northern and eastern boundaries of the proposed subdivision.

3.6.2 Odor

Construction-related air emissions would result from the use of diesel fuel as a source of energy for construction vehicles and equipment. On-site mitigation measures are proposed as a part of the Proposed Action during construction to limit dispersal of particulate matter. Well maintained diesel engines are more fuel efficient than gasoline engines, however, they are a source of some air pollutants. Pollution from these engines comes from the combustion process in the form of exhaust. The major pollutants resulting from diesel fuel include hydrocarbons, carbon monoxide, nitrogen oxides and particulate matter.

Particulate matter and other pollutants from diesel exhaust emission would be controlled through proper tuning of the vehicle engines and maintenance of the air pollution controls thereby minimizing their

contribution to site generated air pollution during construction. Construction activities on the Project Site would have a potential impact on the local air quality through generation of fugitive or airborne dust. Fugitive dust is generated during ground clearing and excavation activities. Throughout the construction period, passage of delivery trucks and other vehicles over temporary dirt roads, driveways and other exposed soil surfaces also generates fugitive dust.

3.6.2.1 Mitigation

With proper site maintenance and careful attention to construction activities, impacts from fugitive dust to adjacent and nearby neighbors can be minimized. Standard construction dust control methods would be employed to ensure that construction generated dust does not impact off-site residents. These methods include:

- Minimizing the area of grading and the extent of exposed soil at any one time and stabilizing exposed areas with mulch and seed as soon as practicable;
- Incorporating the use of fast-germinating seed with mulch or other temporary soil cover;
- Minimizing vehicle movement over areas of exposed soil, and covering all trucks used to transport soil; and
- Spraying water on unpaved areas and areas of construction traffic when needed to reduce dust generation.

3.7 IMPACTS ON PUBLIC HEALTH

Phase I ESA. Based on the results of the October 19, 2023 Phase I Environmental Site Assessment (ESA) conducted by LCS (included in Appendix 7), there is no evidence to suggest that any contamination or any safety or health issues will be encountered during the construction of the proposed Parker Road Residential Subdivision. Construction of the project will result in soil excavation; grading and stockpiling that will expose the subsurface to open air. It will also expose the subsurface to precipitation. While LCS did not recommend any further investigation of the Project Site "at this time" in the Phase I ESA report, they indicated that the subject property has been utilized as agricultural land since at least 1926. Herbicides and pesticides may have been utilized on-site on connection with such use. While LCS does not consider such to be a significant concern, as future planned development includes residences, it should be confirmed that any soil testing required for converting agricultural land to residential housing is completed prior to the planned residential development activities. Any impacted soil should be properly addressed; costs for such should be included in any project budgets. Given the lack of any specific environmental concerns identified in the Phase I ESA, and the project sponsor's stated commitment to employ accepted erosion and dust

control measures throughout construction, there are no significant potential health risks adjudged to be associated with project construction activities. Therefore, there is no need to take any special precautions during the construction process; routine construction methods and techniques will be employed just as would be the case on any other uncontaminated property within the Town.

Health Risks from construction operations:

Health Risks posed by house design/construction: The Project Site is characterized by certain features – high groundwater table and potential for Radon in soils – that are common in Hamburg and other areas of western New York. The housing units in the Parker Road subdivision will incorporate design features to address these issues. Such features are common in similar types of developments elsewhere in the Western New York region. There are no significant potential health risks adjudged to be associated with house design/construction.

Health risks posed by unrestricted residential development: The project has been carefully planned and laid out so as to indicate where each house will be located and has been sized to fit only the number of units planned. Therefore, additional development of homes within the Project Site beyond the approved plan is not expected and would require additional Town approvals to be secured. There are no significant potential health risks adjudged to be associated with the residential development of the site.

Health risks to existing residents in the vicinity: There is no indication that residents in the vicinity of the Project Site will experience any added risks as a result of the project. As discussed throughout Section 3 of this DEIS, the project will not alter or significantly add any substance or feature to the air, water or earth that is not already present in and around the general area, which already hosts other residential developments of the same type and scale. Added traffic from the project will have an insignificant impact on area's air quality; the project's proposed stormwater controls will minimize erosion and flooding potential; and the dedicated open space associated with the project will benefit the community's appearance and functionality.

Health risks to future residents of the subdivision: There are no atypical conditions on the Project Site that would present risks to public health as a result of the subsequent occupation of the subdivision, and there is no evidence of any potential risk to future residents. A walking trail has been proposed for the western and southern portions of the Project Site that provide access to the planned open space, a Town Park and planned residential developments adjoining the Project Site. The project is not anticipated to have an adverse impact on public health and therefore mitigation is not required.

3.8 IMPACT ON GROWTH AND THE CHARACTER OF THE COMMUNITY AND THE NEIGHBORHOOD

In New York State, towns and villages are given the power of zoning with one requirement that zoning must be in accordance with a Comprehensive Plan. The Town of Hamburg most recently updated their Comprehensive Plan in 2022. The Comprehensive Plan (the Plan) was created to not only address the zoning issues of the community but many of the other factors that could affect the residents' day to day life and the community's vision for the future. The Plan includes the background of how it was created, the recommendations and guidance for the future, and a strategy to ensure that the Plan is implemented.

The Parker Road Residential Subdivision project was evaluated to determine the project's consistency with the goals and objectives of the Town's Comprehensive Plan. Chapter 2 (The Plan), Section A (Where We Live: Strong Neighborhoods) of the Comprehensive Plan summarizes the public comments about the Town of Hamburg in general. The key issues identified by the respondents included the following:

- *A need for housing that meets the needs of all the citizens of the Town – housing for all.*
- *Targeted growth areas.*
- *Controlled rate of growth – sustainable.*
- *Development that respects the environmental and character issues of the Town and its neighborhoods.*
- *Development that "pays for itself"*

The subsections within Section A focus on specific public comments on the hamlets, neighborhoods, and other community places in the Town. These subsections of the Plan examine existing conditions, assets, and constraints, with discussions focused on the vision, goals, and themes that were identified through data analysis and what was heard from the public throughout the planning process. This section of the Plan also included recommendations that provide more specific actions that can be implemented to achieve a vision for the future. The Plan indicates that throughout these hamlets and neighborhoods, there exists a diverse range of housing and through the Town's existing laws, including an affordable housing law, the Town will continue to promote housing that is truly for all. The Parker Road Area is one the hamlets/neighborhoods/community places discussed in the Plan. The discussion of the Parker Road Area as it appears in the Plan is presented in italicized text below.

Parker Road Area

Parker Road is located west of Abbott Road, between Big Tree Road and Bayview Road. The area around this roadway offers some unique opportunities and challenges for the Town. Located near the Orchard Park border, it has vestiges of its agrarian past and a rural feel, but it also includes residential subdivisions that have been built over the last couple of decades. It is also located near some commercial corridors (and Highmark Stadium) and continues to see development pressure.

Key Issues/Objectives:

- *Employ the principles of "Context Sensitive Design" to Parker Road (to maintain its character).*
- *Maintain the rural character of the area.*
- *Consider zoning modifications for the lands surrounding Parker Road.*
- *Protect the established residential areas from the impacts of non-compatible development patterns through zoning modifications.*
- *Protect and enhance the environmentally sensitive features of the area.*
- *Any future development should be creatively designed and avoid standard road frontage/strip development lots and development characteristics.*
- *Improve walkability and bicycle access.*
- *Plan for the potential impacts from redevelopment of the future Buffalo Bills Stadium site.*

Recommendations (not listed in order of priority):

a) Create a zoning overlay or new zoning category for this area that reflects the above key issues and objectives.

b) Do not approve any residential rezoning that would allow for greater development densities (cluster development would be allowed to meet the goals of the area).

c) Create a Context Sensitive Design plan for Parker Road.

d) As part of the context sensitive design, incorporate pedestrian and bicycle access.

e) Carefully follow the planning for the new Stadium and help to address impacts to this area.

f) Consider sites for rezoning to the proposed new AG zoning district (see AG section of the plan and appendix for draft zoning district).

The proposed use of the Project Site as a residential subdivision is consistent with the zoning and land use mapping prepared for the Town of Hamburg 2022 Comprehensive Plan. The proposed Parker Road Residential Subdivision will change the character of the site, converting the Project Site from dormant agricultural to residential uses. This use is consistent with the site zoning, which is zoned as R-1 Single

Family Residence District, as well as with the conversion of rural areas to suburban residential uses that has been occurring within the general vicinity of the proposed Project Site (as evident based on the residential subdivisions adjoining the project site to the east, west and south) as well as throughout the Town of Hamburg and in other areas of Erie County. Additionally, the proposed use is also consistent with existing residential land uses in the area as depicted on the Land Use Map included in the 2022 Comprehensive Plan. Development of this site will not adversely impact surrounding land uses or community character. Adjacent uses are residential, and this site is being developed as zoned. Therefore, development of the site will not have a negative impact on the community or adjacent land uses. No public funds will be used for the construction of the project.[4] The Town will be responsible for future maintenance of the public roads in the development. Annual tax revenues from the detached single-family homes within the subdivision will be greater than the annual maintenance costs.

With respect to the proposed Parker Road Residential Subdivision project, historical records show that the site has been used continuously for agricultural purposes for more than 100 years, suggesting an extremely low potential for activities to have occurred on the Project Site that would have caused significant contamination. Various other residential properties have been developed on former agricultural lands in the vicinity in recent years, with no adverse effects on the community. There is no reason to suspect that the residential development of the Parker Road Residential Subdivision property, which would be consistent with the planned zoning of the site, would not be similarly consistent with community land planning and growth objectives.

3.8.2.1 Mitigation

The project is not anticipated to have an adverse impact on growth and community character and therefore mitigation is not required.

3.9 IMPACTS ON AGRICULTURAL LAND RESOURCES

3.9.1 Agricultural Resources

The development of the proposed Parker Road Residential Subdivision will result in the conversion of the former farm to single-family residences, thereby removing approximately 30 acres from potential future agricultural use. The Project Site is not currently being utilized for agricultural purposes, is not located within an agricultural district and was last utilized as an active farm by the current owner's family approximately 30 years ago. A copy of the letter prepared by the existing property of the Project Site (Mr.

[4] The List of Deficiencies document issued by the Planning Board on July 24, 2024 indicated that discussion on whether any public funds are to be used for this project or any improvements related to the Project should be included in this revised DEIS.

Mark Dunford, Esq. dated August 16, 2021) confirming the Project Site is not currently being utilized for agricultural purposes and will not be utilized for agricultural purposes by the current property owner in the future is included in Exhibit 3-6. Although the Project Site was previously leased to a third party on a seasonal basis for the growing of crops as a means to assist in the payment of annual property taxes, this previous limited agricultural use did not constitute a viable long-term agricultural use that will be permanently discontinued as a result of the proposed residential subdivision. Additionally, the Project Site is not located in close proximity to clusters of parcels with High Agricultural Soil Values per the map from the Erie County Agricultural & Farmland Protection Plan provided as Exhibit 3-7.

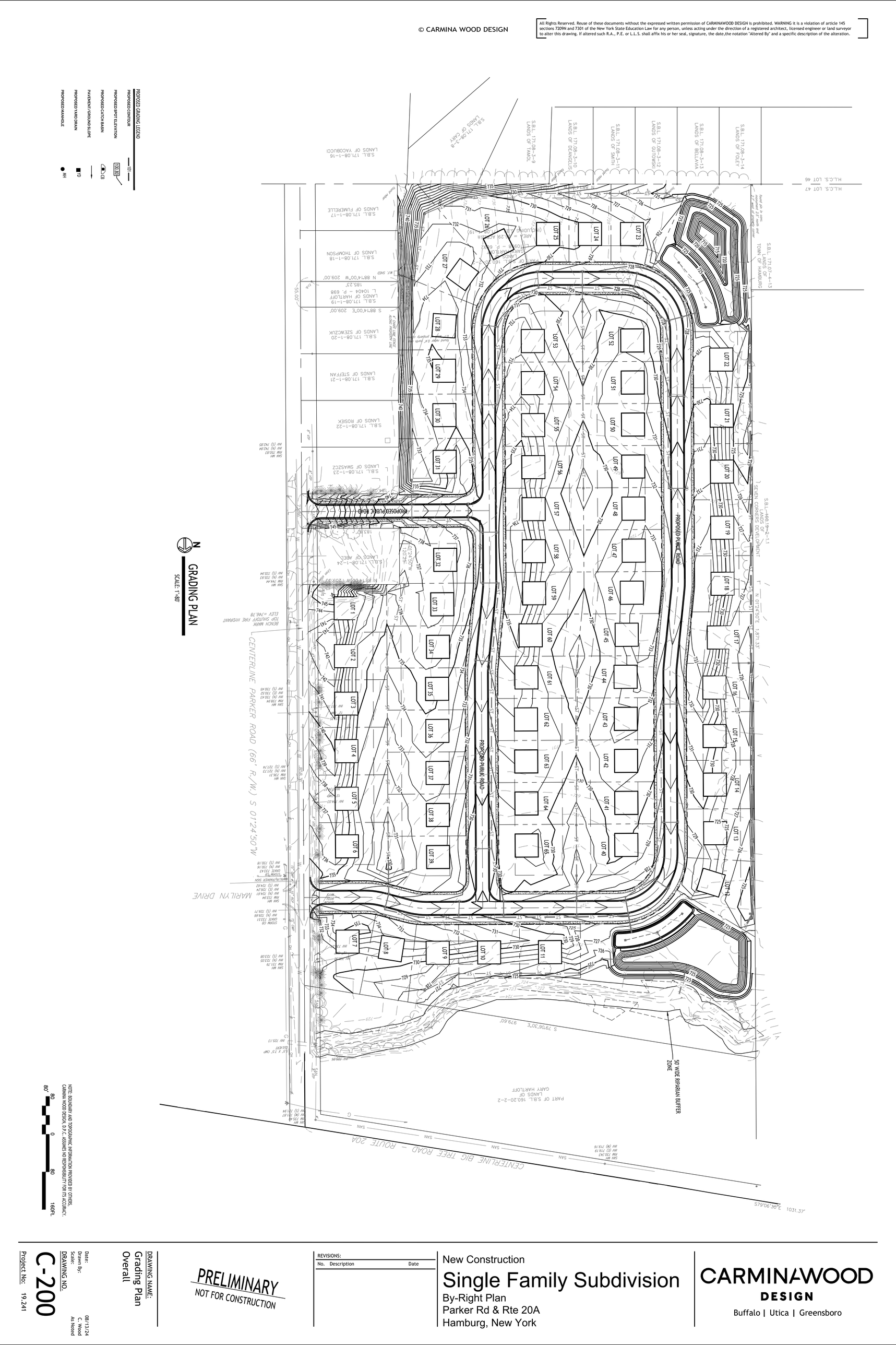
Converting the site to residential uses will represent the long-term loss of farmland. Although unavoidable, this impact reflects the overriding trend in the conversion of agricultural land for development, not only in the Town of Hamburg, but throughout Erie County and in other parts of New York State and the country. Further, the proposed residential subdivision is consistent with the Town's future land use development plan, as evidenced by the existing R-1 zoning of the site. The proposed subdivision will be consistent with this zoning classification. Mr. Drew Riley, the Town's Planning Consultant stated during June 2021 Planning Board Meetings that he did not believe the proposed action to be an agricultural impact and noted that the Project Site is considered to be fragmented agricultural land.

3.9.1.1 Mitigation

Given the relatively small size of the project site, its location and its existing R-1 zoning classification, the future use of the Project Site for agricultural purposes is not economically feasible nor realistic. Based on these factors no mitigation is proposed.

SECTION 3.0
EXHIBITS

EXHIBIT 3-1:
PROPOSED GRADING PLANS



NOTE: BOUNDARY AND TOPOGRAPHIC INFORMATION PROVIDED BY OTHERS. CARMINA WOOD DESIGN, D.P.C. ASSUMES NO RESPONSIBILITY FOR ITS ACCURACY.

PRELIMINARY
NOT FOR CONSTRUCTION

REVISIONS:

No.	Description	Date

New Construction

Single Family Subdivision

By-Right Plan
Parker Rd & Rte 20A
Hamburg, New York

CARMINAWOOD DESIGN
Buffalo | Utica | Greensboro

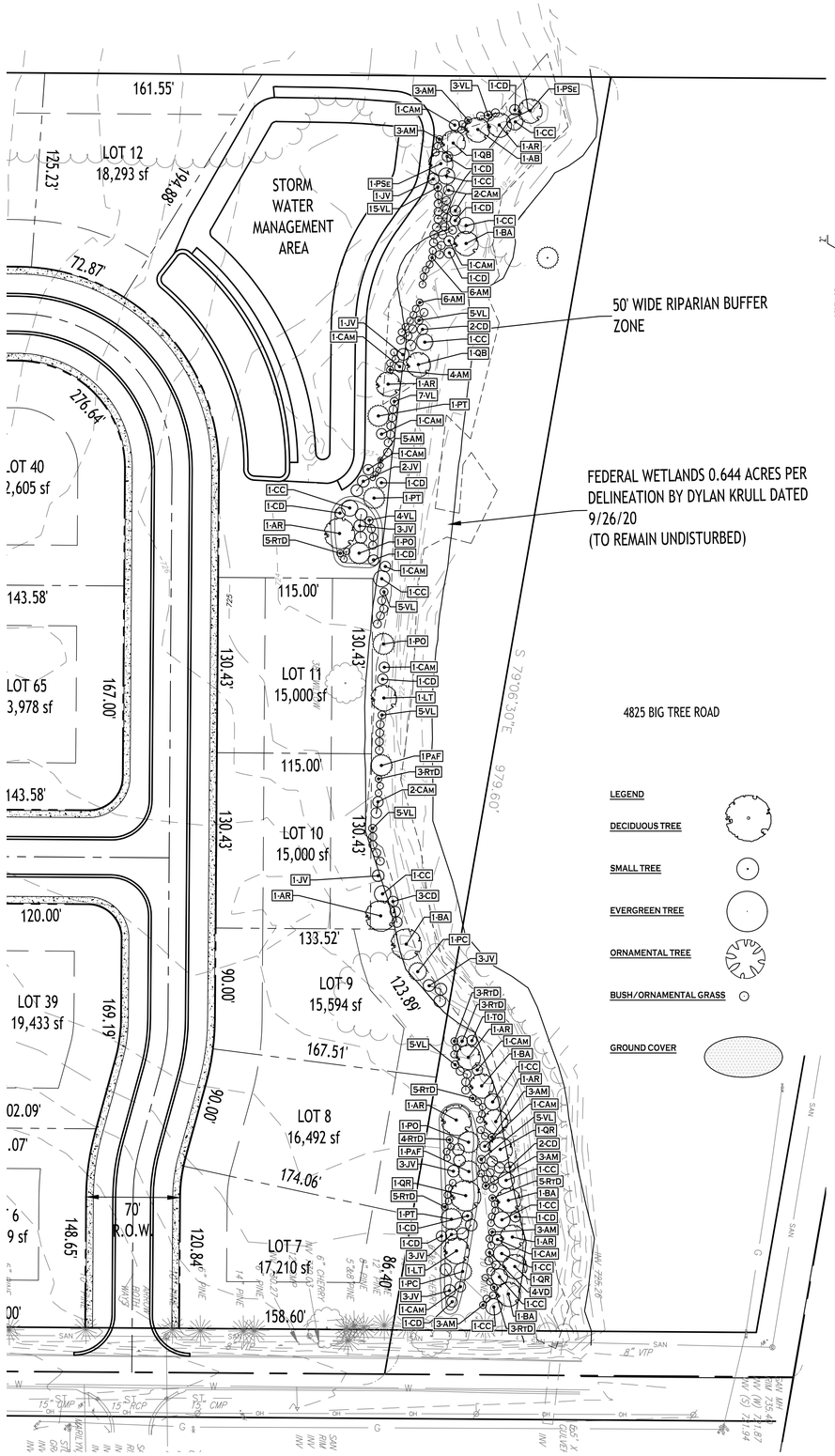
DRAWING NAME:
Grading Plan
Overall

Date: 08/13/24
Number By: C. Wood
Scale: As Noted

DRAWING NO.
C-200

Project No: 19.241

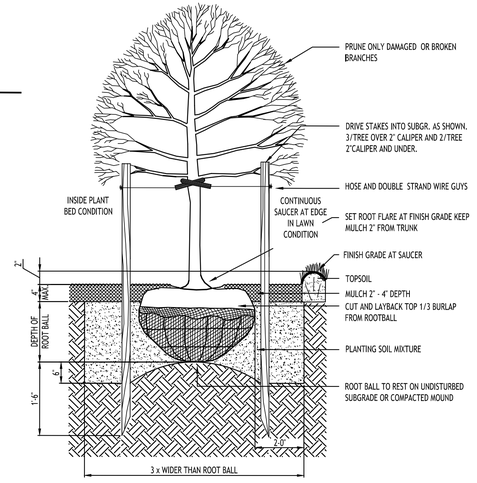
EXHIBIT 3-2:
PROPOSED LANDSCAPING PLANS



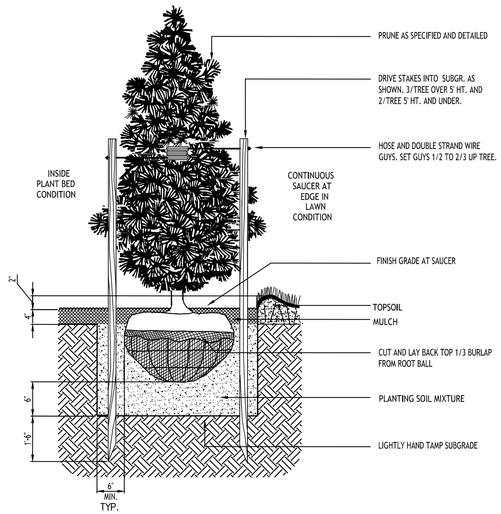
N

LANDSCAPE PLAN

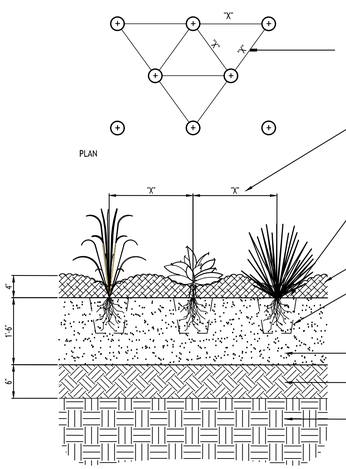
SCALE: 1"=50'



STD. DECIDUOUS TREET PLANTING



STD. EVERGREEN PLANTING

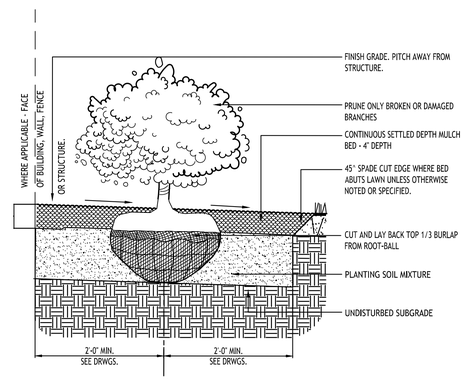


SECTION

NOTE: PLANT BULBS IN TRENCHES AND BOUQUET PLANTING GROUPS.

GROUND COVER PLANT SPACING

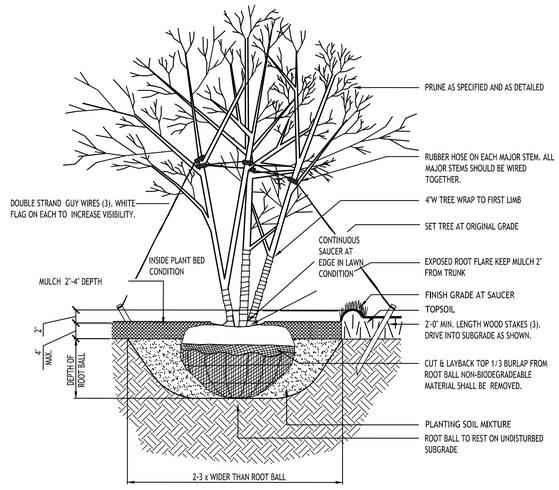
NO TO SCALE



STD. SHRUB PLANTING

PLANT LIST

KEY	BOTANICAL NAME	COMMON NAME	CAL.	SIZE/NOTES	ROOT	QUANTITY
	TREES					
AR	ACER RUBRUM	NORTHERN RED MAPLE	2 1/2"-3"		B&B	8
BA	BETULA ALLEGHANIENSIS	YELLOW BIRCH	2 1/2"-3"		B&B	6
LT	LIRIODENDRON TULIPIFERA	TULIP POPLAR	2 1/2"-3"		B&B	2
QB	QUERCUS BICOLOR	SWAMP WHITE OAK	2 1/2"-3"		B&B	2
QR	QUERCUS RUBRUM	NORTHERN RED OAK	2 1/2"-3"		B&B	3
PSe	PRUNUS SEROTINA	BALCK CHERRY	2 1/2"-3"		B&B	2
	SMALL TREES					
CC	CERCIS CANADENSIS	REDBUD	1 1/2"-2"	MULTI-STEM	B&B	13
CAm	CORNUS AMOMUM	SILKY DOGWOOD	1 1/2"-2"		B&B	16
CD	CORNUS DRUMMONDII	DOWNY DOGWOOD	1 1/2"-2"		B&B	20
	EVERGREEN TREES					
PaF	PICEA ABIES "CUPRESSINA"	NORWAY SPRUCE "UPRIGHT"		6'-8' (MIN)	B&B	2
PC	PICEA CEMBRA	SWISS STONE PINE		6'-8' (MIN)	B&B	2
TO	THUJA OCCIDENTALIS "HOLMSTRUP"	EASTERN WHITE CEDAR - HOLMSTRUP		6'-8' (MIN)	B&B	1
JV	JUNIPERUS VIRGINIANA	EATERN RED CEDAR		6'-8' (MIN)	B&B	19
PO	PICEA OMORIKA	SERBIAN SPRUCE		6'-8' (MIN)	B&B	3
PT	PINUS TAEDA	LOBLOLLY PINE		5'-6' (MIN)	B&B	3
	SHRUBS					
AM	ARONIA MELANOCARPA	BLACK CHOKEBERRY		36" TALL MIN.	5 GAL.CONT.	42
RtD	CORNUS SERICEA	RED TWIG DOGWOOD		36" TALL MIN.	5 GAL.CONT.	28
VL	VIBURNUM LENTAGO	NANNYBERRY VIBURNUM		36" TALL MIN.	5 GAL.CONT.	64



STD. MULTISTEM DECIDUOUS TREET PLANTING

NOTES:

1. ALL PLANTING BEDS & TREE PITS SHALL RECEIVE A MIN. 3-INCH DEPTH OF DARK SHREDDED HARDWOOD BARK MULCH, UNLESS OTHERWISE CALLED OUT ON PLANS.
2. ALL PLANT MATERIALS SHALL BE INSPECTED TWICE ANNUALLY, ONCE IN THE SPRING AND AGAIN IN THE FALL. TREES & SHRUBS THAT ARE DEAD OR ARE IN POOR CONDITION/DISEASED (LESS THAN 50% LEAF COVER) SHALL BE REPLACED BEFORE THE NEXT GROWING SEASON. TREES AND SHRUBS THAT DO NOT EXHIBIT THE CONDITIONS FOR REPLACEMENT SHALL BE PRUNED AT THE TIME OF INSPECTION TO REMOVE DEAD TWIGS & BRANCHES.
3. ALL NURSERY TAGS TO REMAIN ON PLANTS UNTIL AFTER FINAL INSPECTION AND APPROVAL OF THE LANDSCAPING.
4. A DRIP IRRIGATION SYSTEM IS RECOMMENDED FOR ALL PLANTINGS. SOAKER HOSES ARE RECOMMENDED AT THE TIME OF INSTALLATION OF ALL PLANT MATERIALS AND SHOULD BE UTILIZED THROUGHOUT THE ENTIRE LENGTH OF THE FIRST FULL GROWING SEASON.

* ORNAMENTAL GRASSES SHOULD BE PRUNED BACK IN LATE FALL OR EARLY SPRING TO ALLOW NEW FOLIAGE TO GROW IN SPRING.

PLANTING NOTES:

1. ALL INTERIOR LANDSCAPED AREAS SHALL HAVE A MINIMUM PLANTING SOIL DEPTH OF THREE (3) FEET AND BE FREE FROM ALL FORMS OF CONSTRUCTION DEBRIS AND FOREIGN MATERIAL.
2. ALL TREE PIT SAUCERS, SHRUB BEDS, ORNAMENTAL GRASS BEDS, AND PERENNIAL FLOWER BEDS SHALL RECEIVE THREE (3) INCHES DEPTH OF DARK SHREDDED HARDWOOD BARK MULCH.
3. ALL SEASONAL FLOWER BEDS SHALL BE A MINIMUM OF TWELVE (12) INCHES DEEP WITH A WELL-BLENDED MIXTURE OF 50% PEAT MOSS & 50% SCREENED TOPSOIL. NO MULCH SHALL BE INSTALLED IN THE SEASONAL FLOWER BEDS.
4. ALL DECIDUOUS AND EVERGREEN TREES SHALL BE STAKED WITH THREE (3) TREE STAKES AS PER TREE PLANTING DETAIL.

LANDSCAPE NOTES:

1. ALL PLANTS INSTALLED SHALL MEET OR EXCEED THE MINIMUM REQUIREMENTS AS NOTED ON THE PLANS AND IN THE LATEST EDITION ON THE AMERICAN STANDARD FOR NURSERY STOCK, BY THE AMERICAN ASSOCIATION OF NURSERYMEN, ANSI 260.1.
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR HIS OWN QUANTITY TAKEOFF, THE QUANTITIES SHOWN ARE A MINIMUM AND ARE FOR REFERENCE ONLY.
3. THE CONTRACTOR SHALL PERFORM A ROUGH FIELD STAKEOUT OF ALL PLANTING MATERIAL LOCATIONS AND CONTACT THE OWNERS FIELD REPRESENTATIVE PRIOR TO ACTUAL INSTALLING. THE PLANTING MATERIAL LOCATIONS SHOWN ON THE PLANS ARE TO CONVEY THE DESIGN INTENT ONLY, ACTUAL LOCATIONS WILL BE FINALIZED BY THE OWNERS FIELD REPRESENTATIVE AT THE TIME OF INSTALLATION.
4. THE CONTRACTOR IS HEREBY NOTIFIED THAT IF UNDERGROUND UTILITIES EXIST IN THE VICINITY OF THE PLANTINGS, ALL PROPOSED PLANTINGS SHALL BE INSTALLED A MINIMUM OF 5' FROM ANY UNDERGROUND UTILITY, CONTACT THE OWNERS FIELD REPRESENTATIVE IF PLANTINGS SHOWN ON THE PLANS VIOLATE THIS SITUATION.
5. ALL TREES SHALL BE INSTALLED A MINIMUM OF 20' FROM ANY OVERHEAD ELECTRIC LINES.
6. PLANTING BACKFILL MIXTURE SHALL CONSIST OF 3 PARTS TOPSOIL, 1 PART PEAT MOSS, ⅓ PART MILORGANITE
7. STAKE TREES IMMEDIATELY FOLLOWING INSTALLATION.
8. ALL PLANTED AREAS SHALL RECEIVE A 3" LAYER OF SHREDDED HARDWOOD BARK MULCH WITH 'PREEN'.
9. ALL DISTURBED AREAS NOT RECEIVING PLANTINGS (INCLUDING RIGHT-OF-WAYS) SHALL BE SEEDED.
10. THE AREAS ON THE PLAN TO BE SEEDED SHALL HAVE 4" MINIMUM OF TOPSOIL, DISK PLOWED, LEVELED AND HAND RAKED SMOOTH. SURFACE SHALL BE ROLLED TO REMOVE LUMPS.
11. ALL SEEDED AREAS SHALL BE HYDROSEEDED IN ACCORDANCE WITH THE SPECIFICATION INDICATED. WHERE REQUIRED BY CLIMATIC CONDITIONS, SLOPE OR SEASON OF PLANTING, SOD MAY BE SUBSTITUTED FOR SEEDING IN ORDER TO ACHIEVE THE REQUIRED COVERAGE.
12. THE CONTRACTOR SHALL BE RESPONSIBLE FOR WATERING, MOWING AND OTHER MAINTENANCE TO SEEDED AREAS UNTIL THE PROJECT IS ACCEPTED BY THE OWNER, THIS SHALL INCLUDE WATERING DAILY FOR 15 DAYS OR AS REQUIRED BY WEATHER CONDITIONS AND RE-SEEDING OF THIN SPOTS FOLLOWING THE GERMINATION OF THE SEEDS.

NOTE: BOUNDARY AND TOPOGRAPHIC INFORMATION PROVIDED BY OTHERS, CARMINA WOOD DESIGN, D.P.C. ASSUMES NO RESPONSIBILITY FOR ITS ACCURACY.

50' 50 0 50 100FT.

CARMINAWOOD DESIGN

Buffalo | Utica | Greensboro

New Construction

Single Family Subdivision

By-Right Plan

Parker Rd & Rte 20A

Hamburg, New York

REVISIONS:

No.	Description	Date

PRELIMINARY

NOT FOR CONSTRUCTION

DRAWING NAME:

Landscape Plan

Date: 08/13/24

Drawn By: C. Wood

Scale: As Noted

DRAWING NO.

L-100

Project No: 19.241

EXHIBIT 3-3:
USACE APPROVED JD LETTER

DEPARTMENT OF THE ARMY
BUFFALO DISTRICT, CORPS OF ENGINEERS
1776 NIAGARA STREET
BUFFALO, NEW YORK 14207-3199

May 13, 2021

Regulatory Branch

SUBJECT: Approved Jurisdictional Determination for Department of the Army Processing No. LRB-2020-01359

Erik Krull
Wetlands Investigation Co.
503 Maynard Drive
Amherst, NY 14226

Dear Mr. Krull:

I have reviewed your request, submitted on behalf of Parker Rd. Development, LLC., for an approved jurisdictional determination (JD) on an approximately 36.3-acre parcel of land located west of Parker Road, in the Hamburg, Erie County, New York (Sheet 1 of 2).

Enclosed is an approved JD which verifies the limits of waters of the U.S. within the subject parcel as depicted on Sheet 2 of 2. This approved JD will remain valid for a period of five (5) years from the date of this correspondence unless new information warrants revision of the approved JD before the expiration date. At the end of this period, a new aquatic resource delineation and JD will be required.

I have determined that the following aquatic resources are waters of the U.S. as noted on the attached Interim Approved Jurisdictional Determination Form: Tributary to Rush Creek and Wetland B. Therefore, these aquatic resources are regulated under Section 404 of the Clean Water Act. Department of the Army authorization is required if you propose a discharge of dredged or fill material in these waters of the U.S.

I have determined that the following aquatic resource is not a water of the U.S. as noted on the attached Interim Approved Jurisdictional Determination Form: Wetland A. Therefore, this aquatic resource is not regulated under Section 404 of the Clean Water Act or Section 10 of the Rivers and Harbors Act of 1899. Department of the Army authorization is not required if you propose work or propose a discharge of dredged or fill material in this aquatic resource.

Further, this delineation/determination has been conducted to identify the limits of the Corps Clean Water Act jurisdiction for the particular site identified in your request. This delineation/determination may not be valid for the wetland conservation provisions of the Food Security Act of 1985, as amended. If you or your tenant are United States Department of Agriculture (USDA) program participants, or anticipate participation in USDA programs, you should request a certified wetland determination from the local office of the Natural Resource Conservation Service prior to starting work.

Regulatory Branch

SUBJECT: Approved Jurisdictional Determination for Department of the Army Processing No. LRB-2020-01359

If you object to this determination, you may request an administrative appeal under Corps regulations at 33 CFR Part 331. Enclosed you will find a Notification of Appeal Process (NAP) fact sheet and Request for Appeal (RFA) form. If you request to appeal the above JD, you must submit a completed RFA form within 60 days of the date on this letter to the Great Lakes/Ohio River Division Office at the following address:

Jacob Siegrist
Regulatory Appeals Review Officer
US Army Corps of Engineers
Great Lakes and Ohio River Division
550 Main Street, Room 10-714
Cincinnati, Ohio 45202-3222
Phone: 513-684-2699 Fax: 513-684-2460

In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete; that it meets the criteria for appeal under 33 C.F.R. part 331.5, and that it has been received by the Division Office within 60 days of the date of the NAP. Should you decide to submit an RFA form, it must be received at the above address by July 13, 2021.

It is not necessary to submit an RFA to the Division office if you do not object to the determination in this letter.

Questions pertaining to this matter should be directed to me at 716-879-4339, by writing to the following address: U.S. Army Corps of Engineers, 1776 Niagara Street, Buffalo, New York 14207, or by e-mail at: keith.c.sendziak@usace.army.mil

Sincerely,

Keith C. Sendziak

Keith C. Sendziak
Biologist

Enclosures

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: Parker Rd. Development, LLC.	File Number: 2020-01359	Date: 5/13/2021

Attached is:		See Section below
	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A
	PROFFERED PERMIT (Standard Permit or Letter of permission)	B
	PERMIT DENIAL	C
X	APPROVED JURISDICTIONAL DETERMINATION	D
	PRELIMINARY JURISDICTIONAL DETERMINATION	E

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at http://www.usace.army.mil/CECW/Pages/reg_materials.aspx or Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.

- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.

- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.

- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision and/or the appeal process you may contact:	If you only have questions regarding the appeal process you may also contact:
Keith Sendziak U.S. Army Corps of Engineers 1776 Niagara Street Buffalo, New York 14207 716-879-4339 keith.c.sendziak@usace.army.mil	Jacob Siegrist Regulatory Appeals Review Officer US Army Corps of Engineers Great Lakes and Ohio River Division 550 Main Street, Room 10-714 Cincinnati, Ohio 45202-3222 Phone: 513-684-2699 Fax: 513-684-2460

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

	Date:	Telephone number:
_____ Signature of appellant or agent.		

U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE

I. ADMINISTRATIVE INFORMATION

Completion Date of Approved Jurisdictional Determination (AJD): 12-MAY-2021
ORM Number: LRB-2020-01359
Associated JDs: LRB-2020-00749
Review Area Location[1]:
State/Territory: NY City: Hamburg County/Parish/Borough: Erie
Center Coordinates of Review Area: Latitude 42.76537 Longitude -78.80251

II. FINDINGS

A. Summary: Check all that apply. At least one box from the following list MUST be selected. Complete the corresponding sections/tables and summarize data sources.

- ☐ The review area is comprised entirely of dry land (i.e., there are no waters or water features, including wetlands, of any kind in the entire review area). Rationale: N/A or describe rationale.
- ☐ There are "navigable waters of the United States" within Rivers and Harbors Act jurisdiction within the review area (complete table in section II.B).
- ☒ There are "waters of the United States" within Clean Water Act jurisdiction within the review area (complete appropriate tables in section II.C).
- ☒ There are waters or water features excluded from Clean Water Act jurisdiction within the review area (complete table in section II.D).

B. Rivers and Harbors Act of 1899 Section 10 (§ 10)[2]

§ 10 Name	§ 10 Size	§ 10 Criteria	Rationale for § 10 Determination
N/A	N/A	N/A	N/A

C. Clean Water Act Section 404

Territorial Seas and Traditional Navigable Waters ((a)(1) waters)[3]

(a)(1) Name	(a)(1) Size	(a)(1) Criteria	Rationale for (a)(1) Determination
N/A	N/A	N/A	N/A

Tributaries ((a)(2) waters):

(a)(2) Name	(a)(2) Size	(a)(2) Criteria	Rationale for (a)(2) Determination
tributary to Rush Creek	600 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	According to the Buffalo SE USGS Quad, this tributary is identified as intermittent. However, during the field visit, water was observed flowing within the tributary. Cobble/gravel substrate with riffle/pool complexes were observed. The tributary was approximately 5-10 feet in width and water depth ranged from a few inches to a few feet. According to the Antecedent

[1] Map(s)/Figure(s) are attached to the AJD provided to the requestor.
[2] If the navigable water is not subject to the ebb and flow of the tide or included on the District's list of Rivers and Harbors Act Section 10 navigable waters list, do NOT use this document to make the determination. The District must continue to follow the procedure outlined in 33 CFR part 329.14 to make a Rivers and Harbors Act Section 10 navigability determination.
[3] A stand-alone TNW determination is completed independently of a request for an AJD. A stand-alone TNW determination is conducted for a specific segment of river or stream or other type of waterbody, such as a lake, where independent upstream or downstream limits or lake borders are established. A stand-alone TNW determination should be completed following applicable guidance and should NOT be documented on the AJD form.
[4] Some excluded waters, such as (b)(2) and (b)(4), may not be specifically identified on the AJD form unless a requestor specifically asks a Corps district to do so. Corps Districts may, in case-by-case instances, choose to identify some or all of these waters within the review area.
[5] Because of the broad nature of the (b)(1) exclusion and in an effort to collect data on specific types of waters that would be covered by the (b)(1) exclusion, four sub-categories of (b)(1) exclusions were administratively created for the purposes of the AJD Form. These four sub-categories are not new exclusions, but are simply administrative distinctions and remain (b)(1) exclusions as defined by the NWPR.

			Precipitation Tool (See Section III B below for additional data), the site visit was conducted during a period of drier than normal precipitation. Based on observed flow, channel width, and water depth, coupled with the precipitation data, leads to the conclusion that this is a perennial tributary.

Lakes and ponds, and impoundments of jurisdictional waters ((a)(3) waters):

(a)(3) Name	(a)(3) Size	(a)(3) Criteria	Rationale for (a)(3) Determination
N/A	N/A	N/A	N/A

Adjacent wetlands ((a)(4) waters):

(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination
Wetland B	0.644 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland B was observed to physically abut the tributary to Rush Creek, an a(2) perennial tributary.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))[4]:

Exclusion Name	Exclusion Size	Exclusion[5]	Rationale for Exclusion Determination
Wetland A	0.063 acres	(b)(1) Non-adjacent wetland	Wetland A extends offsite to the west. An AJD was issued on April 9, 2021 for the immediately adjacent parcel to the west (LRB-2020-00749) that includes the offsite portion of Wetland A. That AJD determined the offsite portion of Wetland A is an excluded b(1) non-adjacent wetland. As such, the onsite portion of Wetland A is also considered an excluded b(1) non-adjacent wetland.

III. SUPPORTING INFORMATION

A. Select/enter all resources that were used to aid in this determination and attach data/maps to this document and/or references/citations in the administrative record, as appropriate.

_X_ Information submitted by, or on behalf of, the applicant/consultant: *Wetland Delineation for Parker Rd., Hamburg, NY 14075, prepared for Parker Rd. Development, LLC, prepared by Wetlands Investigation Co., May & September 2020.*
This information *is* sufficient for purposes of this AJD.

[1] Map(s)/Figure(s) are attached to the AJD provided to the requestor.
[2] If the navigable water is not subject to the ebb and flow of the tide or included on the District's list of Rivers and Harbors Act Section 10 navigable waters list, do NOT use this document to make the determination. The District must continue to follow the procedure outlined in 33 CFR part 329.14 to make a Rivers and Harbors Act Section 10 navigability determination.
[3] A stand-alone TNW determination is completed independently of a request for an AJD. A stand-alone TNW determination is conducted for a specific segment of river or stream or other type of waterbody, such as a lake, where independent upstream or downstream limits or lake borders are established. A stand-alone TNW determination should be completed following applicable guidance and should NOT be documented on the AJD form.
[4] Some excluded waters, such as (b)(2) and (b)(4), may not be specifically identified on the AJD form unless a requestor specifically asks a Corps district to do so. Corps Districts may, in case-by-case instances, choose to identify some or all of these waters within the review area.
[5] Because of the broad nature of the (b)(1) exclusion and in an effort to collect data on specific types of waters that would be covered by the (b)(1) exclusion, four sub-categories of (b)(1) exclusions were administratively created for the purposes of the AJD Form. These four sub-categories are not new exclusions, but are simply administrative distinctions and remain (b)(1) exclusions as defined by the NWPR.

Rationale: *N/A.*
___ Data sheets prepared by the Corps: *Title(s) and/or date(s).*
___ Photographs: *(NA, aerial, other, aerial and other) Title(s) and/or date(s).*
__X Corps Site visit(s) conducted on: *November 18, 2020.*
__X Previous Jurisdictional Determinations (AJDs or PJDs): *LRB-2020-00749.*
__X Antecedent Precipitation Tool: *provide detailed discussion in Section III.B.*
___ USDA NRCS Soil Survey: *Title(s) and/or date(s).*
___ USFWS NWI maps: *Title(s) and/or date(s).*
__X USGS topographic maps: *Buffalo SE, 7.5 min Quad.*

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	N/A.
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

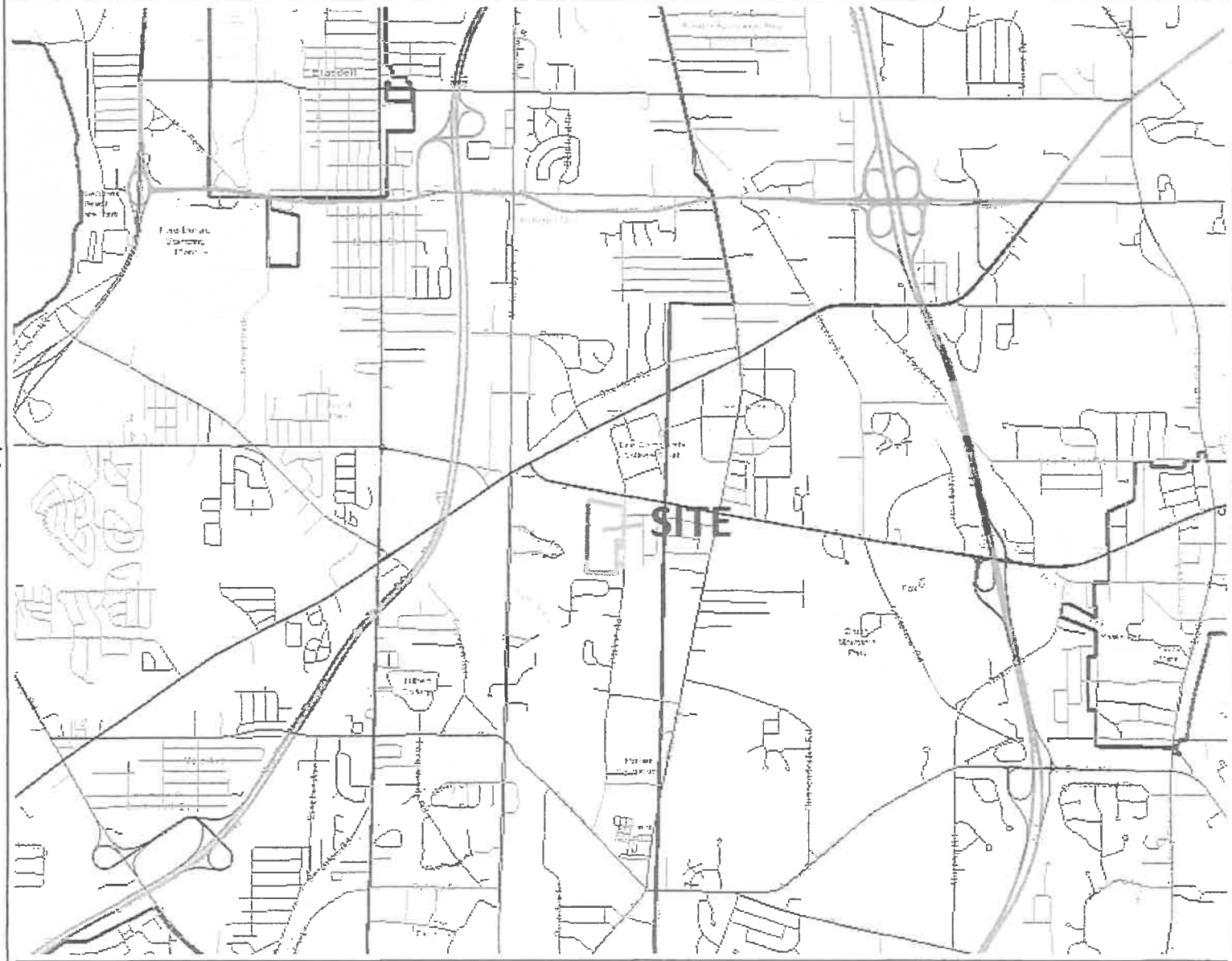
B. Typical year assessment(s): The subject parcel's latitude/longitude was entered into the Antecedent Precipitation Tool (APT) which was used to determine average precipitation, total precipitation over the 90 days preceding the Corps' site visit, and whether the site visits were conducted under dry, normal or wet conditions. The APT pulled precipitation data from the nearest weather station – Buffalo. The APT shows that normal precipitation is between the 30th (2.2") and 70th (5.0") percentiles. The APT indicates that 0-30 days prior to the site visit precipitation was 3.1" which is between the 30th and 70th percentiles. Thirty to 60 days prior to the visit the APT indicates that precipitation was 3.7" which is also between the 30th and 70th percentiles, and 60 to 90 days prior precipitation was 1.6" which is below the 30th percentile. Therefore, one to two months prior to the site visit precipitation was normal and three months prior to the site visit precipitation was considered below normal for that time of year.

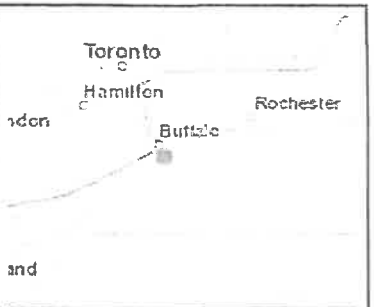
The APT, using a weighted approach, indicates that the site visit was conducted during a period of below normal precipitation.

C. Additional comments to support AJD: The tributary to Rush Creek flows into Rush Creek, which flows into Lake Erie, an a(1) navigable waterway.

[1] Map(s)/Figure(s) are attached to the AJD provided to the requestor.
[2] If the navigable water is not subject to the ebb and flow of the tide or included on the District's list of Rivers and Harbors Act Section 10 navigable waters list, do NOT use this document to make the determination. The District must continue to follow the procedure outlined in 33 CFR part 329.14 to make a Rivers and Harbors Act Section 10 navigability determination.
[3] A stand-alone TNW determination is completed independently of a request for an AJD. A stand-alone TNW determination is conducted for a specific segment of river or stream or other type of waterbody, such as a lake, where independent upstream or downstream limits or lake borders are established. A stand-alone TNW determination should be completed following applicable guidance and should NOT be documented on the AJD form.
[4] Some excluded waters, such as (b)(2) and (b)(4), may not be specifically identified on the AJD form unless a requestor specifically asks a Corps district to do so. Corps Districts may, in case-by-case instances, choose to identify some or all of these waters within the review area.
[5] Because of the broad nature of the (b)(1) exclusion and in an effort to collect data on specific types of waters that would be covered by the (b)(1) exclusion, four sub-categories of (b)(1) exclusions were administratively created for the purposes of the AJD Form. These four sub-categories are not new exclusions, but are simply administrative distinctions and remain (b)(1) exclusions as defined by the NWPR.

Erie County On-Line Mapping Application





Legend

Streets and Highways

- Interstate
- Primary State Road
- Secondary State Road
- County Road
- Local Road

Sheet 1 of 2

0 0.96 1.9 Miles

WGS_1984_Web_Mercator_Auxiliary_Sphere

THIS MAP IS NOT TO BE USED FOR NAVIGATION

ERIE COUNTY
DEPARTMENT OF ENVIRONMENT & PLANNING
OFFICE OF GIS

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

1: 60,950

Sheet 2 of 2

Wetland Boundary Map - Parker Rd. Hamburg NY

12

GPS points are approximate
Mapped by Dylan Krull 9/26/2020

EXHIBIT 3-4:
RIPARIAN BUFFER PLANTING PLAN

*RIPARIAN AREA TREE PLANTINGS (*Minimum #2 size containers)*

- *Eastern Redbud (Cercis canadensis)– 16 plantings*
- *Black Chokeberry (Aronia melanocapra)– 16 plantings*
- *Red Maple (Acer rubrum)– 17 plantings*
- *Yellow Birch (Betula alleghaniensis)– 17 plantings*
- *Northern Red Oak (Quercus rubra)– 15 plantings*

ALL TREE PLANTINGS TO BE PLANTED AT THE TOP OF SLOPE ADJACENT TO THE CREEK

*RIPARIAN AREA SHRUB PLANTINGS (*Minimum #1 size containers)*

- *Silky dogwood (Cornus amomum)– 22 plantings*
- *Grey dogwood (Cornus racemosa)– 22 plantings*
- *nannyberry (Viburnum lentago)– 22 plantings*

NOTE: THIS PLAN WAS PREPARED BASED ON THE PLANTING PLAN PREPARED BY EARTH DIMENSIONS DATED 9/9/21

NOTE: BOUNDARY AND TOPOGRAPHIC INFORMATION PROVIDED BY OTHERS, CARMINA WOOD MORRIS, D.P.C. ASSUMES NO RESPONSIBILITY FOR ITS ACCURACY.

100 0 100 200Ft.
100'

RIPARIAN AREA SEEDING

The riparian buffer area 25 feet wide on each side of the stream will need to be seeded and mulched immediately after the earthwork has been completed in order to stabilize these areas and minimize the risk of soil erosion. EDI proposes the following seed mixes for these areas:

COVER CROP* *Annual Rye as a cover crop is recommended at 10 lbs. per acre*			
Common Name	**Latin Name**	**Indicator Status**	**Percent by Number of seeds (not weight)**
Annual Rye Grass	*Lolium multiflorum*	NI	100%
Native Upland Wildlife Forage & Cover Meadow Mix ERNMX-123 *Recommended rate is 20lbs. per acre*			
Common Name	**Latin Name**	**Indicator Status**	**Percent by Number of seeds (not weight)**
Big bluestem	*Andropogon gerardii*	FACU	34.9%
Switch grass	*Panicum virgatum*	FAC	27.0%
Virginia wildrye	*Elymus virginicus*	FACW	21.0%
Indian grass	*Sorghastrum nutans*	FACU	9.0%
Black Eyed Susan	*Rudbeckia hirta*	FACU	3.0%
Partridge pea	*Chamaecrista fasciculata*	FACU	2.0%
Ox-Eye Daisy	*Chrysanthemum leucanthemum*	FACU	1.5%
Plains coreopsis	*Coreopsis tinctoria*	FACU	1.0%
Showy ticktrefoil	*Desmodium canadense*	FAC	0.4%
Wild Bergamot	*Monarda fistulosa*	UPL	0.1%
Common Milkweed	*Asclepias syriaca*	FACU	0.1%

Carmina Wood Morris PC
487 Main Street Suite 600
Buffalo, New York 14203
P 716.842.3165
F 716.842.0263

EARTH DIMENSIONS, INC.
1091 Jamison Road | Elma, NY 14059
(716) 655-1717 | www.earthdimensions.com

REVISIONS:

No.	Description	Date

PROJECT NAME:

New Construction
Residential Developments
Big Tree & Parker Roads
Town of Hamburg, New York

Date: 9/9/21
Drawn by: C. Wood
Scale: AS Noted

DRAWING NAME:

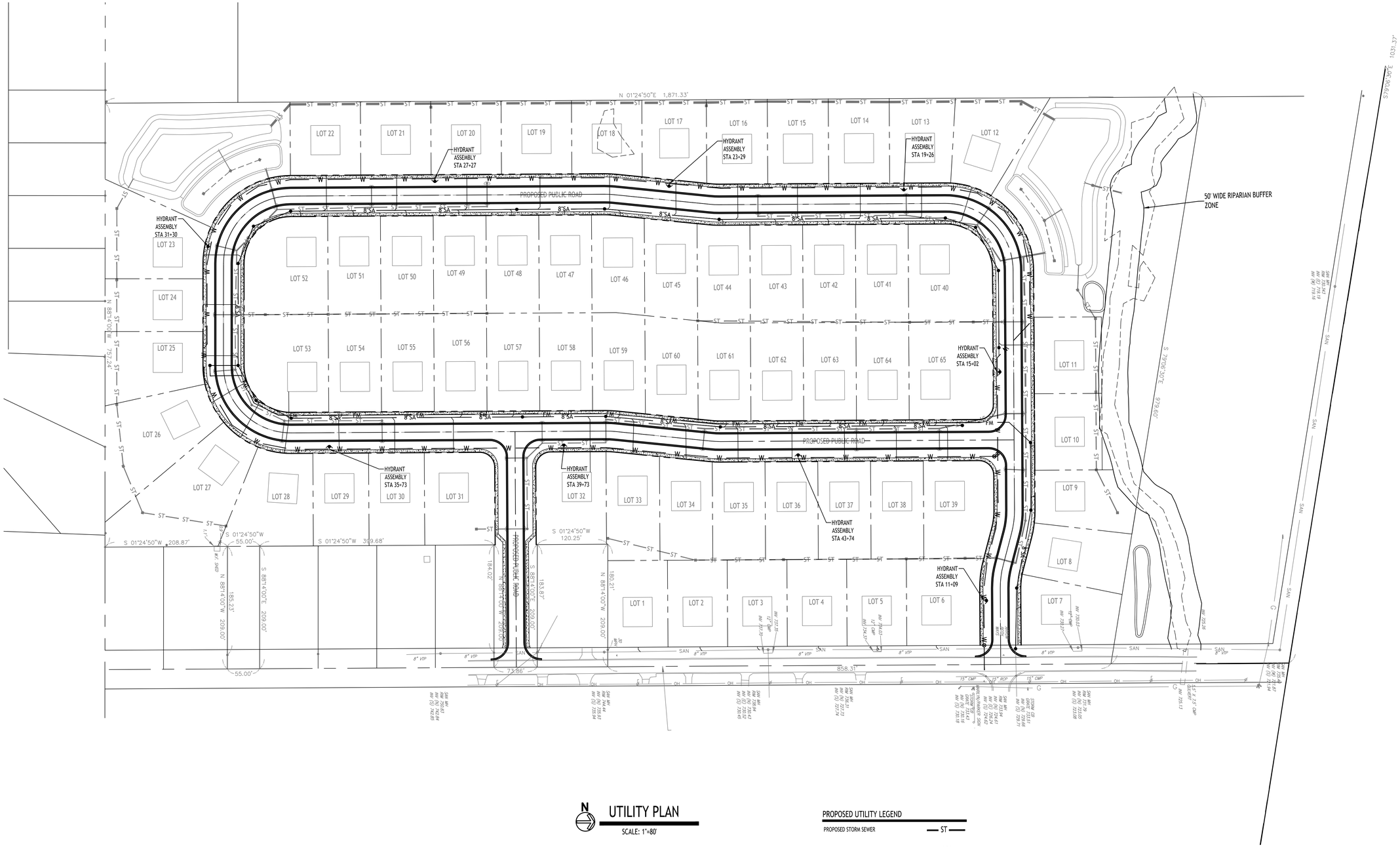
Riperian Buffer Exhibit

DRAWING NO.

RB-100

Project no.: 20.062

EXHIBIT 3-5:
UTILITY PLAN



UTILITY PLAN

SCALE: 1"=80'

PROPOSED UTILITY LEGEND

PROPOSED STORM SEWER	ST
PROPOSED SANITARY SEWER	6" SA
PROPOSED WATERLINE	1" W
PROPOSED CATCH BASIN	CB
PROPOSED YARD DRAIN	YD
PROPOSED MANHOLE	MH
PROPOSED HYDRANT ASSEMBLY	
PROPOSED GATE VALVE	GV

NOTE: FOR PROPOSED VALVE BOXES, CLEANOUTS, ETC., INSTALL A 3,000 PSI CONCRETE COLLAR AROUND THE ITEM AT GRADE. THE COLLAR SHALL BE A MINIMUM OF 6" WIDER, ON ALL SIDES, THAN THE BOX, CLEANOUT, ETC. THE COLLAR SHALL BE A MINIMUM OF 6" THICK.

NOTE: BOUNDARY AND TOPOGRAPHIC INFORMATION PROVIDED BY OTHERS, CARMINA WOOD MORRIS, D.P.C. ASSUMES NO RESPONSIBILITY FOR ITS ACCURACY.

80' 80 0 80 160Ft.

CARMINAWOOD DESIGN
Buffalo | Utica | Greensboro

New Construction
Single Family Subdivision
By-Right Plan
Parker Rd & Rte 20A
Hamburg, New York

REVISIONS:

No.	Description	Date

PRELIMINARY
NOT FOR CONSTRUCTION

DRAWING NAME:
Utility Plan
Overall

Date: 08/13/24
Drawn By: C. Wood
Scale: As Noted

DRAWING NO.
C-400

Project No: 19.241

EXHIBIT 3-6:
LETTER FROM LAND OWNER TO TOWN

Mark J. Dunford, Esq
14 Edgewater Drive
Orchard Park, New York 14127
716 491-7890 Fax 716 662-0689
mdunfordlaw@aol.com

August 16, 2021

Mr. William Clark, Chairman
Hamburg Town Planning Board
Hamburg, NY 14075

RE: DAVID MANKO PARKER ROAD SUBDIVISION

Dear Chairman Clark:

I am writing on behalf of my client, Gary Hartloff, the owner of the property Mr. Manko has contracted to purchase and develop into the above referenced subdivision. It is my understanding that a major concern of the Planning Board is the potential loss of agricultural resources if the proposed residential subdivision is approved on my client's property is properly zoned for single family homes.

This property has been owned by my client's family for three generations and was a working farm for many years. Unfortunately as farming costs increased and it became less profitable to operate small family farms, the land's use as a farm gradually wained to the point that my client has not operated an active farm on the land for approximately 30 years. Mr. Hartloff has leased the land to farmers for the past several years for the production of corn, soybean and other crops as a means to help pay the annual property taxes. The property is not currently being utilized for agricultural purposes.

My client has no intention to operate it as a farm in the future. The land is not large enough to make it a profitable farm when competing against much larger farms in the area and my client does not wish to maintain such a large parcel that requires him to pay taxes and offers no real financial benefits. Mr. Manko's purchase of the property for a residential subdivision per the existing zoning classification will give my client financial security and remove the burden of maintaining the land.

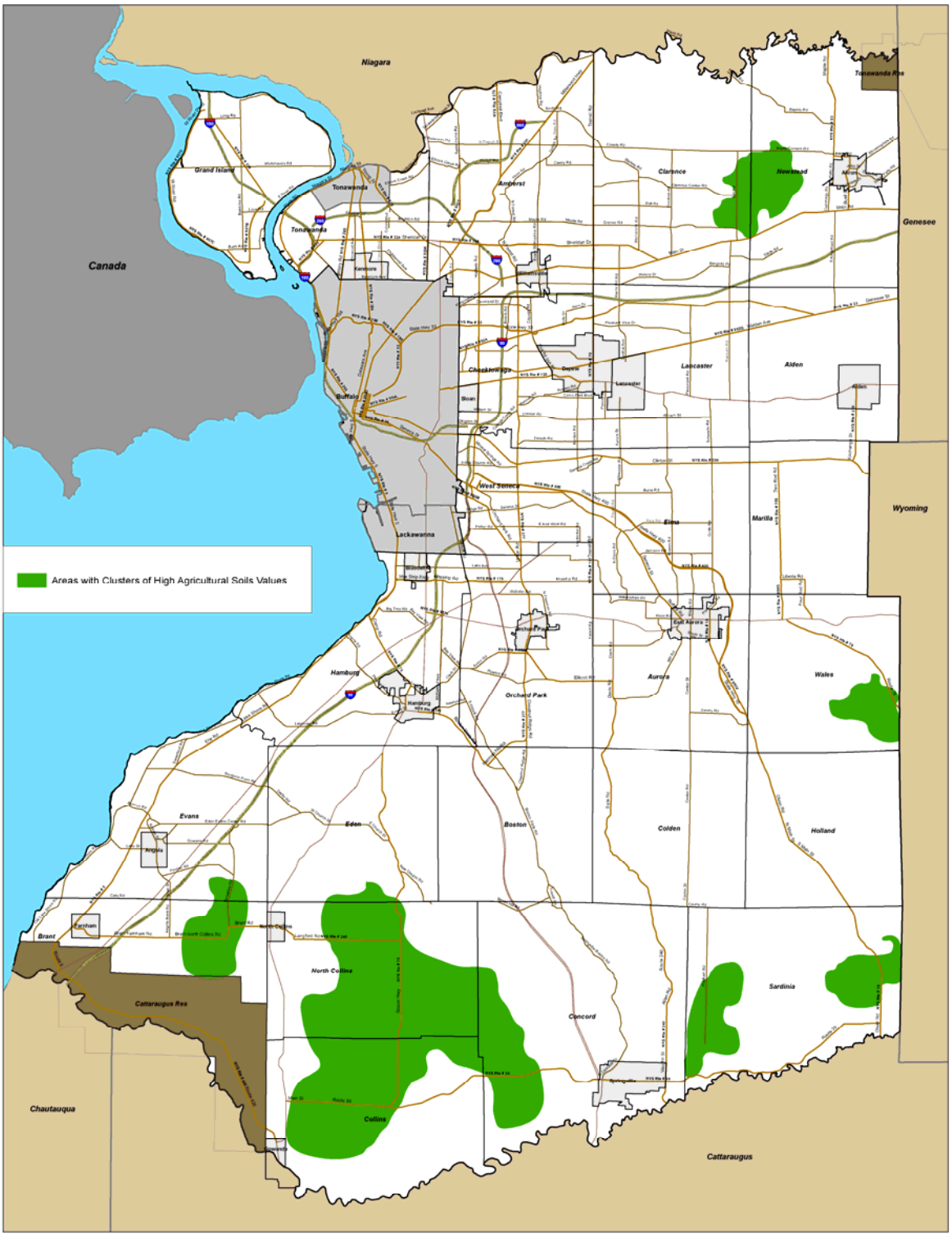
While I understand the Board must take every opportunity to assess each aspect of a potential project such as the proposed residential subdivision, my client merely desires to have the sale of the property completed as soon as possible after all Town requirements are met. Please do not hesitate to call me with any questions you may have regarding this correspondence.

Respectfully,

Mark Dunford

EXHIBIT 3-7:
AGRICULTURAL SOIL VALUE MAP

Clusters of Parcels with High Agricultural Soils Values



0 5 10 Miles

N

Generalized boundaries adapted from ESRI Hot Spot Analysis

CREATED: December 20, 2011
REVISED: April 2, 2012

SOURCE: Parcel shapefiles provided by Erie County Department of Environment and Planning.
Agricultural parcels identified based on presence of cropland by Stuart I. Brown Associates and Erie County NRCS.
Generalized cluster area boundaries by Stuart I. Brown Associates, adapted from rendering of agricultural soils values by ESRI ArcMap Hot Spot Analysis Tool.

Stuart I. Brown Associates, Inc.
A LaBella Company

4. SUMMARY OF PROPOSED MITIGATION MEASURES

SEQRA requires that a DEIS include mitigation measures designed to minimize the adverse environmental impacts associated with a project to the maximum extent possible. In accordance with this requirement, the following summarizes the proposed mitigation as outlined in Section 3 of this document. It should be noted that only impacts with proposed mitigation are discussed below. Discussions of potential impacts where no mitigation is proposed is limited to Section 3.

Potential Impacts Land Use

The proposed project will result in a permanent change to the current land use of the Project Site. The land use on the Project Site will change from vacant land to residential use. The Project Site is properly zoned R-1 for residential use so the proposed project is consistent with the Town's intended use for the property. Lot locations are in compliance with the requirements in the Zoning Code. The number of lots in the preferred as-of-right subdivision has been decreased from 67 to 65 to provide mitigation for the tributary to Rush Creek via the creation of a 50 ft. wide riparian buffer. The proposed As-of-Right subdivision layout will provide 4.1 acres of land to be preserved as open space. The alternative clustered subdivision layout will provide mitigation through the permanent preservation of 15.3 acres of land for open space and passive recreational use, 11.2 acres more than the As-of-Right layout.

Potential Impacts to Surface Water & Groundwater Resources

A storm water management system using detention ponds has been designed for the project that will meet Town of Hamburg and the NYSDEC requirements for storm water quality and retention. The proposed project design incorporates drainage measures that comply with the Town's drainage standards.

To reduce downstream siltation and potential drainage and flooding impacts, a Sedimentation and Erosion Control Plan will be developed. The Project Sponsor will file a Notice of Intent with the NYSDEC and prepare a Storm Water Pollution Prevention Plan ("SWPPP") in accordance with permit standards. The use of silt fences and/or infiltration basins is the common method used to comply with the requirement for sedimentation and erosion control. The site will disturb greater than one-acre during construction. As such, coverage under the New York State Department of Environmental Conservation ("NYSDEC") State Pollution Discharge Elimination System ("SPDES") General Permit for Stormwater Discharges from Construction Activity General Permit Number GP-0-20-001 (effective January 29, 2020 through January 28, 2025) will be required and a Stormwater Pollution Prevention

Plan (SWPPP) must be prepared. The SWPPP prepared for the proposed development by Carmina Wood Design, the project engineering firm, is included in Appendix 3. In connection with the proposed subdivision, a Stormwater Maintenance Agreement will be recorded at the Erie County Clerk's Office to ensure long-term maintenance of the on-site stormwater management system.

Potential short-term impacts to groundwater could occur during site construction and excavation if construction occurs during a wet season. However, this impact will be minor and short-term and not have an impact on groundwater. These minor short-term impacts cannot be mitigated.

No impacts to State or Federal jurisdictional wetlands are being proposed for this project. The approximately 0.644 acres of jurisdictional federal wetlands on the Project Site will be preserved to provide mitigation for potential wetland impacts

A tributary to Rush Creek, that flow east to west is located along northern boundary of the Project Site. The Project Sponsor will be establishing a riparian buffer with native plantings along the southern side of this tributary. This riparian buffer will be 25 feet wide on each side of the tributary and will include 81 trees and 66 shrubs. This mitigation measure reduces potential impacts to the tributary of Rush Creek to the maximum extent practicable.

Potential Impacts to Plants and Animals

The Project Site consists predominantly of a single vegetative community type - abandoned farmland. A line of conifers and a mixed hardwood woodlot are located on the northern and northeastern edge of the property, and lawn type areas are located on the residential properties bordering the southeastern portion of the site. The existing wooded areas will be retained to the extent practicable and will serve as buffers. The riparian buffer and retention of the majority of the existing trees on-site, residential landscaping and plantings associated with the stabilization of disturbed areas will mitigate to some extent the necessary removal of vegetation that provides s wildlife habitat and cover. Tree cutting will be conducted during the inactive season of the NLEB.

Potential Impacts to Transportation

The Traffic Impact Study prepared for the proposed action included recommendations for restriping existing striping patterns along Big Tree Road for the proposed Wetzl apartment development proposed to be developed on adjoining lands to the west, it indicated that no improvements are warranted nor recommended for the remaining study area roadways/intersections. The TIS indicated that the projected traffic impacts resulting from full development of both the proposed Parker Road Residential Subdivision and the Wetzl apartment development during both peak hours can be

accommodated by the existing transportation network with the noted improvements (i.e. restriping) in place. The subdivision layout includes internal sidewalks for pedestrian use and is a mitigation measure for project that will provide safe pedestrian access within the subdivision for the residents.[1]

Potential Impacts On Energy/Utility Resources

The minor short-term impacts, which include increases in the demand for fossil fuels and petroleum products during construction cannot be mitigated, nor can the minor long-term increase in energy usage required by the new homes. All new homes within this development will be built in accordance with the New York State Building Codes as well as other applicable requirements.

Water, sanitary and storm sewer impacts are the primary utility demand impacts associated with the proposed Parker Road Residential Subdivision. Utility demand increases associated with this project cannot be mitigated. However, as part of the Erie County Division of Sewerage Management Approval, the Project Sponsor will be required to repair approximately eleven (11) building laterals, locations to be determined by the County as mitigation for the increase in the downstream sanitary sewer flow generated from the Project Site during wet weather conditions. The mitigation measures for potential impacts to stormwater are summarized above.

Potential Impacts to Noise and Odor

The project will generate unavoidable yet limited increases to background noise level in the surrounding community. The project is proposed to include earthen berms along the northern and eastern boundaries of the proposed subdivision as well as landscaping to include trees and ornamental grasses around the entire Project Site.

Construction-related air emissions would result from the use of diesel fuel as a source of energy for construction vehicles and equipment. Also, fugitive dust created by the movement of construction vehicles during construction may occur. With proper site maintenance and careful attention to construction activities, impacts from fugitive dust to adjacent and nearby neighbors can be minimized. Standard construction dust control methods would be employed to ensure that construction generated dust does not impact off-site residents.

[1] The List of Deficiencies document issued by the Planning Board on July 24, 2024 indicated that an pathways and sidewalks as a mitigation measure needed to e provided in this revised DEIS.

5. UNAVOIDABLE ADVERSE IMPACTS THAT CANNOT BE MITIGATED

The proposed Parker Road Residential Subdivision will result in minor long-term economic benefits to the Town of Hamburg and Erie County. The use of the site for such residential purposes will be consistent with surrounding land uses, as well as with the existing zoning of the site. However, the implementation of the project will necessarily result in adverse impacts to the environment, both over the long- and short-term. These impacts, although unavoidable, will be mitigated to the extent practicable and will be compensated for by the anticipated long-term benefits to the local economy.

The majority of the adverse environmental impacts associated with the project will be only temporary and will result from construction activities. Site preparation (e.g., clearing, grading) and infrastructure and building construction will have short-term and localized adverse impacts on the physical and ecological resources of the site, local transportation (automobile and pedestrian) patterns and volumes, visual resources, air quality, and noise levels. These impacts will largely result from the movement and operation of construction equipment and vehicles, which will occur during the development phases of the project (expected to be approximately three years).

Minor increases in air emissions and noise levels also will result from the project, due primarily to increased traffic volumes in the project vicinity. A permanent increase in demand for utilities (i.e., water, sewer, solid waste disposal, energy, internet) and community services (i.e., fire, police, health care, education, recreation) in the project area will result from the addition of the housing units. However, the existing infrastructure facilities and community services in the area presently have the capacity to accommodate the increases anticipated.

Long-term adverse impacts to the terrestrial ecological resources of the site also will result from the implementation of the project, primarily due to the permanent conversion of former agricultural lands to landscaped residences. This impact, although minor, will result in the permanent loss of a very small amount of existing vegetation and the wildlife habitat it represents.

For a complete discussion of the potential adverse impacts of the project and the proposed mitigation measures, refer to Sections 3 and 4 of this DEIS.

6. PROJECT ALTERNATIVES

6.1 NO ACTION ALTERNATIVE

The "No Action" Alternative would involve leaving the site in its current condition with no action taken by the Project Sponsor to develop the Project Site. While there would be no adverse environmental impacts resulting from this alternative, it would not be consistent with the existing R-1 zoning classification of the Project Site or Project Sponsor's objectives to satisfy demands for single family homes, to stimulate the local economy and increased annual tax revenues for the Town, County, and school district. The "No Action" alternative is not realistic given the fact that the Project Site is privately owned.

6.2 ALTERNATIVE SITE DESIGN

The Project Sponsor's preferred alternative to the proposed layout is to develop the Project Site as a clustered residential subdivision consisting of fifty-nine (59) lots for detached single-family homes with 15. 30 acres of Permanent Open Space.[1] A conceptual layout of the proposed development is depicted on the Concept Site Plan – Clustered [Drawing C-100] prepared by Carmina Wood Morris DPC. A copy of the Concept Site Plan depicting the proposed clustered subdivision layout is provided as Exhibit 1-2.

The proposed single-family homes will be constructed on lots of varying sizes, ranging from a minimum of approximately 10,500 sq. ft. to more than 17,500 sq. ft. and a minimum depth of 140 ft. Copies of the Typical Lot Layout Plans [Drawings LL-100 and LL-101] as prepared by Carmina Wood Morris DPC depicting the layout of four (4) potential models of homes and related improvements on the clustered residential lots are provided as Exhibit 1-3. The proposed single-family homes will be constructed on lots of varying sizes, ranging from a minimum of approximately 10,500 sq. ft. to more than 17,500 sq. ft. The Typical Lot Layout Plans demonstrate that the homes will comply with setbacks and provide a typical sized backyard that can accommodate decks, patios, etc.

Section 280-281 of the Zoning Code (titled "Purpose") sets forth the following regulations that apply to cluster housing:

[1] Section 280-280 of the Zoning Code is titled "Approval by Planning Board", and states as follows: "Cluster housing, including townhouse development, in the Town of Hamburg shall require the final approval of the Town Planning Board pursuant to its administration of the Subdivision Regulations of the Town of Hamburg. Cluster development shall not be considered an allowable use unless its use is approved by the Planning Board to achieve the goals as set out in these regulations. The Planning Board, upon review, may find the proposed cluster development plan not in accordance with the purposes or requirements of this article.

A. To permit flexibility in land development through cluster development by allowing for a variety of lot sizes without increasing the overall density permitted in the zoning district(s) in which the property is located.

B. To allow for residential development through cluster development which is in harmony with the aesthetics qualities of the Town of Hamburg, and in so doing protecting important and/or sensitive lands from development (especially those that connect to other important Town features, and will provide large areas of important lands).

C. To permit flexibility in residential lot layout that would improve public health and safety aspects due to better layout of the subdivision.

D. To minimize the development on nonlocal or minor streets.

E. To meet the goals and objectives of the Town's Comprehensive Plan and any appropriate zoning overlay district.

The clustering alternative is consistent with the above criteria for the following reasons:

1. The density of clustered layout is less than the As-of-Right Plan [65 lots versus 59 lots];
2. The clustered layout will preserve the jurisdictional federal wetland on the Project Site and the Parker Road frontage and provide a 50 ft. wide riparian buffer for the protection of the Rush Creek tributary that bisects a portion of the Project Site.
3. The lot layouts will allow there to be 15.30 acres of permanent open space to remain permanently undeveloped.
4. The clustered layout will result in a layout without any homes along the Parker Road frontage of the Project Site.
5. The clustered layout is consistent with planning objectives contained in the Town's Comprehensive Plan.

The benefits in terms of environmental impacts that will result from the Project Sponsor's preferred alternative clustered subdivision layout include the following:

1. Preservation of the Parker Road frontage of the Project Site as Permanent Open Space (total of 15.30 acres of Permanent Open Space proposed). The permanent open space will include approximately 12.62 acres within the southern, western and northern boundaries of the site that will be enhanced with plantings; 0.9 acres located adjacent to the proposed southern access

road off Parker Road; and 1.78 acres of permanent open space enhanced with plantings located along the eastern boundary of the Project Site between the Site and Parker Road.

2. Six (6) fewer single-family homes (no homes along Parker Road frontage) than the As-of-Right subdivision layout for a non-clustered residential subdivision.

3. At the request of the Planning Board, the Project Sponsor would provide a riparian buffer with native plantings along the portion of the existing stream that bisects a portion of the Project Site to be developed. The Riparian Buffer Planting Plan was prepared by Earth Dimensions, Inc. The riparian buffer to be established for the tributary of Rush Creek will have a width of 25 ft. on each side of tributary and will include 81 trees [5 types] and 66 shrubs [3 types]. The implementation of the plantings as depicted on the Riparian Buffer Planting Plan will ensure the clustered subdivision layout does not result in any significant adverse environmental impacts to the portion of the tributary of Rush Creek located on the Project Site.

4. Less traffic impacts during weekday peak travel periods as a result of 59 lots instead of 65 lots.

5. The Clustered subdivision would include an on-site recreational trail with a length of 3,800 linear feet.

6. Substantially less total impervious surface (2,800 linear feet of roadways versus 4,100 linear feet) than if the Project Site is developed pursuant to the As-of-Right layout consisting of sixty-five (65) lots.

7. Less impervious surfaces are beneficial from a stormwater management perspective since it will result in less runoff being conveyed into the on-site stormwater management system.

8. Less daily sanitary sewer flow resulting from six (6) fewer lots than the As-of-Right subdivision layout.

9. Less public infrastructure is beneficial to the Town from a fiscal perspective.

7. CUMULATIVE IMPACTS

SEQR requires a DEIS to include a discussion of any cumulative impacts associated with a project. Construction duration and occupancy of the proposed Parker Road Residential Subdivision in Hamburg is anticipated to occur over a three-year build out. The Town of Hamburg was contacted to discuss current projects within the project study area that are currently under construction and/or approved. Specifically, the proposed Wetzel Apartment project located on adjoining lands to the west of the project site as well as the new Buffalo Bills, stadium which is currently under construction were presented in the project scoping document as projects that may potentially have impacts on the proposed action. The only likely cumulative impact associated with the Park Road Residential Subdivision project is traffic.

The new Bills stadium is currently under construction and is anticipated to be completed in 2026. Considering the existing stadium is directly across the street from the new stadium, plus that fact that the new stadium will have less capacity than the existing stadium it is anticipated that traffic generated by the new stadium will be equal to and more likely less than traffic generated by the existing stadium.

In order to properly assess the impact of the Parker Road Residential Subdivision on traffic in the vicinity, a Transportation Impact Study (TIS) (Appendix 4) was completed. This analysis evaluated the potential cumulative impacts of both the Parker Road Residential Subdivision site as well as the Wetzl Apartment project. While the TIS had recommendations for minor traffic improvements to intersections within the study area, it indicated that the proposed residential projects will not result in any cumulative potentially significant adverse traffic impacts to the study area intersections. Given that both proposed residential projects will not result in any cumulative potentially significant traffic impacts it was the professional opinion of the firm that prepared the TIS that this statement applies to each of the two proposed residential projects if they had been evaluated separately. The transportation network can adequately accommodate the projected traffic volumes and resulting impacts to the study area intersections, without significant adverse impacts to traffic operations.

8. GROWTH INDUCING IMPACTS

The term “growth-inducing aspects” generally refers to the potential for a proposed project to trigger additional development in areas outside the project site that otherwise would not occur without the proposed project. The theory is that new development is often likely to occur in or near developed areas, to take advantage of existing infrastructure and residential or economic activity.

The proposed development will generate a small amount of population. Some new residents may move to the area, while other residents may be relocating from within the Town of Hamburg. The impact of these new residents on the community services will be more than offset by the increase in tax revenue that the project will contribute to local taxing jurisdictions. The project site will be served by municipal water supply service and municipal sewer service. Water and sewer service will be extended into the project site as part of the proposed action. Future site residents are not expected to generate a significant demand for other public services that currently do not exist in the Town of Hamburg or would need to be provided within the community. No significant adverse effects on the area's utilities, community services, or facilities are expected. No adverse effects on area commercial services are expected as a result of the proposed action. The construction of the overall project will generate approximately 20-25 construction positions over a 3-year full build out period.

It is anticipated that future occupants of the Parker Road Residential Subdivision will patronize a variety of existing local retail and commercial establishments. Local businesses are expected to provide many of the goods and services future occupants will require, and the additional population from the project will help sustain these local businesses. There is the possibility that some demand for retail and commercial services could increase as a result of the proposed project, which could contribute to sustained and increased commercial growth in the Town of Hamburg and in surrounding areas. This may be seen as a positive effect of the project. Based on the results of preliminary engineering analysis, there are adequate existing support services (i.e., sanitary sewer and water supply) to handle demands generated by the proposed development.