APPENDIX E

Public Notices and Comments
-Receipt-

Date: 08/01/13
Account #: 527797
Company Name: TTL Associates, Inc.

Address: 44265 Plymouth Oaks Boulevard
Plymouth, MI 48170

Telephone: (734) 455-8600
Fax:

Ad ID: 963176
Run Dates: 08/04/13 to 08/06/13
OC_Flag3: N
# of Inserts: 3.09
Columns wide: 1
Total # of Lines: 94
Total Cost: $2,692.52
Ad Class: 759
Account Rep: Marcy Lombardo
Phone #: (716) 849-5335
Email: mlombardo@buffnews.com

Payments:

Method Card Name Last 4 Digits Expire Check Amount Paid
Type on Card 3439 Date Number

CC VISA $2,692.52

Gross: $2,692.52
Paid Amount: - $2,692.52
Amount Due: $0.00

Your ad
NOTICE OF AVAILABILITY

DRAFT PROGRAMMATIC ENVIRONMENTAL ASSESSMENT

U.S. DEPARTMENT OF VETERANS AFFAIRS

Proposed Site Selection, Construction, and Operation of the Western New York National Cemetery in Erie and Genesee Counties, New York.

The Department of Veterans Affairs (VA) announces the preparation and availability of a "Draft Programmatic Environmental Assessment" (DPEA) for site selection for proposed construction and operation of a new National Cemetery to be located on one of three sites in Erie and Genesee Counties, New York.

The DPEA has been prepared in accordance with the regulations for implementing the procedural provisions of the National Environmental Policy Act (NEPA), (Public Law 91-190, 42 U.S.C. 4331-4347, January 1, 1970), amendments, and VA’s Implementing Regulations (38 CFR Part 26). The VA intends to issue a “Finding of No Significant Impact” (FONSI) following a comment period in accordance with the Council on Environmental Quality Regulations for Implementing NEPA, Section 1508.13, provided there are no substantive comments which warrant further evaluation. The 30 day public comment period will end on September 4, 2013.

Copies of the DPEA will be available for review at the Village of Corfu Free Library located at 7 Maple Avenue in Corfu, New York 14038 and at the Buffalo and Erie Counties Public Library – Lancaster Branch located at 5406 Broadway in Lancaster, New York 14086. A copy of the DPEA is also available for review on the following website: www.cem.va.gov/cem/EA.asp. Please submit comments to the following:

Department of Veterans Affairs
Attn: Ms. Amanda Wehrer
VA Project Manager
4251 Street, NW
Washington D.C. 20001
Email: rps@va.gov
(please put “Western New York Cemetery EA” in subject line)
Marcy Lombardo of the City of Buffalo, New York, being duly sworn, deposes and says that he/she is Principal Clerk of THE BUFFALO NEWS INC., Publisher of THE BUFFALO NEWS, a newspaper published in said city, that the notice of which the annexed printed slip taken from said newspaper is a copy, was inserted and published therein 3 times, the first insertion being on 08/04/2013 and the last insertion being on 08/06/2013.

Dates Ad Ran:

Buffalo News (P1) 08/04/13
Buffalo News (P1) 08/05/13
Buffalo News (P1) 08/06/13

Sworn to before me this 6th day of August, 2013

BARBARA ANNE JUZWIAK
Notary Public, Erie County, New York

My Commission Expires 09/01/2014
Leon Chowaniec  
93 Northwood Drive  
Lancaster, New York 14086  
August 28, 2013

Department of Veteran Affairs

Re: PROGRAMMATIC ENVIRONMENTAL ASSESSMENT  
ABSTRACT COMMENTS on Western New York Cemetery

Att: Ms. Amanda Wehner, VA Project Manager

Email: rps@va.gov

The PEA abstract declares that the purpose of the Proposed Action is to select and acquire a suitable site for the proposed future construction and operation of a National Cemetery in Western New York as the area is underserved in that no National Cemetery is located within 75 miles of this area. I am of the opinion that the SITE 3 option, Eastport Commerce, located in the Town of Lancaster at 4106 Walden Avenue is not the best option; rather that it is inappropriate for the purpose of interring our country’s fallen heroes.

Potential Adverse Impacts

The PEA also claims that the potential adverse impacts are less-than-significant to aesthetics, air quality, cultural resources, geology and soils, wildlife and habitat, noise, land use, wetlands, solid and hazardous materials, transportation, and utilities. I have a different opinion regarding the following:

Noise

In Table 12, Summary of Potential Environmental Effects the PEA concludes: No significant noise impacts during cemetery operation. The PEA came to this conclusion after claiming, “The existing noise environment around Site 3 is dominated by vehicular traffic along adjoining roadways (i.e., Walden Avenue, Pavement Road, and Pleasant View Drive). In addition, contributions to the existing noise environment come from the commercial and industrial businesses adjoining to the east of the site across Pavement Road and to the south of the site across Walden Avenue. No other notable noise-generating sources are present in the immediate vicinity of Site 3. As such, the noise environment of the site can be characterized as that typical of a suburban area.”

Why did this study not include the noise emanating from the Lancaster Airport, located across and on the south side of Walden Avenue within a half-mile distance? This is a private, for public
use reliever airport that has spent $15 million of federal and state grant monies to expand and improve the airport to the point where land use and aircraft traffic has increased tenfold in the last decade. The Lancaster Airport (BRQ) is in the process of seeking code language change that would permit the airport to expand further and to allow for 79 foot wing span aircraft and micro jets. This site is not to be characterized ‘as that typical of a suburban area’.

The PEA further describes the noise coming from the surrounding development:

The area located to the north is occupied by eight residential properties and across Pleasant View Drive by unimproved farmland. The area located to the east across Pavement Road is currently occupied by the Town of Lancaster Operations (525 Pavement Road), a residential property, Leisure Craft Pools (2 Lancaster Parkway), a commercial building (1 Lancaster Parkway), B&D Concrete (7 Lancaster Parkway), Great Lakes Machinery (4 Lancaster Parkway), a continuation of the National Fuel Supply pipeline, and Ripa’s restaurant (4218 Walden Avenue). The area located to the south across Walden Avenue is currently occupied by Parker-Hannifin Corporation – Airtek Division (4087 Walden Avenue), the entrance to FBC Chemical Corporation (4111 Walden Avenue), Hurtubise Tire Sales (4109 Walden Avenue), Try-It Distribution (4155 Walden Avenue), and Ahold American Sales (4201 Walden Avenue). The area located to the west is unimproved farmland and vacant land.

The PEA again fails to mention the Lancaster Airport and accompanying noise and potential safety issues.

The PEA concludes: No significant noise impacts during cemetery operation.

Has someone really visited the site for any length of time?

**Land use**

The PEA directs our attention to NYSDOT’s statement that: Site 3 is located in an Agricultural District and that the land is considered prime farmland and farmland of statewide importance. In addition, NYSDOT stated that farmlands would be converted by the Proposed Action at Site 3.

It is later stated in the PEA that: Site 3 is zoned, planned, and prepared for light industrial development. The use of the site as a cemetery would be inconsistent with the planned use of this property. However, Uniland, the developer who prepared the site for industrial development and who holds the full equity interest and development rights to the property, has been unable to develop the site as planned for the past 10 years and would welcome the sale of the property to VA for a cemetery. Therefore, although the proposed cemetery would not be consistent with zoning and LIDA’s plans for the site, this potential adverse land use impact would be less-than significant.
The PEA also states *Use of Site 3 as a cemetery would be somewhat consistent with the surrounding land uses which include large vacant parcels as well as residential, commercial and light industrial uses.* Surrounding land uses given as:

**North** – Residential properties and unimproved farmland

**East** – Commercial and light industrial properties and one residence.

**South** – Commercial and light industrial properties.

**West** – Unimproved farmland and vacant land

**No mention of the Lancaster Airport operation, NOCO truck fueling station and/or retail businesses in the surrounding area.**

**Zoning**

The PEA further states *Cemeteries are not listed as part of the current zoning designation for Site 3 and would likely require a zoning variance or rezoning.*

There is an election taking place in the Town of Lancaster this November. Should two incumbent town board members lose their seats this year, a zoning change may not be looked at as favorably as it is now.

**Traffic**

The PEA states: *Access to Site 3 is provided directly from Walden Avenue (NY State Highway), Pavement Road (Erie County Route 139), and Pleasant View Drive (Erie County Route 161). Under current conditions, Walden Avenue, Pavement Road, and Pleasant View Drive operate at or above acceptable LOS ratings.*

The claim is understated for out-of-town traffic entering Walden Avenue from the Interstate I90 exit and travelling approximately five (5) miles of heavily trafficked road until the intersection of Walden Avenue and Central Avenue is reached in the Village of Lancaster.

**Inappropriate location**

As the great majority of the Town of Lancaster residents, I was proud and pleased that our town was being considered for a VA National Cemetery. That being said, I believe the Walden Avenue Eastport Commerce location is an inappropriate site to honor our fallen military heroes.

The site is zoned Industrial/Agricultural, has been prepped for Industrial use, and is surrounded by light industrial businesses, retail and motor service businesses, and a nearby airport (just south of Walden Avenue) within ¼ mile of the proposed Site 3; an airport that has experienced tenfold expansion and is looking to further expand.
Located directly across from proposed site on Walden Avenue are two (2) large warehouse trucking facilities. Located directly across from the south east corner of the proposed site at the intersection of Walden Avenue and Pavement Road is a NOCO fueling and trucking facility with huge trucks constantly entering and exiting the facility.

It is my contention that a military cemetery should not only be a place of honor for the dead but a quiet place for family and friends to visit in solitude and conducive for prayer and reflection. Site 3 does not meet that expectation. I have been a Town of Lancaster resident for over 40 years and am well acquainted with the site proposed.

Lastly, choosing Site 3 would deprive the Town of Lancaster and the Lancaster Central School District of current land assessment tax revenues, and from the potential of a much larger amount should the land be developed as intended, for Light Industrial purpose and job creation.

In closing, Site 3 should be considered totally inappropriate for use as a VA Cemetery.

Sincerely yours,

Leon Chowaniec
93 Northwood Drive
Lancaster, New York 14043
(716) 684-8799
716(860-3616) Cell
610 Columbia Ave.
Lancaster, NY 14086-1240
August 31, 2013

Department of Veterans Affairs
Attn.: Ms. Amanda Wehner
V.A. Project Manager
425 I Street, NW
Washington DC 20001
Email: rps@va.gov

RE: Western New York Cemetery EA

Dear Ms. Wehner:

As a WWII, etc veteran, I am in favor of locating a National Veterans Cemetery in WNY so that its residents and those of nearby states can have better access to it. Currently, many folks are forced to make a round trip of more than 200 miles to visit the nearest such cemetery located in Bath, NY.

As background, nearly a year ago (October 31, 2012), I wrote the V.A. and mentioned that I visited all three sites which are cited in the current Public Draft Programmatic Environmental Assessment (PEA) dated 02 August 2013 and offered comments then. Upon reviewing the current PEA, I remain deeply concerned about a number of negative aspects of Site 3 (which is located at 4106 Walden Ave., Lancaster, NY) and wish to add the following comments with respect to this site for the public record:

Location. Site 3 is certainly not a serene and solemn setting for a National Veterans Cemetery, such as those at Bath, Arlington, etc. For example, the PEA states that Site 3, located at NW corner of Walden Ave and Pavement Rd, is on Agricultural land whereas the Town of Lancaster (Town) zoning map indicates this site as being zoned LI, Light Industrial.

Since the Town re-zoned the property in 1962, a considerable amount of taxpayer funding has been spent in the form of Payments in Lieu of Taxes (PILOT), Town snowplowing, and Town road work on this site. Furthermore, in its present state, it is shovel ready for industrial development with all necessary such infrastructure installed. Developing this site into a National Cemetery would deprive the Town, County and State of much needed dollars to pay for job creation and taxes. Further, the in-place roadways are extra wide and have high curbs which do not meet ADA standards. Modification of curbing could impact present street drainage.

Walden Avenue is a state highway having high traffic volume with many trucks and Pavement Road is an Erie County road, also with high vehicular traffic. A new NOCO truck stop and restaurant is located at the SE corner of the road intersection, an American Sales distribution center is at the SW corner, and a newly open-to-the-public compressed gas refueling station is immediately west of American Sales.

Natural Gas Pipeline: The PEA for Site 3 glossed over the pipe's parameters. Reportedly it is about 36” in diameter, has 4’ of cover and contains high pressure gas.

Ambient Noise. No mention was made in the PEA of the site’s proximity to CSX tracks, where eastbound freight locomotives lumber against the eastbound grade or to the air horns.

-Cont’d-
of Norfolk Southern locomotives several hundred feet to the south. Jake-braking of trucks for the traffic signal located at the Walden / Pavement intersection exacerbates such ambient noise. Also, during its operating life, any cemetery contributes very little to ambient noise, except perhaps for the short duration sound of a backhoe.

**Traffic Count:** I did not see anything within the PEA indicating a recent traffic count along either of the two roads contiguous to Site 3. Particularly during rush hour, it is dangerous for one to make a left turn onto either road.

**Air Quality:** In the Executive Summary, NYSDOT indicated that from its standpoint air quality was of no concern. However, from the standpoint of a National Cemetery this should be of major concern.

**Airport:** The PEA failed to mention that the nearby Buffalo Lancaster Airport located on the south side of Walden Ave just east of Pavement Road had received a reported $15 million in Federal, etc grants to expand and improve its facilities, and is now in the process of seeking Town Code changes to further expand and accommodate aircraft up to 70’ wingspan and noisy corporate jets. This totally belies the PEA finding of no significant ambient noise impacts during cemetery operations.

**Site Photographs:** Whereas the quality of the portrait photos in the PEA was indeed good, one cannot adequately rely upon these in a final site choice determination. Accordingly it is vital that those making the ultimate site decision personally view all three sites beforehand.

**My Conclusion** The ultimate National Veterans Cemetery site should be primarily based on aesthetics, quiet and solemn surroundings, etc. Simply put, Site 3 Walden and Pavement does not pass muster. Accordingly, many other veterans and I feel that the two sites under consideration in the Corfu area are significantly more appropriate for a National Veterans Cemetery.

Your consideration of the above factors is most appreciated.

Yours truly,

Donald G. Symer

Email: dgsymerpe@yahoo.com

CC: Sen. Charles E. Schumer, NY
    Sen. Kirsten Gillibrand, NY
    Director, Erie County Veterans Services, Buffalo