Draft Environmental Impact Statement

Proposed Mixed Use Center, Maple Road

Benderson Development Company, LLC

Town of Amherst
Amherst, New York

May 2007
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DRAFT
ENVIRONMENTAL IMPACT STATEMENT

MIXED USE CENTER,
MAPLE ROAD
TOWN OF AMHERST, N.Y.

Town of Amherst
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Date of Acceptance by Lead Agency: 
Deadline for Written Comments: 

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Executive Summary of Draft Environmental Impact Statement

Proposed Mixed Use Center
Maple Road
Town of Amherst, New York
May 2007

This Draft Environmental Impact Statement (DEIS) has been prepared in anticipation of a review by the lead agency Town of Amherst, N.Y. The applicable citations are the Town of Amherst Code, Article 8 of the New York State Environmental Conservation Law, State Environmental Quality Review Act (SEQRA), and Part 617 of Title 6 of the New York State Code of Rules and Regulations.

DESCRIPTION OF THE PROPOSED PROJECT

The pending actions are the Environmental Review and rezoning for the proposed project. The project proposes a mixed use development, as defined by the Town of Amherst, to construct 225,000+ SF of specialty retail; 35,000+ SF of restaurants, 12,000+ SF of office, 4,000+ SF of community theater, 125 hotel rooms and 75 dwelling units of condominium/townhouses, with associated parking, entrance drives and landscaping on tax parcel numbers 581.55.03-1-10 and 581.55.03-1-9. The project site is located at 330 and 218 Maple Road. The project will require re-zoning of part of the property from (R3) to (MFR6) and community facilities (CF) to (GB) and (MFR6).

The project site in the Town of Amherst, Erie County, NY, consists of two separate parcels. The first parcel is located at 330 Maple Road and is owned by Buffalo-Maple Road, LLC. The second parcel, located at 218 Maple Road, is owned by Buffalo-Anderson Associates, LLC. Future references in the report will refer only to Benderson Development Company, LLC., as agent for the owners. The property to be redeveloped consists of a primarily open, cleared area formerly used by the Buffalo Shooting Club. The west end of the site is lightly vegetated with a former residential home. A residential area also occurs to the west of the site. The south side of the site borders a residential neighborhood across Maple Road. Recreation areas including the Pepsi Center and the Audubon Golf Course occur to the north of the site as well as the University of Buffalo. A town maintenance building occurs immediately to the east of the site.

COMMUNITY NEIGHBORHOOD MEETING

Invitations for a neighborhood meeting were mailed to approximately 88 home owners living in the immediate vicinity of the project site. The names were taken from a list provided by the Town of Amherst and the meeting held on January 3, 2007 was well attended. A list of all the issues discussed at the meeting is included in this document in Appendix G. The neighbors were generally receptive to the mixed use development, particularly with regard to the traffic calming issues to be utilized on Maple Road.

POTENTIALLY SIGNIFICANT ENVIRONMENTAL IMPACTS

The attributes of a mixed use development have significant positive impacts including the reduction in vehicular trips to and within the site by encouraging walking with more pedestrian ameni-

Trowbridge & Wolf Landscape Architects
May 2007
ties. This project proposes traffic calming measures while allowing for safe pedestrian movement. The proposed project also allows for pedestrian linkages to existing and future trails and walkways between the Ellicott Creek Corridor and the University of Buffalo.

The areas of potentially significant adverse environmental impacts identified in this document together with a summary of mitigations for each are as follows.

**Drainage/ Stormwater Management**

The on-site system will consist of a series of catch basins, yard drains, area drains and manholes which will collect the runoff generated from the parking lots, buildings and green areas. A pipe network will connect the structures and convey the water to the fields of underground detention piping. The pipe detention will flow through a water quality treatment system/outlet control structure. This device will remove the majority of suspended solids and floatables and also restrict the discharge to pre-construction flow rates.

The underground pipe detention field will consist of parallel, 60” perforated HDPE pipes surrounded by washed stone. The stone will be wrapped with geotextile fabric to keep it separated from the surrounding soil. The pipes, along with the voids in the stone, will be used to temporarily store the storm water during high intensity storm events and discharge at or below pre-construction rates to the Erie County storm system on the north side of Maple Road via the water quality treatment system/outlet control structure.

The Town of Amherst requires attenuation of the proposed 25-year storm event to the existing 10-year conditions. Storage of this storm event is at elevation 591.95 in the underground pipe detention system, at this elevation the outlet control structure will be engineered to allow an outflow equal to the existing 10-year peak runoff.

NYSDEC Stormwater Management Design Manual requires (4) four different criteria be considered when designing a stormwater management system. Those criteria are Water Quality, Channel Protection, Overbank Flooding and Extreme Storm Protection. Below is a summary of each item and how it is incorporated into this project as mitigating measures.

**Mitigation:**

**Water Quality:**

The NYSDEC requires a water quality device prior to discharge; this will be accommodated by installing the water quality treatment system/outlet control structure. This device will be designed to remove the majority of suspended solids and floatables. It will also be engineered to provide 24-hour extended detention of the water quality volume. Storage of the water quality volume will be accommodated in the underground pipe detention system at elevation 588.41, the 24-hour discharge rate is 0.88 cfs. The device chosen will be one listed on the NYSDEC Verified Proprietary Stormwater Management Practices list.

**Channel Protection:**

The NYSDEC requires that extended detention be provided for the proposed 1-year storm event. This volume is accommodated in the underground pipe detention system at elevation 589.93. At this elevation the water quality treatment system/outlet control structure will be engineered to provide 24-hour extended detention of this volume, the 24-hour discharge rate is 1.94 cfs.

**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. Storage of this storm event is at elevation 591.18 in the underground pipe detention system, at this elevation the outflow is well below the existing peak 10-year runoff from the development site.

Extreme Storm Protection:

The NYSDEC requires that the 100-year proposed storm event be attenuated with detention and the outlet to be restricted to the 100-year existing storm event. Storage of this storm event is at elevation 592.68 in the underground pipe detention system, at this elevation the outflow through the water quality treatment system/outlet control structure will be engineered to equal the existing 100-year peak discharge from the site.

Site Topography

As shown on the survey developed by TVGA Consultants the topography has very low gradients with the exception of a man-made berm along the north edge of the property. These low gradients will assist in ADA Compliance across the site. The lowest elevations occur along the northern edge of the property. The berm in conjunction with the drainage toward the north has resulted in artificially created low areas.

Mitigation:

The proposed site grading will maintain positive drainage across the site. Adjacent properties will not be affected by any change in topography.

Natural Resources

An assessment of vegetation was performed at two levels, including the documentation of trees as well as herbaceous plants that are considered a partial determination of wetland indicator species. Survey mapping of vegetation as well as wetland delineation was performed by TGVA, Surveyors.

Four (4) potential wetland areas totaling 1.17 +/- acres were identified during the course of a field investigation based upon the three parameter technique (vegetation, soils and hydrology) outlined in the Army Corps Manual. It is Earth Dimensions opinion that the wetlands are isolated and do not meet the current interpretation of Federal jurisdiction for wetlands.

Mitigation:

No significant nexus between the wetlands and the waters of the U.S. is evident. Both the USACE and NYSDEC regulatory analysis, consider avoidance of wetlands to eliminate losses. In this regard, it is recommended that USACE determine wetland boundary confirmation. It is the consultants opinion that the potential wetlands may not have Federal regulation requirements.

Visual Resources

The vast majority of people who view the site from Maple Road will see it from a vehicle. The site has approximately 2,110’ of frontage along Maple Road. When traveling from the east along Maple Road the viewer is confronted with an open area to the north, just past the Town maintenance barn. This is the former Buffalo Shooting Club. It has a small rather poorly maintained clubhouse and designated shooting ranges. Few street trees or public amenities exist in the public right of way.
The western-most portion of the site is sparsely vegetated, with re-growth shrubs and trees. This vegetation area was not a part of the former Buffalo Shooting Club and is related to a former residential property, 218 Maple Road.

Traveling East on Maple Road, homes with many mature trees are seen to the south. This view of homes is continuous along Maple Road for the extent of the site. The view north (while traveling east) is of the former Buffalo Shooting Club. The buildings of the University of Buffalo campus can be seen in the distance. At night, the lights of the Pepsi Center can be seen when the exterior fields are being used. The former Shooting Club blinds and clubhouse can also be clearly seen when traveling east along Maple Road.

The building and blinds of the former Buffalo Shooting Club will be removed with the development of the mixed use project on that site. The relatively open landscape will be replaced with retail stores, offices, townhouse/condominium buildings, a hotel and restaurants. Some of the new buildings will be constructed at the southerly edge of the Maple Road right of way.

It is proposed to plant street trees on the north side of Maple Road, for the extent of the proposed project. A new sidewalk is also proposed. In addition, a landscaped median in Maple Road is being proposed. This would replace the 16' + center two-way turning lane in places where it is not required for safe traffic maneuvers. Pedestrian-level lighting will also occur along the north side of Maple Road for the extent of the project.

Mitigation:
Visual impacts to the open qualities of the site will occur when the building program as proposed is constructed. However, the proposed landscape treatment for Maple Road should mitigate the significance of this development. Street tree plantings and landscape development along the north side of Maple Road should mitigate views from the residential community to the south.

Cultural Resources

Panamerican Consultants, Inc., performed a phase one field resource investigation and site reconnaissance for the former Buffalo Shooting Club and an adjacent site that constitute the proposed mixed use project on Maple Road in the Town of Amherst. The consultants initially performed shovel tests. The consultants performed a soils and vegetation analysis for the site. The surface reconnaissance “identified several man-made disturbances”. These included a berm at the North edge of the site, drainage swales and concrete and asphalt fragments (construction debris).

Subsurface testing was also performed to systematically sample the project area to potentially locate any archaeological sites. “The initial testing method was the excavation of shovel tests at a regular 50 ft./915 m) intervals.” Shovel tests were done on transects across the site from north to south. Soils encountered during the shovel tests were typically moist to saturated (perhaps due to an exceptionally wet year with higher than average precipitation) with high clay content soils.

Mitigation:
No significant cultural resources were identified within the project area as a result of this investigation. Three shovels tests yielded prehistoric cultural material in the form of one chert debitage flake each.” The site does not appear to have the potential to be National Register of Historic Places (NRHP) eligible nor would resources be impacted as a result of the proposed construction. Therefore, the proposed project will have no effect on cultural resources listed, or be eligible for listing in the state or National Registers of Historic Places. No further cultural resource investigations are recommended”. 
Vehicular Circulation

FRA Engineering, P.C., developed a Traffic Impact Study for the project site in November and December, 2006. The intent of the traffic impact study is to “evaluate the potential impacts that the new development traffic may have on the level of traffic service on adjacent public streets”. The consultant documented roadway and traffic data, projected traffic that the new project may generate, the distribution of traffic across the street system, an analysis of each proposed driveway to the development site, a “level of service” analysis at nearby intersections and recommendations for traffic impact mitigation.

The new mixed use project has four (4) full access driveways onto Maple Road. One drive aligns as a four-way intersection with Donna Lea Boulevard. The other three drives “T” into Maple Road. In conjunction with the project, a raised median planter is proposed “with landscaping and trees in order to create a visual buffer between the project site and the residences on the south side of Maple Road.”. Pedestrian amenities at the signalized / intersections would occur to ensure ease in crossing and pedestrian safety.

Mitigation:
A. Proposed improvements to Maple Road- This includes a raised median planter with trees and other plantings to visually mitigate traffic and to create safe separation of east and west bound vehicles.

B. Site Access- The driveway aligned directly opposite of Donna Lea Boulevard will allow for minimal traffic conflicts and “provide a configuration that is conducive to signalization”. For each of the other “T” configurations of site access points there are no side streets that would pose a conflict. “The distances between the center lines of adjacent site driveways, proceeding from west to east along Maple Road will be 500 feet, 675 feet and 650 feet. These distances will be sufficient to minimize the potential for traffic conflicts between driveways.”

Soils and Environmental Issues

Barron and Associates, P.C., completed a geotechnical engineering report. The report presents findings related to subsurface investigations and makes related recommendations. The report illustrates the project site plan and the location of 22 test borings. The test borings were drilled by Buffalo Drilling Company Inc. Exploration methods, laboratory testing, site and subsurface conditions including bedrock and groundwater are described in the report. In addition, earthquake and seismic considerations and foundation and construction recommendations are defined in detail.

The proposed test pits did not encounter bedrock at the deepest levels. “Bedrock is believed to be present at depths of approximately 40 to 60 feet below the ground surface”. “Appreciable amounts of groundwater were not encountered at any of the borings during or at the completion of drilling operations”.

Mitigation:
The report outlines in detail footing and foundation considerations including retaining wall design. No exceptional or unusual detailing or site mitigation is needed to construct the buildings or site features as provided for in the proposed plan. In addition, the DEC Brownfield Cleanup Program (BCP) as it applies to the development of the project at 330 Maple Road, is also underway.
**Assessment of Economic Benefits**

The firm of Real Property Services, LLC provided an economic analysis of benefits for the proposed mixed use development on Maple Road.

**Mitigation:**

1. “The new development will provide a significant economic benefit to the Town of Amherst by adding over $44,000,000 to the Town assessment base when completed, generating approximately $1,600,000 per year in total tax revenues at 2008 levels. As a comparison, the site is currently assessed at $461,000 and generates less than $17,000 per year (in taxes).

2. The Sweet Home Central School District will collect approximately $1,000,000 per year while experiencing minimal impact on enrollment.”

**Adverse Impacts That Cannot Be Avoided**

Impacts that cannot be avoided include the use of construction materials that are non-renewable resources. There will be an increase in carbon monoxide during construction on the site, but levels will be well within national and state standards. Noise levels will increase during construction but only during normal working hours. There will be an unavoidable increase in the density of land use once this project is complete. An increase in vehicular traffic will occur, at the full build out of this project.

A project of this scope and nature will have some impact on the environment, both adverse and beneficial. The beneficial impacts to the site are recognized by the Town of Amherst, associated with the desire for mixed use centers. Such mixed use centers are desirable in that they are recognized for community character, reduction in vehicular trips to and across the project site and increasing “pedestrian first” zones and amenities.

**Compliance with Comprehensive Plan**

The proposed mixed use development is in accordance with the Towns recently adopted Comprehensive Plan. This property is part of one of the six “focal planning areas” defined in the Plan. Section 10.3.1 of the Plan refers to the University Focal Planning Area as an area in need of interrelationship between the University and the surrounding area. Given the immediate proximity of the proposed site to the University of Buffalo, the proposed mixed-use development including commercial, retail and residential uses, fills the void as described by the Plan.

In addition, the proposed strategies to link the surrounding neighborhoods to the campus complete the integration of the development with the University.