

WAL-MART SUPERCENTER
4300 Millersport Highway
Town of Amherst
Erie County, New York
Final Scoping Document

Project Sponsor: Wal-Mart Stores, Inc.
2001 SE 10th Street
Bentonville, AK 72716

Prepared By: Town of Amherst Planning Department
5583 Main Street
Williamsville, NY 14221

Lead Agency: Town of Amherst Planning Board

Date Prepared: April 24, 2006

Introduction: The Project Sponsor applied for site plan approval on December 21, 2006 by submitting a Site Plan Application, Part 1 of the Long Environmental Assessment Form (“EAF”) and the required supporting documentation. As part of the Site Plan Application submitted on behalf of the Project Sponsor, the following documents, studies and reports were provided: Geotechnical Report prepared by Tierney Geotechnical Engineering, Stormwater Management Report prepared by FRA Engineering, Traffic Impact Study prepared by FRA Engineering, Environmental Phase I Report prepared by Barron and Associates, Phase 1A & 1B Archeological Study prepared by Pan-American Consultants Inc, Site Plan Drawings by FRA Engineering, and a Part 1 Long Environmental Assessment Form (“EAF”) as prepared by FRA Engineering.

At the meeting of the Town of Amherst Planning Board (“Planning Board”) held on February 16, 2006, the Planning Board declared itself the lead agency after providing involved and interested agencies with the opportunity to comment on its request to act as the designated lead agency. None of the involved or interested agencies expressed opposition to the Planning Board’s request to establish itself as the designated lead agency. After declaring itself the lead agency, the Planning Board issued a Positive Declaration based on its determination that the project may result in potentially significant adverse environmental impacts. The project has been classified as a Type I action pursuant to 6NYCRR Part 617 and Local Law #3-82, as amended, of the implementing regulations pertaining to Article 8 (State Environmental Quality Review) of the Environmental Conservation Law.

Description: Construction of an approximately 217,572± square foot Wal-Mart Supercenter (including seasonal garden center, Tire and Lube facility, and drive through pharmacy), and new automotive fueling facility (10 stations), on a 67.4± acre parcel of land located on the west side of Millersport Highway (NYS 263) and bounded by New Road on the east and Smith Road on the south. The proposed project (“action”) includes a parking lot for approximately 1,022 vehicles, two site access drives to Millersport Highway and New Road and two out-parcels (1.792 and 1.961 acres) adjacent to the Millersport Highway entrance. The two outparcels are not currently proposed to be developed as part of the project, but the potential environmental impacts associated with the development of these two parcels will be included in the environmental review pursuant to SEQR. The proposed project includes approximately 21.6± acres of infrastructure improvements. All proposed site improvements as well as all required discretionary approvals and/or permits from involved agencies are included as part of this action.

DEIS Scope: Outline of identified areas of environmental concern to be evaluated within the Draft Environmental Impact Statement (“DEIS”):

1. Summary

- Description of Proposed Action
- Potentially Significant Adverse Environmental Impacts

Identification of the environmental impacts to be evaluated in the DEIS:

- Traffic
- Wetlands
- Drainage patterns
- Soils/foundation issues
- Floodplain
- Air quality, noise, odor, light impacts
- Historic/archeological resources
- Visual appearance/ Neighborhood Character
- Utility and Sewer Availability
- Economic/social/health & safety issues
- Growth inducement
- Description of Proposed Mitigation Measures to be implemented to minimize significant adverse environmental impacts to the maximum extent practicable

- Evaluation of Reasonable Alternatives
 - Location of the project
 - Market conditions
 - Zoning of Project Site and surrounding area
 - Size and scale of facilities
2. Description of Proposed Action
- Purpose and Need, including benefits
 - Description of Project
 - Location and size – explanation of potential use of undeveloped acreage
 - Surrounding areas
 - Economic Considerations
 - Project timetable – for Wal-Mart and full build-out of outparcels
 - Construction and Operation
 - Required discretionary approvals and/or permits and decision-makers
3. Environmental Setting
- Topography, Geology & Soils
 - Foundation concerns in surrounding area
 - Water Resources
 - Floodway
 - Floodplain
 - Stormwater Runoff
 - Groundwater
 - Air, Noise, Odor, Light
 - Terrestrial and Aquatic Ecology
 - Plants and vegetation
 - Animals & Endangered Species
 - Wetlands
 - Land Resources
 - Land use / surrounding density
 - Zoning
 - Historical and Archeological
 - Property history

- Traffic / Transportation Network
 - Traffic patterns
 - Existing levels of service
 - Condition/limitations of existing road network, including pavement condition, lane and shoulder width, load bearing capacity of:
 - Millersport Highway
 - New Road
 - Smith Road
 - Campbell Blvd. bridge project
 - Non-automobile traffic: public transportation, pedestrian, bicycle
 - Utilities
 - Electric, gas, telephone
 - Water
 - Sewer
 - Community & Neighborhood Character
 - Aesthetics
 - Community services
4. Evaluation of Potential Significant Environmental Impacts & Proposed Mitigation Measures
- Geology, Soils, Topography
 - Topography and site design – describe amount and type of fill to be used in site development
 - Geotechnical findings for site including soils types, water content, layer depths
 - Consideration of alternative foundation types
 - Consideration of infrastructure development including roads, sewer and water lines; assessment of present road/infrastructure deterioration in area
 - Ground water and impact on adjacent properties including foundations of residential structures due to the project (i.e. soil subsidence)
 - Presence of buried hazardous waste

- Water Resources
 - Wetlands – extent of NYSDEC/USACOE wetland areas (mapped and unmapped), type and classification including jurisdictional wetlands. Discussion of potential mitigation and process to obtain USACOE and NYSDEC Water Quality Certification.
 - Proposed filling of wetlands (ratio)
 - Proposed mitigation of any wetland impacts, including location of off-site mitigation
 - Impacts of State wetland buffer areas on adjacent properties
 - Stormwater Management/Pollution Prevention – analysis of stormwater pre and post conditions, retention ponds, NYSDEC Phase II requirements and receiving waters
 - Impact of parking lot runoff (salt, oil)
 - Snow removal storage and runoff
 - Findings of HEC-RAS study (Town Ditch 26C and Ransom Creek)
 - Floodway and Floodplain Location and proximity – consideration of design and impact within the floodplain, compliance with the Town’s floodplain permit and zoning code requirements.
 - Discussion of FEMA floodplain mapping
 - Impact of proposed project on overall base flood elevation
 - Impact of proposed project on floodplain boundaries
 - Impact of loss of floodplain/drainage storage area

- Air, Noise, Odor, light, health/safety issues
 - Air – analysis utilizing the NYSDEC monitoring stations for National Ambient Air Quality Standards and National Standard for inhalable particles; impact of proposed traffic and idling cars on air quality
 - impact of proposed traffic and idling cars on air quality
 - lead content from automobiles
 - use of pesticides, herbicides
 - fugitive dust during construction
 - Noise – weighted decibel discussion including impacts from truck operations, air handling units, rooftop equipment, etc.
 - deliveries, plowing, servicing of dumpsters

- Odor – general discussion of odor from gas station
- Lighting plan impacts including light spread on and adjacent to the site using foot candle thresholds from proposed Zoning Code
- Protection against vermin
- Protection against mosquitos (i.e. West Nile Virus)

- Ecology: Plants and Animals
 - Vegetation and wildlife – discussion of vegetative impacts and or species impacts on the site
 - Presence of threatened/endangered species
 - Presence of habitats
 - Presence of old growth trees

- Historical and Archeological
 - Summary of land use and investigation and archeological findings from the Phase 1A and 1B Archeological investigation including final recommendations.

- Traffic / Transportation Network
 - Investigation of traffic patterns in and around the property. The Traffic Impacts Study (TIS) will be performed in accordance with standard traffic engineering procedures and consistent with New York State Department of Traffic (“NYSDOT”) and Erie County Department of Public Works (“ECDPW”) requirements. The corridor along Millersport Highway adjacent to the property to the I-990 expressway will be investigated. Per discussions with NYSDOT, ECDPW and the Town of Amherst, the following intersections will be studied:
 - Millersport Highway at New Road,
 - Millersport Highway at Smith Road,
 - Millersport Highway at I-990 Exit,
 - Millersport Highway at Hopkins Road,
 - Millersport Highway at North French Road,
 - Millersport Highway at Transit Road,
 - Smith/Hopkins/Schoelles area,
 - New Road at Smith Road.

Included in the report will be a review of accident history using latest 3-year accident history, of the critical intersections and mid block analysis of the Millersport Highway corridor adjacent to the property. The summary and conclusions will include the recommended improvement to the roadways and intersections and the resulting levels of service.

- Include summary of deer-vehicle accidents
- Analysis of current road conditions and proposed road projects
 - New Road condition/limitations (culvert, lane width, ditches, absence of shoulders, weight limit)
 - Campbell Blvd. bridge project
- Description of proposed project
 - Current/proposed signalization
 - Sight distance at proposed new intersection

- Utilities / Energy/ Solid and Liquid Waste
 - Utilities - Discussion of utilities' load requirements and the availability of existing supplies; address presence of high pressure natural gas line
 - Trash and solid waste – discussion of the amount and type of solid waste generated by the project
 - Control of site litter
 - Liquid waste –discussion of multiple options for providing sanitary sewer treatment including:
 - Connection to public sanitary sewer system
 - Individual Treatment system
 - Proprietary surface disposal system
 - Private forcemain connection

- Community & Neighborhood Character
 - Discussion of how proposed project complies with Comprehensive Plan, land use and zoning
 - Screening, Landscaping, Buffering
 - Impact on neighborhood character, including land density
 - Fiscal Impacts – discussion of tax, economic and other resource impacts
 - Impact on area businesses
 - Impact on surrounding home values
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- Community Services and relevant impacts
 - Police
 - Fire protection
 - Community services

5. Reasonable Alternatives

- Sites
 - Availability and size of other sites in geographic region
 - Availability of utilities
 - Compatibility of the project in the market area
 - Accessibility and site layout
- Scale/Size
 - Size of project and the location within the site
 - Exclusion of fueling station
 - Exclusion of outparcels
 - Avoid wetland impacts
- Sewer system vs. individual waste removal system
 - Recommendation of the preferred alternative for the following options:
 - Connection to public sanitary sewer system
 - Individual Treatment system
 - Proprietary surface disposal system
 - Private forcemain connection
 - Consistency of proposed alternative with Comprehensive Plan
 - Impact of proposed alternative on Dockside Village Subdivision build-out
- No Action
 - Effect on public need
 - Financial ramifications

6. Short Term and Long Term Impacts; Cumulative Impacts

- Short terms impacts
- Long Term Impacts
- Cumulative Impacts

7. Adverse Environmental Impacts that cannot be Avoided
 - Discussion of environmental, energy, and human resources that can not be avoided

8. Irreversible and Irretrievable Commitment of Resources
 - Resources used in the construction of the project
 - Resources required for operations

9. Growth Inducing Aspects
 - Capacity of existing infrastructure
 - Future out parcel development
 - Project's impact on additional development in the area
 - Other potential tie-ins to Dockside Village sewer

10. Effects of Use and Conservation of Energy
 - Building in conformance with NYS Building Code
 - Site lighting