FINAL ENVIRONMENTAL IMPACT STATEMENT

Proposed Project:

Wal-Mart Supercenter - No. 4597-00

Project Location:

866 Niagara Falls Boulevard (U.S. 62) near the intersection of Erie Avenue (NYS Route 425)
North Tonawanda, Niagara County, New York

Project Sponsor / Applicant:

Wal-Mart Stores, Inc.
2001 S.E. 10th Street
Bentonville, AR 72716-0550

Lead Agency:

City of North Tonawanda Planning Commission
City of North Tonawanda City Hall
216 Payne Avenue
North Tonawanda, New York 14120

May 12, 2008

FINAL ENVIRONMENTAL IMPACT STATEMENT (FEIS)

PROPOSED WAL-MART SUPERCENTER – STORE NO. 4597-00
CITY OF NORTH TONAWANDA, NIAGARA COUNTY, NEW YORK

Positive Declaration Issued:	April 2, 2007
Public Scoping Session Held:	April 25, 2007
Final Scope Accepted:	June 4, 2007
Draft Environmental Impact Statement Accepted by Planning Commission:	August 6, 2007
Public Hearing held on DEIS:	September 10, 2007
Second Public Hearing held on DEIS:	March 11, 2008
Final Environmental Impact Statement Accepted by Planning Commission:	May 12, 2008
Contact Person:	Andrew C. Reilly, PE, AICP Wendel Duchscherer 140 John James Audubon Parkway, Suite 201 Amherst, New York 14228 Phone: (716) 688-0766 Thomas Jaccarino, City Clerk City of North Tonawanda 216 Payne Avenue North Tonawanda, NY 14120 Phone: (716) 695-8555

FINAL ENVIRONMENTAL IMPACT STATEMENT (FEIS)

PROPOSED WAL-MART SUPERCENTER – STORE NO. 4597-00
CITY OF NORTH TONAWANDA, NIAGARA COUNTY, NEW YORK

TABLE OF CONTENTS

Description		Page
1.0	Executive Summary	1
2.0	Draft Environmental Impact Statement	1
3.0	Revisions to the Draft Environmental Impact Statement	2
4.0	Supplements to the Draft Environmental Impact Statement	3
5.0	Substantive Comments to the Draft Environmental Impact Statement and Responses	3

Appendix	Description
Appendix A	Concept Site Plans and Building Elevations
Appendix B	Supplemental Information to the Draft Environmental Impact Statement
Appendix C	Comments Submitted on the DEIS
Appendix D	Report of Preliminary Findings on the Traffic Impact Study for the proposed Wal-Mart Supercenter, submitted by North Tonawanda First

1.0 EXECUTIVE SUMMARY

1.1 PROJECT DESCRIPTION

The proposed project involves the demolition of the vacant Melody Fair venue and the Bluebird Coach Lines station and the construction of a 185,312+/- square-foot Wal-Mart Supercenter on a 38.0+/- acre site near the intersection of Niagara Falls Boulevard (U.S. 62) and Erie Avenue (SR 425) in the City of North Tonawanda. The Wal-Mart Supercenter is proposed to occupy 26.0+/- acres of the site with the remaining acreage to be subdivided into four separate outparcels, one of 6.8+/- acres fronting Niagara Falls Boulevard and one of 1.3+/- acres fronting Bluebird Drive at the rear of the site which will be residual Wal-Mart outparcels. The other two outparcels, one of 1.5+/- acres fronting Wurlitzer Drive and one of 1.5+/- acres fronting Niagara Falls Boulevard, will be retained by the sellers. Primary access to the site will be from a 3-lane road from Niagara Falls Boulevard and a secondary access is proposed from Bluebird Drive at the rear of the site.

1.2 FINAL ENVIRONMENTAL IMPACT STATEMENT

This document is the Final Environmental Impact Statement (FEIS) for the City of North Tonawanda Wal-Mart Supercenter. The FEIS was developed pursuant to 6 NYCRR Part 617 pertaining to Article 8 of the Environmental Conservation Law (State Environmental Quality Review [SEQR]).

The City of North Tonawanda Planning Commission, as SEQR Lead Agency, declared that the proposed Wal-Mart Supercenter may have a significant impact on the environmental on April 2, 2007 and required that the project sponsor, FRA Engineering, on behalf of Wal-Mart Stores, Inc., prepare a Draft Environmental Impact Statement (DEIS). The purpose of the DEIS is to assess the potential environmental impacts associated with the proposed project. The applicant submitted a DEIS to the City of North Tonawanda on July 27, 2007. The DEIS was deemed to be complete and was accepted by the Planning Commission on August 6, 2007 for review by all Involved and Interested Agencies and the public. The DEIS was made available to the public at the City Library, City Clerk's Office, and on the City's website. The Planning Commission held a Public Hearing on the DEIS at the North Tonawanda City Hall on September 10, 2007 to allow the public to comment on the submitted DEIS for the project. Following a comment from CSX Transportation denying the at-grade access to Erie Avenue, the project was revised to provide secondary access to Wurlitzer Drive through Bluebird Drive. The Planning Commission reopened the DEIS comment period and held a second Public Hearing at Grant Elementary School to gather input on the project change on March 11, 2008.

The Wal-Mart Supercenter Final Environmental Impact Statement (FEIS) includes any revisions and/or supplements to the DEIS, summaries and copies of the Substantive Comments and their source, and the City of North Tonawanda Planning Commission's, as Lead Agency, responses to all Substantive Comments.

2.0 DRAFT ENVIRONMENTAL IMPACT STATEMENT

The Draft Environmental Impact Statement for the proposed Wal-Mart Supercenter was submitted by the project sponsor, FRA Engineering, on behalf of Wal-Mart Stores, Inc., to the City of North Tonawanda Planning Commission, as SEQR Lead Agency, on July 27, 2007. The DEIS, was accepted for public review by the Planning Commission on August 6, 2007 and a Public Hearing on the DEIS was held September 10, 2007. The DEIS comment period was reopened and a second Public Hearing held on March 11, 2008 to gather input on the project

change. The DEIS shall form part of this Final Environmental Impact Statement (FEIS) and is incorporated by reference.

3.0 REVISIONS TO THE DRAFT ENVIRONMENTAL IMPACT STATEMENT

3.1 Revisions to the DEIS throughout

Change the following:
City of North Tonawanda Planning Board.

To Read...
City of North Tonawanda Planning *Commission*.

3.2 Revisions to the DEIS throughout

Throughout the individual reports in the appendix, there are several conflicting references to the number of lots that make up the current site. Please identify the correct number of lots currently existing on the site.

There are three (3) lots that make up the current site.

3.3 Revisions to the DEIS throughout

Change the following:
Page II-3: The context study and photo renderings are included in Appendix J

To read:
Page II-3: The context study and photo renderings are included in Appendix *L*.

3.4 Revisions to the DEIS throughout

Change the following:
Page III-16: The City's consultant, Wendel Duscherer.

To read:
Page III-16: The City's consultant, Wendel *Duchscherer*.

3.5 Revisions to the DEIS throughout

Change the following:
Page IV-29: The proposed signage is shown in Appendix J.

To read:
Page IV-29: The proposed signage is shown in Appendix *L*.

3.6 Revisions to the DEIS throughout

Change the following:
Page 6 of 11 in the Engineering Stormwater Report: The 10-year storm event for the post-development of the site will be 37.22 cfs less than the existing 39.30 cfs.

To read:

Page 6 of 11 in the Engineering Stormwater Report: The *100-year* storm event for the post-development of the site will be 37.22 cfs less than the existing 39.30 cfs.

4.0 SUPPLEMENTS TO THE DRAFT ENVIRONMENTAL IMPACT STATEMENT

The following supplements are included in Appendix B and are provided to complement the DEIS.

4.1 **"Site Plan Alternative"** by FRA Engineering dated September 10, 2007.

4.2 **"Supplemental Traffic Analysis for Proposed Wal-Mart Project (No CSX/ Erie Ave. entrance driveway)"** by FRA Engineering dated September 20, 2007.

4.3 **"Supplemental Traffic Analysis for Proposed Wal-Mart Project (Niagara Falls Boulevard only access)"** by FRA Engineering dated November 5, 2007.

4.4 **"Supplemental Traffic Analysis #3 for Proposed Wal-Mart Project (full access at Bluebird Drive)"** by FRA Engineering dated February 4, 2008.

4.5 **Revised "Wal-Mart Signage Package"** by FRA Engineering dated December 19, 2007.

5.0 SUBSTANTIVE COMMENTS TO THE DRAFT ENVIRONMENTAL IMPACT STATEMENT

The City of North Tonawanda Planning Commission, as Lead Agency, has determined that the following comments/ questions, submitted by Involved and Interested Agencies and the public during the Wal-Mart Supercenter Draft Environmental Impact Statement public review period, which included a Public Hearing held September 10, 2007 and March 11, 2008, are substantive in nature. These Substantive Comments are addressed in the Final Environmental Impact Statement. This section includes summaries of all verbal and written Substantive Comments, along with the Lead Agency responses for each. The Lead Agency's responses are shown in "bold text" below each comment.

A copy of each of the written Substantive Comments received during the DEIS public review period is included in Appendix C. Verbal comments are included in Appendix C through a summary of the September 10, 2007 and March 11, 2008 Public Hearings.

Written comments from the New York State Department of Transportation
January 9, 2008

5.1 *Comment*
The table included in the study summarizing the capacity analysis for the intersection of Niagara Falls Boulevard and Ruie Road shows some movements will have a drop in Level of Service (LOS). The study states that reductions could theoretically be mitigated by adding a green left turn arrow but that it is not warranted based on projected left turn volumes. This alternative should be analyzed along with any other improvements that may eliminate the LOS drops at this intersection.

Response
The applicant has investigated the alternative of providing an advance green left turn arrow on Niagara Falls Boulevard for northbound lefts to Ruie Road. The overall operations are better without the advance left turn phase included primarily because the

volumes using the left turn lane are very small compared to the volumes using Niagara Falls Boulevard. It is recommended that the current signal phasing remain in place.

5.2 *Comment*
We were advised that CSX will not allow a crossing necessary for Wal-Mart to have access on Erie Avenue. Without the Erie Avenue access, projected traffic at the intersections along Niagara Falls Boulevard will change except at Ruie Road. Therefore, the conclusions of the study in the DEIS are not valid for the affected intersections.

Response
Since the at-grade railroad crossing had been denied by CSX Transportation, the applicant has provided several revised traffic impact studies. A secondary site access is proposed at Bluebird Drive (to Wurlitzer Drive) at the rear of the site. The New York State Department of Transportation (NYSDOT) has provided review letters, included in the Appendix, concurring with the review of supplemental traffic analyses and requiring the placement of a secondary access to the site.

5.3 *Comment*
At the intersection of Niagara Falls Boulevard and the proposed access road, we concur with the recommendation in the study to install a traffic signal, converting the two-way center turn lane on Niagara Falls Boulevard into an exclusive northbound left turn lane, and constructing an exclusive southbound right turn lane on Niagara Falls Boulevard.

Response
Comment taken, no response necessary.

5.4 *Comment*
The supplemental Traffic Analysis recommends coordinating the proposed signal on Niagara Falls Boulevard at the proposed access road with the existing signals at Ruie Road and at Erie Avenue/ Shawnee Road. However, this supplemental did not include a LOS analysis or summary associated with the proposal to coordinate the signals.

Response
The applicant has recommended the coordination of the proposed traffic signal at the intersection of Niagara Falls Boulevard and the primary access with the traffic signal at the intersection of Niagara Falls Boulevard and Erie Avenue/ Shawnee Road. The Niagara Falls Boulevard/ Ruie Road intersection is greater than ¼ mile and operates at an acceptable LOS, however, to further improve traffic flow, this traffic signal should also be included in the coordination and will be incorporated as a condition of the Findings.

5.5 *Comment*
The supplemental states that there are LOS drops at the intersection of Niagara Falls Boulevard with Shawnee Road and Erie Avenue. It also states that geometric improvements are not practical due to right-of-way constraints, close proximity of the CSX Railroad, and Sawyer Creek. While we agree that geometric improvements are not practical, the analysis does not explore other alternatives in an attempt to improve the LOS. For example, an option to consider is converting the through lane on Erie Avenue and/or Shawnee Road into a shared through/ left lane and split the signal phasing.

Response
The alternative of providing a combined through/ left lane and providing split signal phasing was analyzed and actually resulted in a worse LOS for the intersection. It is recommended that the current traffic signal phasing be maintained. The intersection LOS

will be maximized through maintaining the existing traffic signal phasing plan and providing signal timing optimization.

5.6 *Comment*
We identified some errors for values entered in the Synchro capacity model. The eastbound Niagara Falls Boulevard left turn storage length is 70 feet not 125 feet, the northbound Erie Avenue right turn storage length is 75 feet not 0 feet, and the southbound Shawnee Road right turn land storage length is 100 feet not 200 feet.

Response
Field observations conducted by the applicant's traffic consultant confirmed that the eastbound Niagara Falls Boulevard left turn lane storage length of 125 feet includes the defined 70 feet white storage lane delineation and 55 feet of storage length that is a transition area to the dual use left turn lane further to the west. The northbound Erie Avenue right turn storage length has been corrected. The southbound Shawnee Road right turn lane storage length was reinvestigated to confirm the white line storage lane delineation of 150 feet.

5.7 *Comment*
We concur with the supplemental TIS statement (single access scenario) that providing dual left turn lanes on Erie Avenue at Niagara Falls Boulevard would improve the left turn lane delay and understand that it would not be practical to construct due to constraints at this intersection. However, without the dual left turn lanes, the analysis shows an excessive queue length during the Saturday peak hour that would be greater than 300 feet for vehicles turning left from Erie Avenue.

The Synchro analysis shows that the queue length for vehicles turning left from Niagara Falls Boulevard to the proposed access driveway would be in excess of 500 feet. Dual left turn lanes would be required on Niagara Falls Boulevard to mitigate this impact. Due to right-of-way constraints, this mitigation does not appear to be practical either.

We do not support this option to have only one access to Wal-Mart since it does not appear feasible to mitigate the traffic impacts.

Response
A single access to Niagara Falls Boulevard is not supported since excessive queue lengths for vehicles turning left from Erie Avenue to Niagara Falls Boulevard and for vehicles turning left from Niagara Falls Boulevard into the site would occur and since due to constraints at the intersection of Niagara Falls Boulevard and Erie Avenue/ Shawnee Road, including limited right-of-way, the railroad, and stream crossing, additional intersection modifications to provide mitigation is not feasible. This includes widening of the intersection to allow for dual left turn lanes.

An alternative access scenario includes primary access to Niagara Falls Boulevard with a proposed traffic signal and full secondary access to Wurlitzer Drive via Bluebird Drive with stop control on Bluebird Drive only.

Written comments from the New York State Department of Transportation
April 7, 2008

5.8 *Comment*
FRA Engineering recommended that the current signal phasing should remain in place at the intersection of Niagara Falls Boulevard and Ruie Road. They state that the overall operations are

better without the left turn arrow. The overall intersection delay does increase by just a few seconds with the left turn arrow, but, there is a significant improvement to the left turn movement for northbound Niagara Falls Boulevard with the arrow. Therefore, the Department will require the developer to install a left turn arrow as mitigation

Response
The Planning Commission concurs, and the applicant installing a left turn arrow at the intersection of Niagara Falls Boulevard and Ruie Road will be made a condition of the Findings.

5.9 *Comment*
In our January 9, 2008 letter, we recommended that FRA Engineering explore other options to improve the level of service at the intersection of Niagara Falls Boulevard and Erie Avenue/ Shawnee Road. FRA Engineering investigated split phasing and concluded in their February 4, 2008 letter that the original phasing should remain. We concur that the level of service would decrease if the signal phasing was split. Also, as previously identified, there are no practical geometric improvements due to the right-of-way constraints. Therefore, this intersection would experience increased delays with the additional Wal-Mart traffic, most notably in the afternoon peak for the left turn movement from Niagara Falls Boulevard to Shawnee Road and for the Erie Avenue through movement.

Response
The applicant submitted a supplement to the Traffic Impact Study dated February 4, 2008 that analyzed the site with full primary access to Niagara Falls Boulevard and full secondary access at Wurlitzer Drive (through Bluebird Drive).

The analysis evaluated the impact of site generated traffic associated with the full build-out of the Wal-Mart against the projected background traffic conditions that would exist without the project being built. The background traffic includes projected annual traffic growth as well as additional traffic generated from proposed developments in the Town of Wheatfield. The full build out of the Wal-Mart project includes the background assumptions plus the 185,312 square foot Wal-Mart Supercenter, a 3,000 square foot fast food restaurant with drive thru, a 3,000 square foot fast food restaurant without drive thru, a 5,000 square foot sit down restaurant, and a 37,250 retail shopping plaza. The traffic analysis of the full build out of the Wal-Mart project includes all proposed mitigations.

In evaluating the impact of the site generated traffic associated with the full build out of the Wal-Mart project on existing traffic, the overall LOS at the intersection remains the same during the weekday AM peak hour, decreases from a LOS D to LOS E (a 4 second additional delay) during the weekday PM peak hour, and decreases from a LOS C to LOS D (a 3 second additional delay) during the Saturday midday peak hour. Although the there is a LOS decrease, the decreases in delay for the overall intersection are minor.

In evaluating the impact of the site generated traffic associated with the full build out of the Wal-Mart project on background traffic, the overall LOS at the intersection of Niagara Falls Boulevard and Erie Avenue/ Shawnee Road would improve during the weekday AM peak hour and remain constant during the weekday PM peak and Saturday midday peak hours.

The evaluation of the full build-out of the Wal-Mart project indicates that there are individual approaches at the intersection that experience increased delay from existing conditions. The left turn movements from westbound Shawnee Road to Niagara Falls

Boulevard will experience increased delay during the weekday PM peak hour of 47 seconds and Saturday midday peak hour of 40 seconds, mostly due to additional traffic generated by developments in Wheatfield. The left turn movements from northbound Niagara Falls Boulevard to Erie Avenue will experience increased delay due to additional vehicles stacking in the thru lanes that will inhibit vehicles making a left from entering the left turn lane. Increases in delay are projected to be 70 seconds during the weekday AM peak hour, 31 seconds during PM peak hours, and 11 seconds during the Saturday midday peak hour. The left turn movements from southbound Niagara Falls Boulevard to Shawnee Road will experience increased delay during the weekday PM peak hour of 102 seconds. The through movements on eastbound Erie Avenue are projected to experience increases in delay of 69 seconds during the weekday AM peak hour, 51 seconds during the weekday PM peak hour, and 31 seconds during the Saturday midday peak hour due to additional vehicles. Several of these decreases in delay are projected with or without the full build out of the Wal-Mart project.

There are also several approaches that will experience a decrease in delay as a result of mitigations put in place from the development of the Wal-Mart project. Any LOS improvements at the intersection are due to signal timing optimization that provides more green time to specific movements thereby improving the LOS. Signal timing improvements are an efficient way to improve traffic operations and reduce delay at signalized intersections.

Following a meeting with the NYSDOT, the Planning Commission understands that further mitigation at this intersection in the form of geometric improvements is not practical due to right-of-way constraints and the presence of the creek and railroad.

In summary, this intersection's overall LOS will remain somewhat constant, although certain approaches will experience increased delay. Without the necessary right-of-way to allow for additional lanes, this intersection would need to be monitored following the opening of the Wal-Mart. The Planning Commission should make it a condition of the Findings that the applicant provides a retesting of traffic volumes six months to one year after the opening of the store to validate projected traffic volumes at key locations, including the intersection of Niagara Falls Boulevard and Erie Avenue/ Shawnee Road. The new data collection will provide an accurate review of the post-opening traffic conditions and shall be presented to the City Planning Commission. Any further mitigation to address traffic issues can be required at this time, if deemed necessary by the Planning Commission. In addition, the Planning Commission can require traffic impact studies for the development of the outparcels and can restrict their use during site plan review.

5.10 *Comment*
An additional item that the Department will need to know is whether the proposed signalized access road connecting Wal-Mart with Niagara Falls Boulevard will be a private driveway or a city road.

Response
The City is not interested in dedication of this primary access road for reasons such as snow plowing and future operation and maintenance costs to the City. The primary access road should remain under private ownership.

If the primary access drive were to become a public street, the proposed traffic signal becomes a state maintained signal. If the drive remains private, the applicant will be required to provide a maintenance agreement with NYSDOT for the signal.

5.11 *Comment*
A NYSDOT Highway Work Permit will be required for any work within the State Highway Right-of-Way. Additional site engineering review will be done as part of the Highway Work Permit process. This letter does not constitute approval for the purposes of a Highway Work Permit.

Response
Comment taken, no response necessary.

Written comments from the Niagara County Department of Economic Development

5.12 *Comment*
Page II-3 of the report references photo renderings and detailed building design drawings in Appendix J. The reference should be changed to Appendix L.

Response
The change has been noted in Section 3.0 of the FEIS, Revisions to the Draft Environmental Impact Statement.

5.13 *Comment*
Page IV-30 of the report states, "...the large grass islands that cross the site are used for pretreatment of stormwater...no plantings have been provided here." Are there any shrubs or trees that can be incorporated into this area that would help meet the City's 30% shade requirement yet still allow for proper treatment of stormwater? Adding more shrubs/ trees to this area will help break up the parking lot and create a more visually pleasing atmosphere.

Response
The proposed drainage/ watershed areas for the project are broken into two areas:

- **Access roadway to Niagara Falls Boulevard that sheds stormwater through a culvert, to be bored under Niagara Falls Boulevard, to Sawyer Creek. This stormwater is treated through a centrifugal vortex unit prior to outletting to Sawyer Creek.**
- **The Proposed Wal-Mart Supercenter and associated parking areas will convey stormwater to the stormwater detention basin, which eventually outfalls to the 90 inch stormwater culvert on Wurlitzer Drive.**

A NYSDEC document titled "Landscape Guidance/ Plant Lists for Ponds and Wetlands and Bioretention" has been incorporated into Appendix C under comments submitted by Planning Commission member Joy Kuebler, which suggests landscaping that may be used within the stormwater swales that could add to the internal landscaping of the parking area. The applicant should make appropriate changes to the Alternative Site Plan to incorporate suitable landscaping within the swales and stormwater management areas. This will be incorporated into the Findings.

5.14 *Comment*
Page IV-30 further indicates, "...areas to the east of the parking lot limits are proposed to be grassed and seeded". As much of this area as practicable should be filled with trees and shrubs.

Response
A landscaped row of trees and shrubs will line the east end of the parking area to compliment the vegetative area that includes trees and brush that exists to the east of the parking area. Grass will be laid to fill in other areas that have been disturbed.

5.15 *Comment*
On Page IV-31, it is indicated that the City's 30% shade requirement is unable to be met and a variance will be sought for relief from this provision. It is recommended that as much of this requirement is met as possible. This section should include a more detailed discussion of why the requirement cannot be met. The discussion should include all the components of the balancing test as required by New York State for the granting of an area variance. In addition, the City's code requirement and amount provided should be added to the landscape requirement table on the landscape plan.

Response
Based on input from the City Planning Commission and the City Engineer, FRA has designed the internal islands within the parking areas as "swales". These swales collect stormwater and provide water quality treatment by removing phosphorous and suspended solids before entering the closed drainage system.

A NYSDEC document titled "Landscape Guidance/ Plant Lists for Ponds and Wetlands and Bioretention" has been incorporated into Appendix C under comments submitted by Planning Commission member Joy Kuebler, which suggests landscaping that may be used within the stormwater swales that could add to the internal landscaping of the parking area. The applicant should make appropriate changes to the Alternative Site Plan to incorporate suitable landscaping within the swales and stormwater management areas.

Landscaping could be placed in other locations throughout the parking area to meet the City's shade tree ordinance, but this would require expanding the parking lot footprint and encroaching upon the existing vegetative buffer to the east. Rather than placing plantings within the parking area, the parking lot footprint has been minimized and shade trees will be placed and retained along the exterior of the lot.

The test for granting area variances, as required by New York State Law, is as follows:

1. **In making its determination, the Zoning Board of Appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety, and welfare of the neighborhood or community by such agent. In making such determination, the Board shall also consider:**
    a. **Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the variance;**
    b. **Whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than an area variance;**
    c. **Whether the requested area variance is substantial;**
    d. **Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and,**
    e. **Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals, but shall not necessarily preclude the granting of the area variance.**
2. **The Board of Appeals, in granting of area variances, shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety, and welfare of the community.**

5.16 *Comment*
A copy of North Tonawanda's newly adopted site plan regulations should be included in Appendix D [of the DEIS].

Response
The City's site plan regulations are on file at the City Hall and will be referenced during site plan approval.

5.17 *Comment*
The sign package information in Appendix L contains a site location map of Wellsville, NY. The map should be removed and replaced with a map of the North Tonawanda site.

Response
A revised sign package is included in Appendix B of the FEIS that includes a map of the North Tonawanda site.

5.18 *Comment*
In accordance with General Municipal Law 239-nn, I recommend contacting the Town of Wheatfield early in the process to allow for adequate time to review and comment on the project.

Response
The Town of Wheatfield has been included in the SEQR coordinated review of this project since the onset. They have provided a response letter to the Planning Commission, included in Appendix C.

5.19 *Comment*
Furthermore, in accordance with the New York State law, the project sponsor should comply with the DEIS and FEIS website posting requirements.

Response
The DEIS was posted on the City of North Tonawanda's website and the Notice of Acceptance of the DEIS and Notice of DEIS Public Hearing were both advertised on the New York State Department of Environmental Conservation Environmental Notice Bulletin (ENB). The Notice of Acceptance of the DEIS was advertised on the ENB on August 15, 2007. The Notice of DEIS Public Hearing was advertised on the ENB on August 15, 2007 and September 5, 2007. The FEIS will be posted similar to the DEIS.

Comments from the City of North Tonawanda Engineering Department

5.20 *Comment*
It is our understanding that in a letter from CSX Railroad, CSX has denied a new at-grade crossing to Wal-Mart at the City's driveway on Erie Avenue. This is not a new crossing at this location. The City pays tens of thousands of dollars in rent annually to CSX for all City driveways and roads which cross their rail lines throughout the City. The CSX billing is itemized for each location and the Bluebird/ Melody Fair crossing is included in their bill. Therefore, it is either an existing crossing, or the City has been overcharged significantly by CSX over the past decades for this location.

Response
The CSX letter indicates that the denial of this at-grade crossing is because it is proposed to become a private crossing in stating "After careful consideration of the subject project

request, CSX Transportation, Inc. has determined that the application for a private crossing Agreement is declined." The City is not interesting in owning and maintaining a public railroad crossing solely for the purpose of serving the Wal-Mart development.

The applicant has tried repeatedly to obtain a private access crossing from CSX Transportation for the existing crossing at Erie Avenue. Wal-Mart's first request for a private right of access was denied. Since July 2007, Wal-Mart appealed the denial of its request and had numerous discussions with CSX and local officials regarding the private crossing. Because these discussions have not yielded any change in CSX's position, Wal-Mart is proposing to advance the Alternative Site Plan, as presented to the Planning Commission, consisting of primary access to Niagara Falls Boulevard and secondary access to Wurlitzer Drive via Bluebird Drive, and removing the access at Erie Road.

The City will continue its investigation into the payment issue for the public crossing.

5.21 *Comment*
A secondary entrance to Wal-Mart is imperative because the traffic study prepared by the FRA Engineers predicts that approximately 45% of the trips generated due to Wal-Mart will be coming northbound on Erie Avenue. It would be imprudent to allow this many vehicles to make a left hand turn onto Niagara Falls Boulevard, at this already poor intersection, if the Boulevard was the only Wal-Mart entrance.

Response
The applicant has tried repeatedly to obtain a private access crossing from CSX Transportation for the existing crossing at Erie Avenue. Wal-Mart's first request for a private right of access was denied. Since July 2007, Wal-Mart appealed the denial of its request and had numerous discussions with CSX and local officials regarding the private crossing. Because these discussions have not yielded any change in CSX's position, Wal-Mart is proposing to advance the Alternative Site Plan, as presented to the Planning Commission, consisting of primary access to Niagara Falls Boulevard and secondary access to Wurlitzer Drive via Bluebird Drive, and removing the access at Erie Road. Included in Appendix B is an analysis of the impacts of a single access point on Niagara Falls Boulevard and why it was not chosen.

During site plan approval, the Planning Commission will work with the applicant on business signage and wayfinding signage for the secondary access at Wurlitzer Drive.

5.22 *Comment*
The plan calls for an unsignalized intersection at the Erie Avenue Wal-Mart entrance. An evaluation of signalization must be considered here for a protected left hand turn lane, as well as an additional dedicated right hand turn lane, as is the case at Wurlitzer Drive. A right lane is necessary for vehicle storage when rail traffic interrupts access to the west. The queue must be independent and not block through traffic to the southwest direction on Erie Avenue.

Response
The applicant has tried repeatedly to obtain a private access crossing from CSX Transportation for the existing crossing at Erie Avenue. Wal-Mart's first request for a private right of access was denied. Since July 2007, Wal-Mart appealed the denial of its request and had numerous discussions with CSX and local officials regarding the private crossing. Because these discussions have not yielded any change in CSX's position, Wal-Mart is proposing to advance the Alternative Site Plan, as presented to the Planning Commission, consisting of primary access to Niagara Falls Boulevard and secondary access to Wurlitzer Drive via Bluebird Drive, and removing the access at Erie Road.

5.23 *Comment*
We recommend removing the pedestrian crossing of Erie Avenue and the CSX rail line at the Bluebird/ Melody Fair driveway. There is no room at this location to fit two 14 foot lanes and a sidewalk within the existing 30 foot right-of-way as proposed.

Response
The applicant has tried repeatedly to obtain a private access crossing from CSX Transportation for the existing crossing at Erie Avenue. Wal-Mart's first request for a private right of access was denied. Since July 2007, Wal-Mart appealed the denial of its request and had numerous discussions with CSX and local officials regarding the private crossing. Because these discussions have not yielded any change in CSX's position, Wal-Mart is proposing to advance the Alternative Site Plan, as presented to the Planning Commission, consisting of primary access to Niagara Falls Boulevard and secondary access to Wurlitzer Drive via Bluebird Drive, and removing the access at Erie Road. The comment is taken and pedestrian access will be moved to the Wurlitzer Drive access.

5.24 *Comment*
Advance signalization of other controls is necessary on the Bluebird/ Melody Fair exit lane at Erie Avenue to provide vehicular clearance during railroad pre-emption, similar to the Wurlitzer Drive intersection. This is necessary to prevent vehicles from standing over the rail line itself.

Response
This comment is not applicable now since there is no longer proposed access to Erie Avenue. The applicant has tried repeatedly to obtain a private access crossing from CSX Transportation for the existing crossing at Erie Avenue. Wal-Mart's first request for a private right of access was denied. Since July 2007, Wal-Mart appealed the denial of its request and had numerous discussions with CSX and local officials regarding the private crossing. Because these discussions have not yielded any change in CSX's position, Wal-Mart is proposing to advance the Alternative Site Plan, as presented to the Planning Commission, consisting of primary access to Niagara Falls Boulevard and secondary access to Wurlitzer Drive via Bluebird Drive, and removing the access at Erie Road. Any railroad crossing safety measures that will be employed will be documented.

5.25 *Comment*
It has come to our attention that Wal-mart is proposing to construct the section of Wurlitzer Drive from the Erie Avenue intersection to the existing dead end of Wurlitzer Drive at its intersection with D'Angelo Drive. This is consistent with the City's master plan to construct Wurlitzer Drive from the Water Tower at Erie Avenue through to its proposed terminus at Walck Road, immediately west of Ramsay Field. The benefits are that a portion of a City planned roadway, within an existing right-of-way, would be constructed not at City expense, and that this roadway would benefit residents in the Martinsville section of the City by providing controlled access to both Erie Avenue and Wurlitzer Drive west of Erie Avenue for destinations such as the central business district, high school, public library, etc. in the Nash Road/ Meadow Drive area. Improvements to the intersection are therefore warranted with the addition of opposing left hand turn lanes southbound on Erie and east and west bound on Wurlitzer. In addition, a permissive/ protected lead phase left arrow is also recommended for the northbound Erie Avenue approach.

Response
At the request of the City as an offset to improve traffic in the area, the applicant is continuing plans to construct the extension of Wurlitzer Drive with one eastbound lane and one westbound lane. This is consistent with the City's plan to construct Wurlitzer

Drive from the Water Tower at Erie Avenue through to its proposed terminus at Walck Road, immediately west of Ramsay Field. This roadway would benefit residents in the Martinsville section of the City by providing signalized access to both Erie Avenue and Wurlitzer Drive. This new roadway will handle approximately 30 vehicles during the weekday AM peak hour, 38 vehicles during the weekday PM peak hour, and 49 vehicles during the Saturday midday peak.

The existing left turn lane on eastbound [northbound] Erie Avenue at Wurlitzer Drive will be lengthened to 360 feet and an exclusive left turn arrow for the traffic signal will be provided.

5.26 *Comment*
The plan shows the entrance driveway (road) from Niagara Falls Boulevard to be dedicated to the City. It is recommended that the City should not accept dedication of this right-of-way for obvious reasons such as snow plowing priorities throughout the entire city and future operation and maintenance costs to the City for a road predominately used for the benefit of the Wal-Mart commercial area.

Response
Comment taken. The applicant is aware that the City is not interested in having the access drive dedicated to them.

5.27 *Comment*
The plan should extend the existing right hand turn drop off lane on Erie Avenue (southbound) approaching Wurlitzer Drive to accommodate the additional traffic queues associated with the projected traffic volume and for the anticipated railroad pre-emption.

Response
The current right hand turn lane for the westbound [southbound] approach to the Erie Avenue/ Wurlitzer Drive intersection is a 110 foot storage lane with a 110 foot bay taper. Based on the latest Synchro analysis, the 95% queue length for the PM peak hour traffic is 57 feet, therefore, no additional lengthening is proposed. This result is expected since the traffic that is coming from the east and north along Niagara Falls Boulevard would likely use the Niagara Falls Boulevard exclusive entrance driveway.

5.28 *Comment*
The alternative plan should include extending the existing left turn lane on northbound Erie Avenue approaching Wurlitzer Drive to accommodate the additional traffic queues associated with the projected traffic volume and for the anticipated railroad pre-emption. In addition, this turn direction will require a dedicated left turn arrow.

Response
As discussed in the additional traffic analyses and memo dated September 20, 2007, Wal-Mart is proposing an exclusive left turn phase for the traffic signal. Based on the Synchro traffic reports, the 95% queue length for the left turn approach in the critical peak hour (PM Peak) is 360 feet. The current left turn storage is 270 feet, therefore, the left turn lane will be extended 90 feet to accommodate the 95% queue.

5.29 *Comment*
The exclusive right-in/ left-out only access at the Wurlitzer Drive access to Wal-Mart as proposed in the Alternative Site Plan is not practical and should be avoided. The 5% eastbound traffic volume predicted from the FRA study does not warrant this unusual geometry and would put further undo traffic volumes onto non-collector streets such as Ohio Street.

Response
The City does not believe that the additional 5% traffic distribution that will be added to Wurlitzer Drive is significant enough to warrant restricted access to the site. The access should be a full access with a dedicated left turn lane and thru lane on southbound Wurlitzer Drive into the site, a dedicated right turn lane and thru lane on northbound Wurlitzer Drive into the site, two outbound lanes from Bluebird Drive, a right turn lane and left turn lane, and one inbound lane on Bluebird Drive. Additionally, there should be no stop control on Wurlitzer Drive that would degrade the LOS. The only stop control should be for outbound Bluebird Drive traffic.

Comments from CSX Transportation

5.30 *Comment*
After careful consideration of the subject project request, CSX Transportation, Inc. has determined that the Application for a private crossing Agreement is declined.

There are ingress/ egress roads available from existing streets that do not require access by way of the above-mentioned crossing.

Further, the anticipated use for this crossing appears to be for general public access to and through the lands of Wal-Mart Stores, Inc. If you wish to pursue for use of the crossing by the general Public, this can be addressed with and by the City/ County/ State Highway Agency and if certain conditions are met, they can elect to pursue this for a public crossing under current [D.O.T.] guidelines.

Response
The applicant has prepared an Alternative Site Plan that has eliminated the proposed access to Erie Avenue, and subsequent at-grade rail crossing. The project has been changed to provide secondary access through Bluebird Drive (to Wurlitzer Drive).

Comments from the Town of Wheatfield

5.31 *Comment*
The traffic studies show a substantial increase in traffic on the Boulevard. We are concerned that the increase in traffic as a result of the project will only exacerbate delays that the Niagara Falls Boulevard/ Shawnee Road intersection currently experiences.

Response
The applicant submitted a supplement to the Traffic Impact Study dated February 4, 2008 that analyzed the site with full primary access to Niagara Falls Boulevard and full secondary access at Wurlitzer Drive (through Bluebird Drive). The analysis evaluates the impact of site generated traffic associated with the full build-out of the Wal-Mart against the projected background traffic conditions that would exist without the project being built. The evaluation indicated that due to the site generated traffic associated with the full build-out of the Wal-Mart project, there are individual approaches at the intersection that experience increased delay, however, the overall LOS at the intersection of Niagara Falls Boulevard and Erie Avenue/ Shawnee Road would improve during the weekday AM peak hour and remain constant during the weekday PM peak and Saturday midday peak hours. Any LOS improvements at the intersection are due to signal timing optimization that provides more green time to specific movements thereby improving the LOS. Signal timing improvements are an efficient way to improve traffic operations and reduce delay at signalized intersections.

The Planning Commission believes that all traffic issues have been adequately addressed in the Traffic Impact Study, and supplemental information, which has been reviewed by the City of North Tonawanda and the New York State Department of Transportation.

The Planning Commission will make it a condition of the Findings that the applicant provides a retesting of traffic volumes six months to one year after the opening of the store to validate projected traffic volumes at key locations. The new data collection will provide an accurate review of the post-opening traffic conditions and shall be presented to the City Planning Commission. Any further mitigation to address traffic issues can be required at this time, if deemed necessary by the Planning Commission.

5.32 *Comment*

The material clearly shows drainage from the Wal-Mart site being directed to retention ponds and ultimately to the large storm sewer system on Wurlitzer. However, the proposed access road from Niagara Falls Boulevard is mentioned as having a new storms sewer system (unknown proposed size) that will outlet via bore under Niagara Falls Boulevard to Sawyer Creek. In addition to drainage from the access road, the DEIS suggests that drainage from the front outparcels, when they are eventually developed, will also be directed to this new storm sewer and into Sawyer Creek. While current State Stormwater Regulations would restrict post-development discharges to pre-development rates, it is suggested in the DEIS that this portion of the site currently does not leave the site or somehow infiltrates. It is unclear how the requirements of the State Pollution Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Construction Activities (GP-02-01) will be achieved when there is no existing drainage. A large portion of the Town of Wheatfield drains through Sawyer Creek and an increase in flow to the Creek could adversely affect drainage in the Town.

Response

<u>Wurlitzer Drive Storm Sewer System</u>

The Wurlitzer Drive storm sewer system was designed and constructed in the 1950's during the City's considerable residential growth period of that time. The system was designed to handle storm drainage from a large portion of the Wurlitzer Park Subdivision, east of Nash Road and north of Wurlitzer Drive, including areas south of Wurlitzer Drive that include portions of Fairmont Drive, Thomas Fox East, and Pioneer Drive. The main downstream trunk sewer draining this area is a large diameter 90-inch (equivalent round) low head reinforced concrete pipe (RCP) that conveys the stormwater drainage southeast through the Wurlitzer Drive corridor, and thence east on Sherwood Drive via a 108-inch low head RCP, ending at a large concrete headwall discharging into Tonawanda Creek at Old Falls Boulevard, a distance of approximately 5,600 feet.

The Wurlitzer Drive storm sewer system was designed to handle its fully developed tributary area, without the need for stormwater detention. Hence the extremely large diameter existing storm sewer system that is in place today. This drainage system was also sized for the area where the Wal-Mart site is now proposed when Bluebird Industrial Park was approved by the City and Bluebird Drive was constructed in the 1980's, which included a new 36-inch storm sewer.

With new Federal storm sewer regulations now in place, the Wal-Mart site is required to provide stormwater detention and quality treatment as part of its design that will mitigate stormwater flows to the City's system. The City's Wurlitzer Drive storm sewer can therefore accommodate all stormwater flows generated from the proposed Wal-Mart site.

Sawyer Creek Drainage

There have been some questions regarding the proposed Wal-Mart site draining into Sawyer Creek. The entire proposed Wal-Mart Supercenter proper, including its parking lots and the outparcels located on Bluebird Drive, drain to the Wurlitzer Drive storm sewer system leading to Tonawanda Creek. Approximately 800 feet of the proposed Wal-Mart entrance road from Niagara Falls Boulevard drains to the State's storm sewer system, discharging to Sawyer Creek. This drainage should not pose any significant concerns being limited to the road pavement itself with no offsite drainage contribution and being just over one half acre in surface area.

The City is historically concerned with development in the Sawyer Creek watershed. Over 95 percent of the creek's tributary area lies within the Town of Wheatfield, but its discharge point is within the City of North Tonawanda. The creek is contiguous to properties along the east side of Old Falls Boulevard, leading to its confluence with Tonawanda Creek at Lockport Avenue in the Martinsville section of the City. As farmland is converted to office parks and residential housing subdivisions within the Town, increases to runoff rates to the creek can be expected without proper flood mitigation measures. For these reasons, the City will be having developers adhering to the new stormwater regulations when the outparcels along Niagara Falls Boulevard and the Wal-Mart entrance road are developed in the future, because of their direct drainage impact upon the City downstream.

Comments from the North Tonawanda Planning Commission

General

5.33 *Comment*

Provide a discussion of the Alternative Site Plan (with access to Wurlitzer Drive) with a summary of differences between the site plan evaluated in the DEIS and the Alternative Site Plan.

Response

An Alternative Site Plan was proposed by the project sponsor on September 10, 2007 as part of their response from CSX Transportation that denied a private access crossing to Erie Avenue. In response, an alternative plan, commonly called "Plan B" was forwarded to the Planning Commission for their review. Key components of this plan that differ from the original plan include the following:

- **A new secondary access to Bluebird Drive (to Wurlitzer Drive);**
- **A circulation road that ties the driveway entrance from Bluebird Drive into the proposed roadway from Niagara Falls Boulevard;**
- **All loading dock facilities located on the north side of the building;**
- **Reduction of approximately 20 parking spaces from the previous plan; and,**
- **Shifting the stormwater management area approximately 65 feet to the northwest.**

The Alternative Site Plan and the intersection detail of the Bluebird Drive access are included in Appendix A.

Land

5.34 *Comment*
Describe where fill for the berm will come from, either from on-site or be brought in from off-site?

Response
The applicant has spent considerable time trying to minimize the amount of cut and fill created from the site during construction. Nonetheless, there is a small amount of excess fill that will be created by construction. Some of this excess fill will be used for construction of the berm. Other on site fill that meets NYSDOT "embankment in place" specification will be used to construct the remainder of the berms. The top 4 inches of the berm is topsoil and will be recycled and screened from existing areas on the site.

The applicant should reference the Landscape Architectural Graphic Standards for berm construction and should construct the berm with additional soil depths to yield improved vegetation. The applicant may consider reducing the height of the berm to accomplish this since improved soil depths will result in vegetation that matures more quickly, providing the desired screening.

Stormwater/ Utilities

5.35 *Comment*
The text of the DEIS indicates that a centrifugal vortex unit will be used to treat stormwater runoff from the access drive prior to discharging into Sawyer Creek, however, the plans indicate a sand filter water quality system will be used. Clarify which system will be used to treat stormwater runoff.

Response
The intent is to use a centrifugal hydrodynamic vortex unit at the southeasterly limits of the proposed roadway for water quality treatment. The proposed unit will provide water quality treatment for the proposed roadway in accordance with the NYSDEC SPDES GP-02-01 permit requirements.

5.36 *Comment*
If a centrifugal vortex unit is to be used for stormwater quality, describe how it will be maintained and how will the sediment be collected to ensure the unit doesn't become clogged?

Response
The centrifugal vortex unit will be maintained with use of a vacuum truck that will periodically remove the sediment and other solid particulate that accumulates over time. The unit is designed to collect and store sediment in the center of the unit by a circular motion that the water creates during storm events. It typically takes a substantial amount of time (typically 1 to 1 ½ years) before maintenance needs to be completed. This maintenance will be the responsibility of Wal-Mart.

5.37 *Comment*
Can alterations be made to the stormwater detention basin to reduce its depth?

Response
The proposed drainage/ watershed areas for the project are broken into two areas:

- **Access roadway to Niagara Falls Boulevard that sheds stormwater to Sawyer Creek; and,**
- **Proposed Wal-Mart Supercenter and associated parking areas that uses existing drainage that flows from the Bluebird Bus facility and travels to the 90 inch culvert on Wurlitzer Drive.**

To minimize environmental impacts, the parking area will flow to the northwest to the proposed stormwater management basin. From the stormwater management basin, stormwater travels via a 24-inch concrete pipe where it intersects with a manhole on Wurlitzer Drive before outletting to the 90-inch box structure. Since it is necessary to meet the elevations at the box structure and maintain gravity drainage flow from the parking lot, the basin cannot be "raised" due to the fact that if were raised, then the basin could not drain the parking lot via gravity flow. In fact, the pipe cover is so close to the surface that the design includes concrete drainage pipes because there is "minimum cover" in some locations within the parking area. Raising the elevation of the pond would require additional features such as pumping. This requires more energy usage and is not considered to be the most environmentally friendly option.

Aesthetic Resources

5.38 *Comment*
The side building elevation facing Erie Avenue is highly visible, and will continue to be until the landscaped buffer matures. Offer a side façade with some variations in architectural design and building materials.

Response
In response to the comment, architectural treatments have been added to the elevation in order to create a more aesthetically pleasing building. Wal-Mart is proposing that the same brick-like material, QuikBrik, that is being used on the front of the building be carried around to this side of the building. In addition, a masonry knee wall with piers and ornamental fencing has been added to enhance the architecture of the Garden Center drive-thru. The building elevations are included in Appendix A.

The Planning Commission recognizes that three sides of the proposed Wal-Mart building face public rights-of-way and will further address the appearance of building elevations during site plan approval.

5.39 *Comment*
Provide a discussion on why additional landscaping in the parking area near proposed drainage swales and catch basins is not provided.

Response
Based on input from the City Planning Commission and the City Engineer, FRA has designed the internal islands within the parking areas as "swales". These swales collect stormwater and provide water quality treatment by removing phosphorous and suspended solids before entering the closed drainage system. A NYSDEC document titled "Landscape Guidance/ Plant Lists for Ponds and Wetlands and Bioretention" has been incorporated into Appendix C under comments submitted by Planning Commission member Joy Kuebler, which suggests landscaping that may be used within the stormwater swales that could add to the internal landscaping of the parking area. The applicant should make appropriate changes to the Alternative Site Plan to incorporate suitable landscaping within the swales and stormwater management areas.

5.40 *Comment*
In reviewing the landscaping proposed for the channelization island of the secondary access to Erie Avenue on the initial site plan, a 4 foot Mohican Viburuum shrub may not be appropriate since it would potentially obstruct the site line of turning vehicles and would require routine maintenance. With such a small area and to improve safety, smaller shrubs under 2 feet in height or ornamental pavers may be more desirable.

Response
The landscaping for the island was included based on the comment included in the DEIS scoping document requiring "shielding of existing vehicles headlights exiting the parking lot" from shining toward homes on Erie Avenue.

The applicant has tried repeatedly to obtain a private access crossing from CSX Transportation for the existing crossing at Erie Avenue. Wal-Mart's first request for a private right of access was denied. Since July 2007, Wal-Mart appealed the denial of its request and had numerous discussions with CSX and local officials regarding the private crossing. Because these discussions have not yielded any change in CSX's position, Wal-Mart is proposing to advance the Alternative Site Plan, as presented to the Planning Commission, consisting of primary access to Niagara Falls Boulevard and secondary access to Wurlitzer Drive via Bluebird Drive, and removing the access at Erie Road.

5.41 *Comment*
In View 4 of the photographic simulation, will the pine trees be preserved or will they be removed for construction of the main access road?

Response
The pine trees shown in View 4 will remain after the completion of the project. They are located on the Wurlitzer Property and not under the applicant's control. The new roadway will be located southeast of the trees.

5.42 *Comment*
The "Wal-Mart" building sign is portrayed differently in various elevations. The building elevations in Appendix K show the "Wal-Mart" on a blue back drop. The photographic simulations show "Wal-Mart" on a neutral masonry back drop, which is more consistent with the building signage of the Wurlitzer Building and should be used. Provide a discussion on the feasibility of utilizing a neutral tone building sign.

Response
The "Wal-Mart" building sign has been revised to consistently show a neutral backdrop. A revised signage package is included in Appendix B. The Planning Commission will review signage during site plan approval.

5.43 *Comment*
The "Always" building sign should also take on more of a neutral tone, consistent with building signage of the Wurlitzer Building.

Response
The applicant will look into the feasibility of modifying the color of the "Always" sign. The colors are standard for the Wal-Mart logo and create a "brand image" that consumers are familiar with. The Planning Commission will review signage during site plan approval.

5.44 *Comment*
A pylon yard sign at the main access to Niagara Falls Boulevard is not preferred. Provide a yard sign that consists of an attractive monument yard signs or ground sign with landscaping that enhances the "Gateway to the City."

Response
In response to the comments, a new monument sign has been designed in place of the pylon sign. A revised sign package is included in Appendix B of the FEIS. The Planning Commission will determine the final design of signage during site plan approval.

5.45 *Comment*
The location of all yard signs are not depicted on the site plan. Describe the locations of all proposed yard signage.

Response
A revised sign package is included in Appendix B of the FEIS. The Planning Commission will review signage during site plan approval.

5.46 *Comment*
A complete signage plan for the site including the locations and design of all proposed signage should be included in the DEIS.

Response
A revised sign package is included in Appendix B of the FEIS. The Planning Commission will review signage during site plan approval.

5.47 *Comment*
Provide a description and photographic example of the QuikBrik proposed for the Wal-Mart façade.

Response
A QuikBrik description has been included in Appendix B.

Transportation

5.48 *Comment*
Provide a resolution to the at-grade railroad crossing issue at the proposed Erie Avenue access.

Response
The applicant has tried repeatedly to obtain a private access crossing from CSX Transportation for the existing crossing at Erie Avenue. Wal-Mart's first request for a private right of access was denied. Since July 2007, Wal-Mart appealed the denial of its request and had numerous discussions with CSX and local officials regarding the private crossing. Because these discussions have not yielded any change in CSX's position, Wal-Mart is proposing to advance the Alternative Site Plan, as presented to the Planning Commission, consisting of primary access to Niagara Falls Boulevard and secondary access to Wurlitzer Drive via Bluebird Drive, and removing the access at Erie Road.

5.49 *Comment*
Describe how the traffic generated by a Wurlitzer Drive access would impact existing businesses that depend on Bluebird Drive for access.

Response
The only business that would be somewhat affected by the access to Bluebird Drive (to Wurlitzer Drive) would be JLA Automotive which is located at the northeast corner of the Wurlitzer and Bluebird Drive intersection. This property has access points onto both Bluebird Drive and to Wurlitzer Drive. The owner was contacted about the proposal and indicated that he was supportive of the proposal.

Access for the two outparcels along Bluebird Drive should be controlled and permitted only on Bluebird Drive. Access for these outparcels will not be permitted on Wurlitzer Drive or Erie Avenue.

5.50 *Comment*
Describe the channelization proposed for the Wurlitzer Drive access in the Alternative Site Plan. Please provide a detail of this intersection.

Response
A detail has been provided with this FEIS and included in Appendix A. The right-in, left-out control of this access is not preferred by the City. A restricted right-in/ left-out access at the Bluebird Drive access is not supported since restricted access often causes confusion amongst drivers at the intersection and poses safety issues since drivers often disobey the restrictions to avoid any inconvenience. Additionally, the City does not believe that the additional 5% traffic distribution that will be added to Wurlitzer Drive is significant enough to warrant restricted access to the site. The access should be a full access with a dedicated left turn lane and thru lane on southbound Wurlitzer Drive into the site, a dedicated right turn lane and thru lane on northbound Wurlitzer Drive into the site, two outbound lanes from Bluebird Drive, a right turn lane and left turn lane, and one inbound lane on Bluebird Drive. Additionally, there should be no stop control on Wurlitzer Drive that would degrade the LOS. The only stop control should be for outbound Bluebird Drive traffic.

5.51 *Comment*
Describe the feasibility of a right-in/ left-out access at the Wurlitzer Drive access accomplishing the intended purpose of restricting traffic to the north along Wurlitzer Drive.

Response
The right-in, left-out control of this access is not preferred by the City. A restricted right-in/ left-out access at the Bluebird Drive access is not supported since restricted access often causes confusion amongst drivers at the intersection and poses safety issues since drivers often disobey the restrictions to avoid any inconvenience. Additionally, the City does not believe that the additional 5% traffic distribution that will be added to Wurlitzer Drive is significant enough to warrant restricted access to the site. The access should be a full access with a dedicated left turn lane and thru lane on southbound Wurlitzer Drive into the site, a dedicated right turn lane and thru lane on northbound Wurlitzer Drive into the site, two outbound lanes from Bluebird Drive, a right turn lane and left turn lane, and one inbound lane on Bluebird Drive. Additionally, there should be no stop control on Wurlitzer Drive that would degrade the LOS. The only stop control should be for outbound Bluebird Drive traffic.

5.52 *Comment*
Provide a discussion on the feasibility of a Wal-Mart access from Niagara Falls Boulevard only. Provide a discussion on the impacts that having one access would have and the mitigations that would be necessary along with the benefits/ impacts of a second access point.

Response

FRA Engineering completed a comprehensive analysis that considers a single access point at Niagara Falls Boulevard. Although there are some increased volumes at other locations north of the Niagara Falls Boulevard access, the critical intersection to take into account is the Niagara Falls Boulevard at Erie Avenue/ Shawnee Road. The analysis shows that to maintain the current level-of-service, two left-turn lanes would be required for the eastbound Erie Avenue approach. This alternative would require extensive negotiations with several property owners for the purchase of additional land as the current travel lanes are within 5 feet of the right-of-way line. Also, this would require additional changes to signal timing and phasing. FRA Engineering has contacted the New York State Department of Transportation (NYSDOT) Region 5 permitting office to discuss this alternative scenario. NYSDOT expressed similar concerns in their letter dated January 9, 2008 which states "we [NYSDOT] concur with the supplemental TIS statement (single access scenario) that providing dual left turn lanes on Erie Avenue at Niagara Falls Boulevard would improve the left turn lane delay and understand that it would not be practical to construct due to constraints at this intersection. However, without the dual left turn lanes, the analysis shows an excessive queue length during the Saturday peak hour that would be greater than 300 feet for vehicles turning left from Erie Avenue.

The Synchro analysis shows that the queue length for vehicles turning left from Niagara Falls Boulevard to the proposed access driveway would be in excess of 500 feet. Dual left turn lanes would be required on Niagara Falls Boulevard to mitigate this impact. Due to right-of-way constraints, this mitigation does not appear to be practical either.

The Planning Commission does not support this option to have only one access to Wal-Mart since it does not appear feasible to mitigate the traffic impacts.

5.53 *Comment*

There are concerns about the impact to traffic along Erie Avenue, especially when the train is present. Consideration should be given to providing a right turn lane on southbound Erie Avenue into the site in the original site plan.

Response

The applicant has tried repeatedly to obtain a private access crossing from CSX Transportation for the existing crossing at Erie Avenue. Wal-Mart's first request for a private right of access was denied. Since July 2007, Wal-Mart appealed the denial of its request and had numerous discussions with CSX and local officials regarding the private crossing. Because these discussions have not yielded any change in CSX's position, Wal-Mart is proposing to advance the Alternative Site Plan, as presented to the Planning Commission, consisting of primary access to Niagara Falls Boulevard and secondary access to Wurlitzer Drive via Bluebird Drive, and removing the access at Erie Road.

There is a railroad crossing at Wurlitzer Drive near the Erie Avenue intersection that will impact site traffic turning from Erie Avenue to Wurlitzer Drive. The impacts of the Wurlitzer Drive/ Erie Avenue intersection have been analyzed in the supplemental traffic analyses completed for the Alternative Site Plan.

Initially, a right-turn lane on southbound Erie Avenue was considered. FRA Engineering also discussed this option with the City Engineer and Public Works Director on September 24, 2007. The right-turn lane was not included as part of the original proposal due to the limited right-of-way. The current right-of-way on Erie Avenue is 66 feet. The pavement is approximately 42 feet wide. It would not be feasible to maintain the current 8 foot shoulders, include a 12 foot right turn lane, and incorporate a northbound left turn lane

without acquiring more land and encroaching on the homes along Erie Avenue. Moreover, based upon CSX Transportation's lack of cooperation, this option is not feasible. As an alternative, a right turn lane has been provided since the City Engineer subsequently agreed to reduce the shoulder widths to allow the exclusive right turn lane. A 2 foot wide drainage path was agreed to in lieu 8 foot shoulders.

5.54 *Comment*
There are concerns about the rear gated emergency access to Wurlitzer Drive in the original site plan and how it will be determined when the gate will be open and who will be able to open the gate. Why is a gated access needed?

Response
The applicant has tried repeatedly to obtain a private access crossing from CSX Transportation for the existing crossing at Erie Avenue. Wal-Mart's first request for a private right of access was denied. Since July 2007, Wal-Mart appealed the denial of its request and had numerous discussions with CSX and local officials regarding the private crossing. Because these discussions have not yielded any change in CSX's position, Wal-Mart is proposing to advance the Alternative Site Plan, as presented to the Planning Commission, consisting of primary access to Niagara Falls Boulevard and secondary access to Wurlitzer Drive via Bluebird Drive, and removing the access at Erie Road. Due to this change, a gated emergency access to Wurlitzer Drive is no longer proposed.

5.55 *Comment*
The traffic model should include the train crossing at both the Erie Avenue access and at Wurlitzer Drive to show the impacts the train will have on all intersections. The traffic model that was submitted only includes the train crossing at Niagara Falls Boulevard.

Response
The applicant has tried repeatedly to obtain a private access crossing from CSX Transportation for the existing crossing at Erie Avenue. Wal-Mart's first request for a private right of access was denied. Since July 2007, Wal-Mart appealed the denial of its request and had numerous discussions with CSX and local officials regarding the private crossing. Because these discussions have not yielded any change in CSX's position, Wal-Mart is proposing to advance the Alternative Site Plan, as presented to the Planning Commission, consisting of primary access to Niagara Falls Boulevard and secondary access to Wurlitzer Drive via Bluebird Drive, and removing the access at Erie Road.

The Traffic Study includes the impacts that the railroad crossing would have had on the Erie Avenue access (Appendix K of the DEIS, on Page 25). The Traffic Study noted increased queuing when the train is in operation. The LOS Table on page 26 showed the expected LOS when the train passes by. As noted in the analysis, approximately 4 minutes is required for the train to pass the Erie Avenue entrance. Since the train operates one run a day and is not likely to occur during the PM peak hour, the findings in the Traffic Study are extremely conservative.

5.56 *Comment*
Describe how the traffic generated by a Wurlitzer Drive access would impact existing businesses that depend on Bluebird Drive for access.

Response
The only business that would be somewhat affected by the access to Bluebird Drive (to Wurlitzer Drive) would be JLA Automotive which is located at the northeast corner of the Wurlitzer and Bluebird Drive intersection. This property has access points onto both

Bluebird Drive and to Wurlitzer Drive. The owner was contacted about the proposal and indicated that he was supportive of the proposal.

Access for the two outparcels along Bluebird Drive should be controlled and permitted only on Bluebird Drive. Access for these outparcels should not be permitted on Wurlitzer Drive or Erie Avenue.

5.57 *Comment*
Describe the purpose of a 3-lane access drive from Niagara Falls Boulevard and why a smaller, 2-lane access road is not proposed.

Response
The purpose of the 3-lane access road is to provide multiple land parcels and businesses with a more efficient and centralized means of ingress and egress. This design allows for multiple left turn lanes to be provided at critical intersections along the roadway allowing vehicles to reach their destinations quickly and safely. Since the spacing of the intersections are typically less than 300 feet apart, the design provides queuing space for left turning vehicles. The three lanes (dual use center turn lane) also allows for future access points to be added, in the event new businesses locate along the roadway.

5.58 *Comment*
Provide documentation of correspondence with NFTA regarding the policy not to allow bus routes to enter the Wal-Mart site.

Response
In a letter from December 2006, FRA Engineering requested NFTA's input regarding bus service to the project site. In a subsequent discussion with NFTA, they expressed some reservation with offering bus service to different types of commercial businesses, citing concerns over delays in schedules and liability issues. As a follow up to that discussion, on October 12, 2007, FRA Engineering contacted Mr. Robert Gower of NFTA about bus service to which he indicated that NFTA would submit an official response to the City Planning Commission on the feasibility of access to the site. The City received no official comment letter from NFTA. This issue can be resolved during site plan approval.

5.59 *Comment*
Discuss in further detail the collection and return of carts that may be taken off site.

Response
Carts are collected from the parking lot on a continuous basis during hours of operation to ensure they have been returned to the store and available for customer use. The number of associates assigned to this duty will vary and be determined based on need. Due to the location of the entrances proposed on the Alternative Site Plan and the proximity to neighboring residential areas, removal of carts are not expected to be significant. In addition, the extensive landscaping and berms will also help to discourage this practice. Any carts that are seen off-site or reported to the store manager will be retrieved.

5.60 *Comment*
Provide a discussion as to why the DEIS does not account for additional cart corrals being added to the eastern portion of the parking area.

Response
Cart corrals were added to the Alternative Site Plan submitted with the FEIS. The increased number of cart corrals focused on locations that were closer to the Grocery side

of this store since cart usage is more concentrated. Additional cart corrals can be included at the northeast side of the site, however, this will also result in an increase in the size of the parking area.

5.61 *Comment*
Discuss the restrictions for overnight truck and recreational vehicle parking.

Response
The Wal-Mart Supercenter will receive approximately 5-7 tractor trailer deliveries per day along with up to 12 additional smaller truck deliveries from individual vendors. Deliveries will take place generally between the hours of 7:00 AM and 8:00 PM. Typically, the turn around time for unloading deliveries is approximately 3 hours. Delivery trucks are not anticipated to be parked overnight. Any concerns that occur with any local residents can be handled by coordinating with the store manager on duty. Overnight recreational vehicle parking is not permitted and will be enforced by Wal-Mart.

5.62 *Comment*
Evaluate the nearest NFTA Metro bus stop and the pedestrian facilities available to the Wal-Mart.

Response
The NFTA Metro operates bus route #200 along Niagara Falls Boulevard, Erie Avenue, and Wurlitzer Drive with the closest bus stop located at the intersection of Erie Avenue and Wurlitzer Drive. The applicant is proposing the construction of a sidewalk from the intersection of Erie Avenue and Wurlitzer Drive, through the site, to the front of the Wal-Mart.

5.63 *Comment*
Provide the locations of all intersecting streets and driveways along Wurlitzer Drive near the proposed Wal-Mart access.

Response
The applicant has provided a detailed plan of the Bluebird Drive/ Wurlitzer Drive intersection with proposed improvements and the locations of nearby intersections and driveways. The separation between Bluebird Drive and the JLA Automotive driveway on Wurlitzer Drive is 96 feet. The separation between Bluebird Drive and the St. Mary's Manufacturing driveway on Wurlitzer Drive is 176 feet. The separation between Bluebird Drive and Erie Avenue is approximately 400 feet.

5.64 *Comment*
Provide supplemental information to the Traffic Impact Study on traffic circulation and impacts of the Bluebird Drive access being constructed as a full, stop controlled access. Also, address all NYSDOT concerns.

Response
The applicant submitted a supplement to the Traffic Impact Study dated February 4, 2008 that analyzed the site with full primary access to Niagara Falls Boulevard and full secondary access at Wurlitzer Drive (through Bluebird Drive). The evaluation of the Niagara Falls Boulevard intersection with Erie Avenue/ Shawnee Road is provided in 5.9.

The site generated traffic associated with the full build-out of the project will redistribute much of the traffic previously associated with the proposed Erie Avenue access through the signalized intersection of Erie Avenue and Wurlitzer Drive to the Wurlitzer Drive/

Bluebird Drive access. This will result in a slight decrease of the projected overall LOS of the intersection of Erie Avenue and Wurlitzer Drive, from existing conditions, from a LOS B to LOS C during the weekday AM peak hour, a LOS A to LOS C during the weekday PM peak hour, and LOS A to LOS B during the Saturday midday peak hour. The intersection will continue to operate at an acceptable LOS and overall will not experience delays greater than 27 seconds.

The Bluebird Drive access will increase traffic on the section of Wurlitzer Drive between Bluebird Drive and Erie Avenue from 530 vehicles to 904 vehicles during the weekday AM peak hour, from 550 vehicles to 1,115 vehicles during the weekday PM peak hour, and from 581 vehicles to 1,368 vehicles during the Saturday midday peak hour. The Bluebird Drive access will have little traffic impact on the section of Wurlitzer Drive north of the Bluebird Drive access, adding approximately 50-70 vehicles during each of the peak hours.

Neighborhood and Community Character

5.65 *Comment*
The City has indicated that they consider the area around the Wurlitzer Building as the "Gateway to the City". The actual Wal-Mart building is setback from Niagara Falls Boulevard enough that it won't be a dynamic structure along this corridor, especially with existing trees left to remain as shown in photographic simulation 4. The front entrance from Niagara Falls Boulevard should be designed such that it enhances the "Gateway" appearance- including signage and landscaping.

Response
The applicant will look at enhancing the entrance along Niagara Falls Boulevard as part of the project. As mentioned previously, a new monument sign has been proposed. Other improvements may include additional landscaping, mulch beds, and multiple tree and shrubbery plantings and will be reviewed during site plan approval. Similar aesthetic features will be required for the outparcel development when they are before the Planning Commission for site plan approval.

5.66 *Comment*
Provide a letter from JLA Automotive confirming their support of a Wurlitzer Drive access for Wal-Mart.

Response
The owner was contacted about the proposal and indicated that he was supportive of the proposal. Although JLA Automotive has indicated their support for the Wal-Mart Supercenter, they wish not to provide any written documentation.

Comments from the Public Hearing held September 10, 2007

General

5.67 *Comment*
Provide a discussion that confirms that the DEIS is not segmented and evaluates, to the extent practicable, a complete build-out of the site.

Response
The site plan for the Wal-Mart Supercenter identifies four (4) outparcels in addition to the Wal-Mart Supercenter. Exact plans for the outparcels have not been finalized, however, for the purposes of conducting a complete SEQR review and providing a worst case scenario, the DEIS analyzed and evaluated stormwater and traffic for the entire site,

including all outparcels. The DEIS provided a full build-out scenario of the project consisting of a 185,312 square foot Wal-Mart Supercenter, a 3,000 square foot fast food restaurant with drive-thru window, a 3,000 square foot fast food restaurant without a drive-thru window, a 5,000 square foot sit down restaurant, and a 37,250 square foot retail plaza. Each outparcel, when development plans are proposed, will be subject to individual site plan review by the Planning Commission and compliance with site plan regulations. If development being proposed is substantially different than what is evaluated in the Environmental Impact Statement, the Planning Commission may request a Supplemental Environmental Impact Statement. SEQR does not require the design of outparcels, only the evaluation of their development impact in the Environmental Impact Statement, which the applicant has accomplished.

Land

5.68 *Comment*
Provide a discussion on the impacts to animal habitats on the site- Deer, rabbit, rodents, etc.

Response
As noted in the original Part 1 of the EAF, the project site encompasses newer impervious areas that total approximately 10.0 acres. Most of the property is already developed with buildings and parking areas and only 0.8 acres of the project site is wooded. The remainder is noted as unimproved grasslands and stone parking areas. The project site is surrounded by a dense commercial area and thus not ideal to support wildlife. These types of previously disturbed environmental habitats are not conducive for extensive herbivore activities. Other than occasional transient individuals, no federal or state-listed endangered or threatened species are known to exist in the vicinity of the project site.

Stormwater/ Utilities

5.69 *Comment*
Provide a discussion on the NYSDEC stormwater standards that the Wal-Mart stormwater system will not meet.

Response
Since this site is an improved development site, it falls under the category of "Redevelopment" for NYSDEC SPDES-GP-02-01 purposes. The applicant has analyzed the stormwater to ensure that the post condition flow does not exceed the existing conditions flow in accordance with NYSDEC guidelines. The stormwater quality treatment is being handled by a hydrodynamic concentric separator. The specific model specified for the site is identified as an approved proprietary stormwater management treatment system for redevelopment projects.

5.70 *Comment*
Provide further discussion on how the stormwater runoff from the Wal-Mart site will not exacerbate overflowing sanitary sewers along Wurlitzer Drive.

Response
Currently, an existing small stormwater catch basin collects water from the former parking area to the north of the Melody Fair Building. This existing system catch basin connects to the sanitary system in Niagara Falls Boulevard. This existing system catch basin will be removed and covered to remove stormwater from entering the sanitary sewer system. This will in fact reduce water entering the City of North Tonawanda's sanitary sewer system and reduce overloading with the system during rain events.

The Wurlitzer Drive storm sewer system was designed to handle its fully developed tributary area, without the need for stormwater detention. Hence the extremely large diameter existing storm sewer system that is in place today. This drainage system was also sized for the area where the Wal-Mart site is now proposed when Bluebird Industrial Park was approved by the City and Bluebird Drive was constructed in the 1980's, which included a new 36-inch storm sewer.

With new Federal storm sewer regulations now in place, the Wal-Mart site is required to provide stormwater detention and quality treatment as part of its design that will mitigate stormwater flows to the City's system. The City's Wurlitzer Drive storm sewer can therefore accommodate all stormwater flows generated from the proposed Wal-Mart site.

5.71 *Comment*
Provide a discussion on whether the proposed stormwater runoff into Sawyer Creek will impact water quality of the creek.

Response
The proposed runoff to Sawyer Creek will not adversely impact water quality. The proposed hydrodynamic vortex unit will provide water quality treatment before water is released to Sawyer Creek. As noted in the previous question, the hydrodynamic vortex unit specified was sized using the NYSDEC guidance in appendix on page B-03 labeled "water quality peak flow calculations" and is an allowed proprietary stormwater management system. The majority of the site will not drain to Sawyer Creek (see comment 5.32).

Transportation

5.72 *Comment*
Identify who will cover the costs of the proposed transportation improvements.

Response
All of the proposed transportation improvements will be paid for by the applicant, Wal-Mart Stores, Inc. No public monies will be utilized.

5.73 *Comment*
Describe why the level of service (LOS) for westbound Niagara Falls Boulevard traffic at the Erie Avenue/ Shawnee Road intersection improves after full build-out of the Wal-Mart site even though there are no mitigations proposed for the intersection.

Response
The applicant submitted a supplement to the Traffic Impact Study dated February 4, 2008 that analyzed the site with full primary access to Niagara Falls Boulevard and full secondary access at Wurlitzer Drive (through Bluebird Drive). The evaluation of this intersection is provided in 5.9.

5.74 *Comment*
Describe why the LOS at the Twin Cities Memorial Highway/ Division Street/ Erie Avenue/ Wheatfield Street intersection improves after full build-out of the Wal-Mart site even though there are no mitigations proposed for the intersection.

Response
Signal timing optimization was recommended as mitigation at this intersection. This improved timing allows for better LOS for the entire intersection.

5.75 *Comment*
Provide the distances between the proposed traffic signal at the main Wal-Mart access road and the nearest traffic signals along Niagara Falls Boulevard.

Response
The nearest signal to the west from the proposed site drive to Niagara Falls Boulevard is at the Ruie Road intersection, which is approximately 1,680 feet away. To the east is the Niagara Falls Boulevard and Erie Avenue/Shawnee Road intersection that is located approximately 1,150 feet away. The intent of the project is to "coordinate" the signalized Niagara Falls Boulevard site drive with the Niagara Falls Boulevard and Erie Avenue/Shawnee Road intersection and Niagara Falls Boulevard/ Ruie Road intersection.

5.76 *Comment*
Provide further discussion on how the traffic signal spacing along Niagara Falls Boulevard will impact traffic flow.

Response
Because of the close proximity of the Niagara Falls Boulevard and Erie Avenue/Shawnee Road intersection to the Niagara Falls Boulevard main access, it is proposed to coordinate these signals with a hard communication cable. As noted in the previous response, the distance to the new site drive to the Ruie Road intersection is 1,680 feet. Based on the Institute of Traffic Engineers (ITE) and NYSDOT, coordination is recommended for signals that are generally less than ¼ mile (1,250 feet) apart. This ensures that "vehicle platoons" stay together and do not disperse between signals. In addition, since the Niagara Falls Boulevard/Ruie Road intersection operates at an excellent LOS (B for total intersection after construction). Regardless, the Planning Commission will make it a condition of the Findings that the traffic signal at Niagara Falls Boulevard and Ruie Road be coordinated as well.

5.77 *Comment*
Provide a discussion on whether converting the center turn lane on northbound Niagara Falls Boulevard into the proposed main access into a dedicated left turn lane and creating a left turn lane on Erie Avenue will impact access to other driveways or roads.

Response
The proposed left turn bay at the Niagara Falls Boulevard northbound approach to the site drive will be approximately 100 feet in length and include a 150 foot deceleration taper for vehicles to enter the left turn. Based on the proposed additional left turn lane and the added southbound right turn lane, the 95% queue length for the left turn is expected to be less than 50 feet which will have little impact on access to other driveways or roads. The longest queue for traffic on Niagara Falls Boulevard would be approximately 250 feet for southbound vehicles approaching the intersection in the PM peak. The intersection of Melody Lane is 550 feet from the Niagara Falls Boulevard/site drive intersection and as such no impacts are expected. Additionally, the New York State Department of Transportation is supportive of converting the center turn lane into a dedicated left turn lane into the site.

The applicant has been denied a private at-grade railroad crossing by CSX at the proposed Erie Avenue access, therefore, the applicant has decided to advance the Alternative Site

Plan, as presented to the Planning Commission, which proposes a primary access to Niagara Falls Boulevard and a secondary access to Wurlitzer Drive via Bluebird Drive, and eliminates the Erie Avenue access.

5.78 *Comment*
Provide further discussion on how stopping and sight distances were calculated and whether these meet acceptable standards.

Response
Site distances were calculated using NYSDOT accepted sight distances for intersections. They were measured in the field in the fall of 2006. As noted on page 11 of the Traffic Impact Study, the sight distances for the proposed primary access exceeds 1,000 feet.

5.79 *Comment*
Identify all driveways and roads located near the proposed Wal-Mart access drives and indicate how these might be impacted by Wal-Mart traffic.

Response
The nearest driveway to the Niagara Falls Boulevard access is Melody Lane. It is approximately 550 feet south of the site drive entrance. The 95% queue length is substantially less than this distance.

The nearest driveway to the proposed Bluebird Drive access on Wurlitzer Drive is the driveway to JLA Automotive which is approximately 96 feet north of Bluebird Drive.

5.80 *Comment*
Provide a discussion on how the additional traffic generated by the Wal-Mart will impact traffic exiting Ohio Avenue to Niagara Falls Boulevard and whether a traffic signal is warranted at this intersection.

Response
The volumes from Ohio Avenue total less than 100 vehicles (with the full build out of the Wal-Mart project). These volumes are substantially below the volumes to warrant a signal. The Niagara Falls Boulevard/ Ruie Road intersection is less than 500 feet from this intersection. This signal allow for breaks in the traffic stream for exiting vehicles.

5.81 *Comment*
Provide a discussion on what agency determines the placement and location of traffic signals on affected roadways.

Response
Since Niagara Falls Boulevard is a state roadway, NYSDOT Region 5 has jurisdiction and final approval authority as to the location of the traffic signals on Niagara Falls Boulevard. The City of North Tonawanda controls the placement of traffic signals on Wurlitzer Drive.

Neighborhood and Community Character

5.82 *Comment*
Provide a discussion on how the DEIS addresses the Comprehensive Plan and Zoning Code.

Response
The entire project site is zoned M-1, as outlined in the City Zoning Code sections 103-10, 103-11, and 103-12. The M-1 District allows all uses permitted in the C-2 District, and the C-2 District allows all uses permitted in the C-1 District. The C-1 district permits retail stores and personal service establishments. The zoning laws were implemented on June 15, 1989 and revised November 15, 2005 according to the City Clerk. The City currently does not have an adopted Comprehensive Plan. The City is in the process of creating a Comprehensive Plan.

Written Comments from Kathy A. Kovacs

5.83 *Comment*
I just finished reviewing the Environmental Impact Study regarding the proposed Wal-Mart in North Tonawanda. I was unable to discern anything in the study that suggests that the proposed Wal-Mart should not be built.

I am a resident of North Tonawanda, and I feel NT definitely needs a Wal-Mart. This entire area would benefit from it.

Thank you for allowing me to voice my opinion.

Response
Comment taken – no response necessary.

Written Comments from Larry and Deborah Newberry

5.84 *Comment*
Imagine our surprise yesterday when we looked out our kitchen window and saw two men putting up stakes and plastic tape down the middle of the field next to the water tower.

After a few phone calls this morning, it became apparent that this is the location of a proposed road to nowhere because of the anticipated traffic problem due to the proposed Wal-Mart store. Yes, the Wal-Mart store is going to create huge traffic problems, but we don't really appreciate a thoroughfare past the front of our house and down D'Angelo Drive proposed to help the situation. We already have a traffic problem around this corner and down D'Angelo with the people from Martinsville that use it like a raceway and the folks coming from the fire hall that are all trying to get home and drive like maniacs. This corner has already had trees, mailboxes and lawns torn up by people going too fast or/ and don't see the turn. If the road comes straight across Erie Avenue to wherever it may end (Walck?), it will be nothing more than a glorified drag strip.

The field by the water tower has a ball field that, even though the city hasn't felt the need to keep it up, is used all spring and summer by youth teams for practice. We don't have that much available green space in NT as it is. There is a playground on the far side of the field that gets its fair share of children. Yesterday, there was a touch football game, 3 young girls flying kites, several people walking their dogs and one playing catch with his and a little guy from D'Angelo riding his little electric car. If this road is built, this will no longer happen.

There are several holes in the field, right where the road would go through. The DPW keeps dumping dirt in them and they keep sinking. There is some sort of drainage or other problem there but filling these holes seems to be the answer. Even though they keep coming back.

The woods are full of deer that I am sure most people would like to get rid of, along with rabbits and an occasional turkey. The deer leave those woods almost every night, cut across the street, graze in the field and eat the apples from the trees along the side street. Referring back to the second paragraph, this wildlife will also cause accidents, possible injury. Hitting a deer at high speed isn't good for an automobile, let alone the occupants of the car.

My house is situated directly next to the field and would be the first house on the "new" street. The increase in noise is an issue. The safety of everyone in this neighborhood is an issue. It doesn't matter that I'm against the proposed Wal-Mart – there is a perfectly good one 3 miles down the Boulevard. It really would not matter what you propose to build over there. If it means this road being built, then we are against it. Are our taxes going to go down when the property value decreases because of this? Is the city going to make up the price difference if anyone wants to sell their house and has to take a loss because of the location? A location that used to be fine but now has a major traffic route running through the middle of it?

There have been several discussions with neighbors in yards yesterday and the opposition to this move is unanimous. Some are for Wal-Mart, some are not, but NO ONE wants this road. We understand that all of us will have issues with Erie Avenue and the people in Martinsville will need some sort of egress, however, D'Angelo Drive was not built to be a main street. It is residential, with children and dogs and families that would like to step out the door without any more of a threat of some crazy in a car. We have enough of them already.

I hope you will consider these issues when you are making a final decision. It has become apparent that most of those in favor of Wal-Mart live no where near this area and really don't care about the impact it may have on those of use that do.

Response

With the change in the project that eliminates the Erie Avenue access and moves the secondary access to Wurlitzer Drive, through Bluebird Drive, the LOS improvements to the side streets of the Martinsville neighborhood due to the Wurlitzer Drive extension are not as significant. The City has requested that the applicant continue plans to construct the extension of Wurlitzer Drive to act as an offset to improve traffic in the area. This is consistent with the City's plan to construct Wurlitzer Drive from the Water Tower at Erie Avenue through to its proposed terminus at Walck Road, immediately west of Ramsay Field. This roadway would benefit residents in the Martinsville section of the City by providing signalized access to both Erie Avenue and Wurlitzer Drive. This new roadway will handle approximately 30 vehicles during the weekday AM peak hour, 38 vehicles during the weekday PM peak hour, and 49 vehicles during the Saturday midday peak.

Written Comments from Deborah Q. Gondek

5.85 *Comment*

As part of the environmental review, I am requesting details on aspects of the proposed Wal-Mart store that align with the company's focus on sustainability in these areas:

1.) Sustainable buildings have no impact on the environment, including when it is demolished at the end of its useful life. According to Charles Zimmerman (Wal-Mart's Vice President, New Format Development) Wal-Mart is taking a new approach to building construction and operation. As a result, their new store prototypes are 30% more efficient. Is the store slated for North Tonawanda going to be the new prototype?

2.) Climate: The main sources of Wal-Mart's contribution to greenhouse gas production comes from electricity used in stores, burning natural gas to heat stores, and diesel fuel in trucks. Wal-Mart is committed to using less energy and finding better sources of

energy to attain their mid-term goal of 20% energy reduction by 2012, and their ultimate goal of purchasing energy from 100% renewable sources (wind power, solar energy, burning organic waste). What renewable energy sources will be used at the proposed site? What is the process for monitoring Wal-Mart's reduction of greenhouse gas emissions at the new store? How can NT residents gain access to that information on an annual basis?

3.) Waste: In what ways will the new store eliminate waste or convert it into recyclable material?

I look forward to your response in writing at the address listed at the top of this letter. If you have any questions or need further clarification, please contact me at 692-5520 or 622-6203.

Response

Wal-Mart has several practices planned for this store, as in all new stores, to conserve energy. Some of these energy saving practices specifically proposed to be implemented at the North Tonawanda site are:

a. **The store will include a daylight harvesting system (skylights, electronic dimming ballasts, computer controlled daylight sensors, etc.).**

b. **Since the store will be open 24 hours, a state of the art Energy Management System will be utilized to dim sales floor lighting to about 75% illumination during the evening and night hours. While barely noticeable to customers and associates, this program saves a substantial amount of energy.**

c. **The new facility will utilize T-8 fluorescent lamps and electronic ballasts, which comprise the more efficient lighting system on the market.**

d. **"Low mercury" lamps will be utilized, the bulbs of which, unlike all other florescent lamps, are not considered to be hazardous material and can be disposed of in any landfill, however, Wal-Mart has chosen to voluntarily recycle these lamps.**

e. **The proposed store is part of a Centralized Energy Management system. This is where the heating, air conditioning, refrigeration, and lighting systems of all U.S. Wal-Mart retail stores are monitored and/or controlled from the home office in Bentonville 24 hours per day, seven days a week. These energy management systems enable Wal-Mart to monitor energy usage, analyze refrigeration temperatures, and observe HVAC and lighting performance. It also allows Wal-Mart to adjust lighting, temperature, and/or refrigeration set points from a central location.**

f. **The North Tonawanda Wal-Mart will utilize LED lighting in all of their internally-illuminated exterior building signage. This lighting system can provide over 70% more energy-efficient operation than fluorescent illumination. With life of LED lights as long as 100,000 hours, using LED lights provides an extended life span of 12 to 20+ years.**

g. **LED lighting will also be installed in Wal-Mart's frozen food cases and other refrigerated cases with doors. This lighting will be motion activated, resulting in it turning itself off whenever it is not needed. This lighting utilizes less than 50% as much energy as traditional lighting, lasts 3-4 times as long, and contains no mercury.**

h. **The North Tonawanda Wal-Mart will have occupancy sensors installed in non-sales areas. These sensors detect activity in a room and automatically turn off the lights when the space is unoccupied.**

i. **Wal-Mart utilizes high efficiency heating, ventilation, and air-conditioning (HVAC) units. These units have a weighted Energy Efficiency Ration which is a 10% increase over the industry standard, weighted average efficiency guideline. These units are more efficient than required by the most stringent U.S. energy code.**

j. **The Wal-Mart store will have a "white" membrane roof. The high solar reflectivity of the white membrane roof results in lowering the "cooling load" of an individual store by about 8%.**

k. **Approximately 70% of the hot water needs for the Wal-Mart Supercenter is generated by reclaiming the waste heat from the refrigeration equipment.**

l. **The building will be actively dehumidified allowing the store to operate at a higher temperature and use less energy. It also allows the refrigeration systems to operate more efficiently.**

m. **Specifications for all new U.S. Wal-Mart facilities now provide for the inclusion of up to 25% fly ash in the exterior concrete mixes. Additionally, up to 40% of the mix can be a combination of fly ash and ground granulated blast furnace slag. Fly ash is a waste product from the coal-fired electrical process, and slag is a waste product from steel production. Therefore, by incorporating both, Wal-Mart is reducing the amount of a natural resource (cement) that they use and replacing it with waste products that would otherwise populate landfills.**

n. **Wal-Mart has established ACRES for America program that has committed $35 million for the next 10 years to conserve at least one acre of priority wildlife habitat for every acre developed for company use. ACRES for America will permanently conserve at least one acre of priority wildlife habitat for every developed acre of Wal-Mart's current footprint, as well as the company's future development over the next 10 years.**

o. **The restroom sinks in Wal-Mart stores use sensor activated, low flow faucets. The low flow faucets, because they regulate flow, reduce water usage by 84%, while the sensors, which regulate the amount of time the faucet flow, save approximately 20% in water usage over similar, manually operated systems.**

p. **Wal-Mart actively participates in recycling. As just one example, since 2002 Wal-Mart has incorporated, via just one item – recycled plastic base boards, nearly 4,000,000 lbs. of recycled plastic into their products.**

Written Comments from Delores Bennett

5.86 *Comment*
According to the Draft Environmental Impact Statement July 2007 submitted by Wal-Mart: In section 4, page 45: "Due to the deficient levels of service for Martinsville side streets and driveways, it is proposed to extend Wurlitzer Drive southeasterly from Erie Avenue for approximately 750 feet to D'Angelo Drive. This would allow vehicles, particularly left turning vehicles, to substantially reduce exit time onto Erie Avenue…

The property is currently owned by the City of North Tonawanda and City officials have verbally agreed to this concept…Motorists exiting the Martinsville neighborhood would have the option of diverting to the new roadway connection when there is heavy traffic on Erie Avenue."

Thinking about this "new road", currently D'Angelo, where Wal-Mart is suggesting the new road be attached – doesn't meet the roads in Martinsville. That would mean a road would probably

need to also be built off Filner Avenue. This "access" has not been noted in the submitted Wal-Mart documents.

I would like to voice my displeasure with the loss of the park, the extension of Wurlitzer Drive and expansion in lanes of Erie Avenue. This is going to change the community, most significantly the residential area surrounding the proposed Wal-Mart.

I would like to request a written response from Wal-Mart as to "who exactly the City Officials" were who have given verbal agreement to the extension of Wurlitzer Drive. Given the matter is still under review, any approval would be premature and perhaps beyond the scope and authority of city officials. Indeed, having the matter discussed between the Wal-Mart team, the planning board, city department, or the Common Council without public notice could represent not just poor policy, it could be illegal.

According to the site plan submission of 11/06, Wal-Mart has projected an opening date of 2008. In this document the following "new" items would be required related to the roads in the area:

1.) A new traffic signal located at Erie and Wurlitzer

2.) Inbound lane to Wal-Mart from Erie Avenue-left turn lane-this would mean expanding road to 4 lanes-one in each direction for thru traffic and turning lanes for the proposed Wal-Mart.

3.) A traffic signal at Wal-Mart entrance on Niagara Falls Blvd.

4.) Signage for turns- Wurlitzer Drive, Erie Avenue, Niagara Falls Blvd.

Who is going to pay for the road work? According to the projection of $125,000.00 tax revenue provided previously by Mayor Soos in the Tonawanda News, it will probably take 7-10 years before the City will actually not be spending more money on these costs than tax monies being collected from Wal-Mart. I hope the planning board does not approve the land variances required for this project and puts a stop to the project. This is an environmentally incorrect use of the property in a residential area, having a [devastating] effect to the [neighborhoods] on Erie Avenue, in Martinsville, and Wurlitzer Park.

Response

With the change in the project that eliminates the Erie Avenue access and moves the secondary access to Wurlitzer Drive, through Bluebird Drive, the LOS improvements to the side streets of the Martinsville neighborhood due to the Wurlitzer Drive extension are not as significant. The City has requested that the applicant continue plans to construct the extension of Wurlitzer Drive to act as an offset to improve traffic in the area. This is consistent with the City's plan to construct Wurlitzer Drive from the Water Tower at Erie Avenue through to its proposed terminus at Walck Road, immediately west of Ramsay Field. This roadway would benefit residents in the Martinsville section of the City by providing signalized access to both Erie Avenue and Wurlitzer Drive. This new roadway will handle approximately 30 vehicles during the weekday AM peak hour, 38 vehicles during the weekday PM peak hour, and 49 vehicles during the Saturday midday peak.

With respect to building an additional road off of Fillner Avenue, another road will not need to be built. Wal-Mart is only proposing to extend Wurlitzer Drive to D'Angelo Drive. D'Angelo Drive connects to Strad Avenue, which intersects the other streets in the Martinsville neighborhood.

The applicant will pay for all proposed improvements. The improvements noted above will be incorporated into new off site highway plans to be approved by the City and NYSDOT.

Written Comments from Susan R. Wilke (paraphrased – complete written comment in Appendix C)

5.87 *Comment*
Who will pay for [the extension of Wurlitzer Drive] Wal-Mart or North Tonawanda taxpayers?

Who will pay [for the improvements to Erie Avenue] Wal-Mart or North Tonawanda taxpayers?

Who will pay [for the improvements to Niagara Falls Boulevard] Wal-Mart or the New York State taxpayers and North Tonawanda taxpayers?

...After heavy storms the manhole cover [on Erie Avenue in front of the water tower] comes loose and toilet paper and raw sewage flows out onto the road. Bad as this problem is now it will be worse with the combined Wal-Mart parking lot run off.

On (Plan Sheet C-2) arrows indicate direction of surface water runoff on parking lot pavement from the garden center part of the store. This runoff is flowing toward the ditch on Erie Avenue. Bags of fertilizer and chemicals stacked on the ground will leech out into the runoff adding contaminated flow into the ditch.

The other drainage system flows into Sawyer Creek. On Plan Sheet C-6, two 30 inch pipes flow into a 15 inch pipe near the north east corner of the store. Why is this pipe so undersized? It continues and ends as a 25 inch pipe at the creek. In (Volume 1 V-1) it mentions that storm water treatment units will be used to remove the parking lot contaminates but it does not mention that these units can only remove contaminates in suspension not contaminates in solution.

Finally, Sawyer Creek will become more contaminated with this chemical runoff and with the added volume from the parking lot it will have a tendency to overflow more frequently and will in turn add more contaminates to Tonawanda Creek as well as the other stream it flows into to the Niagara River in Niagara Falls.

...With traffic and movement in the parking lot 24 hours a day, 7 days a week, it will not provide enough quiet, night time darkness, and privacy for the surrounding residences. Garbage will be thrown over them and it would become a meeting place for vagrants and drug dealers...The lamination area as seen on the plan shines into the property on Kingston. Who will pay for this, Wal-Mart or the North Tonawanda taxpayers?

In conclusion, I would ask the planning board that the comments submitted pertain only to the environmental aspects mentioned in this environmental impact report.

Response
The applicant will pay for all proposed improvements.

<u>Sanitary Sewer Capacity</u>
An existing small stormwater catch basin collects water from the former parking area to the north of the Melody Fair Building. This existing system catch basin connects to the sanitary system in Niagara Falls Boulevard. This existing system catch basin will be removed and covered to remove stormwater from entering the sanitary sewer system. This will in fact reduce water entering the City of North Tonawanda's sanitary sewer system and reduce overloading with the system during rain events.

Stormwater Contamination

There is no outdoor storage of open materials. Garden supplies such as topsoil and mulch are bagged and therefore protected from the elements. In addition, fertilizers, pesticides, herbicides, and other similar home and garden products are all stored in small quantity containers or bags. Storage of all such materials will be within a covered area. The Garden Center will have a concrete floor allowing quick cleanups of any spills without discharge to the environment. The Garden Center area will also include a drive-thru area for customers to have trained personnel load materials into their vehicles. No fertilizers, pesticides, herbicides, or other similar home or garden products will be sold from the outdoor storage area. Moreover, the Garden Center will be enclosed in a fenced area.

The development will not adversely impact to the manhole cover on Erie Avenue in front of the water tower.

Storm Sewer Sizing and Sawyer Creek Water Quality

The pipe connecting catch basin 'CB2' and manhole 'MH4' is a 15 inch pipe. From there, due to the slopes of the pipes and manhole inverts, stormwater will be directed towards 'MH9' along a 30 inch HDPE pipe. A portion of the drainage from the access road in this location is directed towards the Stormwater Management Basin. The stormwater treatment unit removes 100% of floatable and 80% of total suspended solids (TSS) in addition to solids removed from a screen. This proposed stormwater system has been designed in accordance to standards set by the New York State 2003 Stormwater Requirements for Pretreatment.

Sawyer Creek runs on the opposite side of Niagara Falls Boulevard conveying water to Tonawanda Creek. There is an existing floodplain along Sawyer Creek, however, this floodplain does not extend south of Niagara Falls Boulevard and does not impact the site.

Currently, over 31.0 acres of the site does not release stormwater off-site. This stormwater is retained and gradually seeps into the ground. Where stormwater does leave the site, it is either conveyed from the existing Bluebird parking area through a 36 inch stormwater sewer line along Bluebird Drive to the 90 inch interceptor stormwater sewer line along Wurlitzer Drive that eventually drains to Tonawanda Creek, or from a catch basin in a parking area near Melody Fair which drains to the sanitary sewer along Niagara Falls Boulevard. Runoff from the proposed main access drive will be collected in a closed drainage system. The stormwater will be treated through a centrifugal vortex unit that separates sediment and particles from the stormwater prior to being discharged to Sawyer Creek. Because stormwater discharges from the site will be treated according to NYSDEC guidelines, the runoff to Sawyer Creek will not impact water quality. As noted in previous comments and responses, the hydrodynamic vortex unit specified was sized using the NYSDEC guidance in appendix on page B-03 labeled "Water Quality Peak Flow Calculations" and is an approved proprietary stormwater management system. Any flow to Sawyer Creek will be attenuated to pre-development conditions to prevent any erosion of Sawyer Creek's banks.

Noise

The existing site is zoned M-1 which permits many uses, including retail, light industrial, and manufacturing. Sources of existing and past noise for the site and surrounding areas include commercial buses, vehicular traffic, concerts, and other events held at Melody Fair. In addition, noises in the surrounding area include the CSX railroad line and truck and vehicular traffic on Niagara Falls Boulevard. Noise level studies performed at fully operational Wal-Mart stores in similar locations have revealed that noise levels will be

similar to those encountered by everyday activities in an urban/suburban environment such as the surrounding area for this project.

Lighting

A substantial effort has been made by the applicant to screen the proposed project from adjacent properties. The site will have 24 foot high flat lenses vertical cutoff fixtures interspersed throughout the site. These fixtures direct lighting downward and conform with National Dark Sky compliant lighting standards. No light emissions leave the site and are completely contained on-site. This results in an average lumen rating of 2.8 within the parking lot area. This is substantially lower than most parking lots which often surpass 5.0 lumens. The landscaped berms that are proposed near Kingston Avenue and along Erie Avenue will further reduce any light emissions from the site. National Grid, the electric supplier, has been contacted and has stated the adequate service is available for the project according to a November 29, 2006 memorandum from the supplier.

Written Comments from Lee Garaczkowski

5.88 *Comment*

I live on Erie Avenue between Eddy and Linden. The private drive from Wal-Mart to Erie Ave is proposed to coincide with the location of the driveway used formally by Bluebird garage and Melody Fair. This is close to being directly opposite my neighbor's home and mine.

This driveway was seldom used by Bluebird and only on weekends by Melody Fair for a couple of hours when in business.

I believe the quality of life of residences on Erie Ave will be negatively impacted by the noise and air pollution generated by cars turning into Wal-Mart from Erie Ave.

There are two other entrances for Wal-Mart, one on Niagara Falls Blvd. and one on Wurlitzer Drive. Neither of these entrances have homes nearby which would be impacted by air or noise pollution.

I suggest that the Wurlitzer Drive entrance which was to be dedicated for truck delivery be expanded for customer use also. I believe this would eliminate the need for the Erie Ave entrance and the pollution problems of Erie Ave. residences.

Response

The applicant has tried repeatedly to obtain a private access crossing from CSX Transportation for the existing crossing at Erie Avenue. Wal-Mart's first request for a private right of access was denied. Since July 2007, Wal-Mart appealed the denial of its request and had numerous discussions with CSX and local officials regarding the private crossing. Because these discussions have not yielded any change in CSX's position, Wal-Mart is proposing to advance the Alternative Site Plan, as presented to the Planning Commission, consisting of primary access to Niagara Falls Boulevard and secondary access to Wurlitzer Drive via Bluebird Drive, and removing the access at Erie Road.

Written Comments from Catherine A. Kern

5.89 *Comment*

As a resident of North Tonawanda for 39 years, I have environmental impact concerns regarding the proposed Super Wal-Mart to be built on the "Wurlitzer/ Melody Fair" site.

Traffic

1. It has been reported that the traffic will be increased by 10,000 to 20,000 cars per day and will result in a "F" traffic rating from a "C" traffic rating on the two lane Erie Avenue. This will mirror the Walden/ Union area of Cheektowaga, however, that area has many more lanes as well as turning lanes. Erie Avenue will become grid locked for the residents. This grid lock will also result in increased response times for emergency vehicles.
2. Before Wurlitzer Drive was created, the residents of Wurlitzer Park had limited ingress and egress with Ohio Street being the most used off from Niagara Falls Boulevard. The residents approached the DOT for a traffic signal at Ohio Street due to the large volume of traffic, at that time, by the employees of Bell Aerospace. The DOT denied the traffic signal due to the fact that there is a rise in the road near Ohio Street (the area between Mike Rexford's Auto Repair station and the Wurlitzer Building). A traffic light could potentially cause accidents (i.e. like the Williamsville toll barrier area). With increased traffic as a result of a Super Wal-Mart, residents will have a difficult time existing and entering Ohio Street. Again gridlock.
3. Turning onto Wurlitzer Drive is currently becoming a two light wait. The light was necessitated due to the increase in residential traffic. The proposed Super Wal-Mart will increase truck traffic with deliveries, as well as destruction of the roads and the CSX railroad tracks. Who will pay for the continual maintenance of the tracks, and resurfacing of the roads from the abuse that will occur from the trucks?

Lighting

1. A 24 hour store will have constant lighting, impacting neighboring homes. It is also a fact that the area has experienced continuous power outages since the late 70's. The new Super Wal-Mart could seriously impact this problem.

Noise

1. The area would experience increased noise. Trucks dieseling, backup alarms on the trucks, tow motors and high lifts to unload and move product. Increased noise from people, cars, car alarms, garbage and dumpster pickups, plowing 24 hours per day.

Contamination Concerns

1. The proposed area was previously deemed "contaminated" by the heavy metals and other waste products in the ground due to the war effort of the Wurlitzer Company resulted in the area being fenced off for years. The residents of Wurlitzer Park were kept up to date with the progress of the cleanup. To date the area is supposed to be safe. Ground migration of contaminants is a given. Has the Army Corps of Engineers' Report been reviewed and compared to the environmental impact study? To what depth were the borings, to determine the area "safe," as well as soil sampling been done? The trench for the water discharge pipeline, as reported by representatives of Wal-Mart, would be dug 8 feet below ground. Environmental testing therefore should be from ground level to the 8 foot depth. What was done to remediate the heavy metals and other contaminants? Who is guaranteeing that the soil that will be hauled off site during construction is free of harmful contaminants? Site construction often unearths problems not readily known.

These environmental concerns need to be addressed since this proposed Super Wal-Mart is surrounded by residential neighborhoods and will also impact the quality of life for the residents.

Response

Traffic 1

The applicant has provided comprehensive traffic analysis and mitigation for impacts that the project would have. The critical traffic flow determinants for the project are the intersections analyzed in the Traffic Impact Study and discussed with New York State Department of Transportation (NYSDOT). This has been prepared in accordance with NYSDOT and International Transportation Engineers (ITE) association. The Applicant will mitigate the LOS to the extent practicable, including proposed highway and signalization improvements. The total traffic volumes added to Erie Avenue will be approximately 4,600 vehicles (under the full build out of the Wal-Mart project) spread throughout the entire 24 hour day. Emergency vehicles will access the site via either the Niagara Falls Boulevard or Bluebird Drive access.

Traffic 2

The volumes from Ohio Avenue total less than 100 vehicles (under the full build out of the Wal-Mart). These volumes are substantially below the volumes to warrant a signal. The Niagara Falls Boulevard/ Ruie Road intersection is less than 500 feet from this intersection. This signal allow for breaks in the traffic stream for exiting vehicles.

Traffic 3

Improvements to the intersection of Erie Avenue and Wurlitzer Drive are proposed as part of the Bluebird Drive access, as identified in the supplemental Traffic Impact Study dated February 4, 2008. Truck traffic will only utilize the Niagara Falls Boulevard access.

Noise

The existing site is zoned M-1 which permits many uses, including retail, light industrial, and manufacturing. Sources of existing and past noise for the site and surrounding areas include commercial buses, vehicular traffic, concerts, and other events held at Melody Fair. In addition, noises in the surrounding area include the CSX railroad line and truck and vehicular traffic on Niagara Falls Boulevard. Noise level studies performed at fully operational Wal-Mart stores in similar locations, have revealed that noise levels will be similar to those encountered by everyday activities in an urban/suburban environment such as the surrounding area for this project.

Lighting

A substantial effort has been made by the applicant to screen the proposed project from adjacent properties. The site will have 24 foot high flat lenses vertical cutoff fixtures interspersed throughout the site. These fixtures direct lighting downward and conform to National Dark Sky compliant lighting standards. Light emissions leaving the site are minimal. This results in an average lumen rating of 2.8 within the parking lot area. This is substantially lower than most parking lots which often surpass 5.0 lumens. The landscaped berms that are proposed near Kingston Avenue and along Erie Avenue will further reduce any light emissions from the site. National Grid, the electric supplier, has been contacted and has stated the adequate service is available for the project according to a November 29, 2006 memorandum from the supplier.

Contamination Concern

Prior to the start of construction, any necessary removal of underground storage tanks, debris, etc. will be conducted in accordance with all applicable environmental laws. All demolition and cleanup activities will conform to applicable state and federal laws and will

be conducted with input and participation from appropriate agencies. The applicant has completed a Phase I Environmental Site Assessment and will be responsible for any clean up of contaminants.

Written Comments from Frank S. Budwey (paraphrased – complete written comments included in Appendix C)

5.90 *Comment*
The train that crosses Twin City Highway and proceeds through Zimmerman, Walck, Wurlitzer Drive, Lyric (no light at all), and Niagara Falls Blvd. – FRA states that the train travels 15MPH. I personally drove along with the train twice on Thursday September 20, 2007 with 18 cars and an engine going 5 to 7 MPH. How could the professionals be more than double the speed limit?

...the train took 3 minutes and 15 seconds to cross Twin City Highway at Erie Avenue, took 2 minutes and 47 seconds to cross Wurlitzer Drive, and took 3 minutes and 12 seconds to cross Niagara Falls Blvd. In total, the train took 30 minutes to travel from Twin City Highway to Niagara Falls Blvd...it stopped at Smurfit and picked up 3 more cars, making the train 22 cars...this is twice in one day starting at 12:56pm and ending at approximately 4:45pm. How can all of the professional representatives...not know the fact that Smurfit Stone Container Corp will be discontinuing operations at the Shawnee Plant closing and reopen with a joint venture with Jamestown Container Corp and Norampac Inc. The new business name will be known as Niagara Sheet LLC. This new company will be depending on more rail cars delivered from CSX railroad, which will increase more interruptions, and longer waiting times. This should have been discovered [in the TIS] before the September 10, 2007 hearing.

The TIS states that the Wal-Mart will generate about 7 truck per day. They will have a minimum of 15-30 truck deliveries on most days...

There are many intersections that the TIS stated would have no change in traffic except during rush hour traffic.

The TIS also states that traffic will get better at Wheatfield, Erie Avenue and the Twin City Highway. They are completely wrong here...we need a left turn and green light signal from Erie Avenue onto Twin City Highway, and at Robinson Street and Twin City Highway.

There is no mention of the train impact on Wurlitzer Drive...

The TIS does not address the agreement to use the at-grade railroad crossing at Erie Avenue...

1. The planning board has to know the decision of the at-grade crossing before making a decision.
2. If Wal-Mart gets approval for the at-grade crossing, what kind of warning devises would be installed?

The Wurlitzer Drive extension has not been approved by the City yet...there are several holes in this field, right where the Wurlitzer Drive extension would go through. The DPW keeps dumping dirt in them and they keep sinking. There is definitely a drainage or some other problem.

State Senator George Maziarz just obtained a $35,000 grant to improve the ball diamond for women's softball and public use, build an outdoor ice rink, and improve the playground and basketball court.

I would like to know the names of all of the City officials that agreed, according to FRA, to have the Wurlitzer Drive extension done.

Response
In response to the train crossing at the above noted intersections, CSX Transportation has relayed to the applicant that the design speed limit for the rail line is 15 MPH. As far as the actual times and crossing delays, the TIS notes that a 4 minute crossing time was assumed at intersections that were studied. This crossing time is more conservative than the times that the respondent timed in actual train such as 3 min 15 seconds and 2 minutes and 45 seconds.

The comment about decreases on LOS can be combined with original information that notes signal timing optimization is the reason for improved LOS.

The applicant has tried repeatedly to obtain a private access crossing from CSX Transportation for the existing crossing at Erie Avenue. Wal-Mart's first request for a private right of access was denied. Since July 2007, Wal-Mart appealed the denial of its request and had numerous discussions with CSX and local officials regarding the private crossing. Because these discussions have not yielded any change in CSX's position, Wal-Mart is proposing to advance the Alternative Site Plan, as presented to the Planning Commission, consisting of primary access to Niagara Falls Boulevard and secondary access to Wurlitzer Drive via Bluebird Drive, and removing the access at Erie Road.

With regard to truck deliveries, there will be approximately 5-7 tractor trailer deliveries per day with up to 12 smaller truck deliveries from individual vendors.

The applicant will need to appear before the Common Council for approval pertaining to the extension of Wurlitzer Drive and the abandonment of other rights-of-way, as the City owns these properties.

Written Comments from David J. Seeger (paraphrased- full comments in Appendix C)

5.91 *Comment*
Failure to adopt and publish required legal notices and failure to post DEIS on the internet...

Response
The City of North Tonawanda Planning Commission, after a thorough review of the DEIS, accepted, through resolution, the DEIS as complete in terms of scope and content at their regularly scheduled meeting on August 6, 2007.

A Notice of DEIS Acceptance was distributed to all Involved and Interested Agencies and an online notice was posted on the New York State Department of Environmental Conservation Environmental Notice Bulletin (ENB). Both notices indicated that a Public Hearing would held on September 10, 2007, a copy of the DEIS could be obtained through the City Clerk's office, and that public comment would be accepted until September 21, 2007 and should be directed to the City Clerk's office. In addition, the DEIS was posted on the City of North Tonawanda's website. Due to the digital size and poor digital quality of certain scanned items, technical appendices were not included online, but were made available at the City Clerk's office and Library.

The Notice of Acceptance of the DEIS was advertised on the ENB on August 15, 2007. The Notice of DEIS Public Hearing was advertised on the ENB on August 15, 2007 and September 5, 2007 and advertised in the Tonawanda News on August 18, 2007.

The Planning Commission, in response to the changes proposed for the project, decided to hold a second Public Hearing on March 11, 2008. This notice was published in the newspaper and on the ENB. The notice indicated that a Public Hearing would be held on March 11, 2008, a copy of the DEIS could be obtained through the City Clerk's office, and that public comment would be accepted through March 21, 2008 and should be directed to the City Clerk's office.

The Notice of DEIS Public Hearing notice was published in the ENB on March 5, 2008 and in the Tonawanda News on February 25, 2008.

5.92 *Comment*
Segmentation – ...The evaluation of the proposed Wal-mart Supercenter should be conducted under scenario of "full build-out" of the 37.8 acres site...

Response
The site plan for the Wal-Mart Supercenter identifies four (4) outparcels in addition to the Wal-Mart. Exact plans for the outparcels have not been finalized, however, for the purposes of conducting a complete SEQR review and providing a worst case scenario, the DEIS analyzed and evaluated stormwater and traffic for the entire site, including all outparcels. The DEIS provided a full build-out scenario of the project consisting of a 185,312 square foot Wal-Mart Supercenter, a 3,000 square foot fast food restaurant with drive-thru window, a 3,000 square foot fast food restaurant without a drive-thru window, a 5,000 square foot sit down restaurant, and a 37,250 square foot retail plaza. Each outparcel, when development plans are proposed, will be subject to individual site plan review by the Planning Commission and compliance with stormwater management regulations.

Access for the two outparcels along Bluebird Drive should be controlled and permitted only on Bluebird Drive. Access for these outparcels will not be permitted on Wurlitzer Drive or Erie Avenue.

For the outparcels fronting Niagara Falls Boulevard, restrictions will be placed to restrict additional curb cuts to Niagara Falls Boulevard. Access to these outparcels will be from the primary access drive only. There may be the need to require an access easement over the larger outparcel to allow access to the corner outparcel at an acceptable location along the primary access drive. The locations of access points will be finalized during site plan approval for individual outparcels.

5.93 *Comment*
Traffic – How is it that traffic flowing in a westbound direction on Niagara Falls Blvd. at the Erie Avenue/ Shawnee Road intersection will experience improvements even though no mitigation is proposed for that intersection and even though Wal-Mart is proposing to generate approximately 1,000 vehicle trips during peak hour traffic? In other words, by adding traffic to Niagara Falls Blvd. and providing no mitigation at that intersection, how is it that conditions are calculated to improve?

Response
The applicant submitted a supplement to the Traffic Impact Study dated February 4, 2008 that analyzed the site with full primary access to Niagara Falls Boulevard and full secondary access at Wurlitzer Drive (through Bluebird Drive). The evaluation of this intersection is described in 5.9.

5.94 *Comment*
The Traffic Impact Study fails to consider levels of service reduction at many relevant, impacted intersections throughout the City of [North] Tonawanda and, for that matter, in the immediate vicinity of the proposed development including the access points themselves...

Response
The North Tonawanda Planning Commission, through its scoping process, and in coordination with the City Engineer, Public Works Superintendent, and NYSDOT have determined that the intersections studied in the Traffic Impact Study are sufficient in determining the impacts of the project on the transportation system. Impacts at other intersections not studied are expected to be minimal.

5.95 *Comment*
According to Table 7, traffic turning left from Melody Lane onto Niagara Falls Blvd. will experience a C LOS, under existing conditions, background conditions, development without mitigation, and development with mitigation. Traffic attempting to turn left onto Niagara Falls Blvd. from Melody Lane will be forced to use the center lane, which Wal-Mart proposes to turn into a dedicated left turn lane for the primary driveway. There is an obvious conflict.

Response
The proposed left turn bay at the Niagara Falls Boulevard northbound approach to the site drive will be approximately 100 feet in length and include a 150 foot deceleration taper for vehicles to enter the left turn lane. Based on the proposed additional left turn lane and the added southbound right turn lane, the 95% queue length for the left turn is expected to be less than 50 feet, which will have little impact on access to other driveways or roads. The longest queue for traffic on Niagara Falls Boulevard would be approximately 250 feet for southbound vehicles approaching the intersection in the PM peak. The intersection of Melody Lane is 550 feet from the Niagara Falls Boulevard access and as such no impacts are expected.

5.96 *Comment*
Table 10, which addresses Erie Avenue at Walck Road, reports that the overall intersection, if the entire Wal-Mart project is built, will improve from B, C, B LOSs during peak hours, compared to the C, C, and B LOSs calculated for that same intersection under background conditions.

Response
The applicant submitted a supplement to the Traffic Impact Study dated February 4, 2008 that analyzed the site with full primary access to Niagara Falls Boulevard and full secondary access at Wurlitzer Drive (through Bluebird Drive).

As noted on page 40 of the July 2007 TIS, recommendations include, eastbound Walck Road approach to Erie Avenue should be restriped from a one lane approach to a two lane approach. The lane designations should consist of an exclusive left turn lane and a shared through/right turn lane. Any LOS improvements at the intersection are due to signal timing optimization that provides more green time to specific movements thereby improving the LOS. Signal timing improvements are an efficient way to improve traffic operations and reduce delay at signalized intersections.

5.97 *Comment*
Even more perplexing is Wal-Mart's prediction if the entire project is built, the Twin City Highway/ Division Street/ Erie Avenue/ Wheatfield Street intersection will improve to D, D, and D LOS's during peak hours, from E, D, and E, LOSs that are predicted if the project is not built. Wal-Mart is not proposing any mitigation at this intersection, so again the question is presented

how a project which generates large peak hour vehicular traffic can result in improved conditions at intersections for which no mitigation is proposed.

Response
The applicant submitted a supplement to the Traffic Impact Study dated February 4, 2008 that analyzed the site with full primary access to Niagara Falls Boulevard and full secondary access at Wurlitzer Drive (through Bluebird Drive). Any LOS improvements at the intersection are due to signal timing optimization that provides more green time to specific movements thereby improving the LOS. Signal timing improvements are an efficient way to improve traffic operations and reduce delay at signalized intersections.

5.98 *Comment*
Signal Spacing – ...The main driveway Wal-Mart proposes is located less than ¼ mile away from the existing signalized intersection of Erie Road and Niagara Falls Blvd. The distance cannot possibly meet Transportation Research Board criteria. The DEIS should address the following:

1. Attribute the proper functional route classification (see Table 1, page 14) of Niagara Falls Blvd.
2. Disclose signal spacing on Niagara Falls Blvd., including the distance from the proposed main driveway to the nearest existing traffic signals.
3. Calculate progressive speeds of thru traffic under several reasonable scenarios, including peak hour traffic and at different signal cycle lengths.
4. Discuss alternatives including relocation of the main driveway.

Response
The nearest signal to the north from the proposed primary access to Niagara Falls Boulevard is at the Ruie Road intersection, which is approximately 1,680 feet away. To the south is the Niagara Falls Boulevard and Erie Avenue/Shawnee Road intersection, located approximately 1,150 feet away. The intent of the project is to coordinate the signalized Niagara Falls Boulevard site drive with the Niagara Falls Boulevard and Erie Avenue/Shawnee Road intersection.

Because of the close proximity of the Niagara Falls Boulevard and Erie Avenue/Shawnee Road intersection to the Niagara Falls Boulevard primary access, it is proposed to coordinate these signals with a hard communication cable. Based on the Institute of Traffic Engineers (ITE) and NYSDOT, coordination is recommended for signals that are generally less than ¼ mile (1,250 feet) apart. This ensures that vehicle platoons stay together and do not disperse between signals. In addition, since the Niagara Falls Boulevard/ Ruie Road intersection operates at an excellent LOS (B for total intersection after construction), however, the Planning Commission will require as a condition of the Findings that this traffic signal be coordinated as well.

1. **As noted on page 8 of the original TIS, Niagara Falls Boulevard is designated U.S. Route 62 and is classified as a Principal Arterial with a posted speed limit of 40MPH.**
2. **The spacing and distances were provided in the original responses.**
3. **Synchro allows for modeling of intersections through the use of SimTraffic. This software models the signals as a collective system and uses algorithms to generate traffic estimates. This has been done for the alternatives studied.**
4. **Additional alternatives have been investigated for the project including locations of driveways along Niagara Falls Boulevard. As noted, the access driveway to the**

site in the current location minimizes any potential impacts to local residents on Kingston Avenue neighborhood. In addition, it allows for coordinated access with the businesses such as the Wurlitzer Business Park and other businesses.

5.99 *Comment*
According to Wal-Mart's traffic study, Wal-Mart does not recommend constructing any exclusive left or right turn lanes on either Erie Avenue or Niagara Falls Blvd. (or, for that matter, Wurlitzer Drive) to accommodate traffic entering and existing the Wal-Mart development.

Response
If right-of-way permits, the applicant will construct a right turn lane on southbound Niagara Falls Boulevard into the site. The project will also convert the continuous center left turn lane into a dedicated left turn lane for northbound Niagara Falls Boulevard left turns into the site.

Improvements will be made to the intersection of Wurlitzer Drive and Erie Avenue and restriping will occur along Wurlitzer Drive. Improvements include:

1. **Restriping of Bluebird Drive to include two outbound lanes (one right turn lane and one left turn lane) and one inbound lane.**
2. **Restriping of northbound Wurlitzer Drive to include one thru lane and one right turn lane into Bluebird Drive.**
3. **Restriping of southbound Wurlitzer Drive to include one thru lane and one left turn lane into Bluebird Drive.**
4. **Provide a stop control on Bluebird Drive and allow Wurlitzer Drive to flow without any stop control. The TIS recommends an all way stop control at the intersection, however, the City does not want the LOS for Wurlitzer Drive to be impacted, therefore, they will only accept a stop control on Bluebird Drive.**
5. **Continue plans to construct the extension of Wurlitzer Drive with one eastbound lane and one westbound lane.**
6. **The existing left turn lane on eastbound Erie Avenue at Wurlitzer Drive will be lengthened to 360 feet and an exclusive left turn arrow for the traffic signal will be provided.**
7. **Restriping of southbound Wurlitzer Drive at Erie Avenue to include one shared left and thru lane and one right turn lane with an exclusive right turn arrow for the traffic signal.**
8. **Optimizing signal timing at the intersections of Niagara Falls Boulevard and Ruie Road and at Niagara Falls Boulevard and Erie Avenue/ Shawnee Road.**

5.100 *Comment*
Stopping Sight Distance – ...Using the proper calculations, the stopping site distances will, with respect to some locations including Eddy Drive, drop to only 240 or so feet, and in many intersections (if not all) will be significantly below the safe stopping distance recommended by AASHTO.

Response
Site distances were calculated using NYSDOT accepted sight distances for intersections. They were measured in the field in the fall of 2006. As noted on page 11 of the original Traffic Impact Study, the sight distances for the proposed site drives exceeded 1,000 feet.

5.101 *Comment*
Right-Turn Conflict Overlap – In addition to the seven intersections that are near the two proposed Wal-Mart Supercenter driveways, there are nearby residential and business driveways. In light of objective engineering criteria, the DEIS should quantify the potential collision problem, disclose alternatives to reduce or eliminate it, and in doing so the DEIS should identify all relevant driveways, calculate their distance from each other, fully address TRB's "Right Turn Conflict Overlap" discussion, and consider alternatives including the use of shared driveways, etc.

Response
The applicant has tried repeatedly to obtain a private access crossing from CSX Transportation for the existing crossing at Erie Avenue. Wal-Mart's first request for a private right of access was denied. Since July 2007, Wal-Mart appealed the denial of its request and had numerous discussions with CSX and local officials regarding the private crossing. Because these discussions have not yielded any change in CSX's position, Wal-Mart is proposing to advance the Alternative Site Plan, as presented to the Planning Commission, consisting of primary access to Niagara Falls Boulevard and secondary access to Wurlitzer Drive via Bluebird Drive, and removing the access at Erie Road.

The Right Turn Conflict Overlap is an access management concept that primarily is directed to new commercial development in the minimization of driveways/access points along a given corridor. The homes and driveways on Erie Avenue are existing properties. Combining or consolidating of these driveways would be disruptive to the local residents.

The nearest driveway to the Niagara Falls Boulevard entrance is Melody Lane. It is approximately 550 feet south of the site drive entrance. The 95% queue length is substantially less than this distance. The nearest driveway to the Bluebird Drive (to Wurlitzer Drive) access is the JLA Automotive driveway, which is approximately 96 feet to the north.

The areas along Erie Avenue and Niagara Falls Boulevard are not known as high accident regions. The original traffic study analyzed accidents rates and noted that the mid block accident rate from Walck Road to Niagara Falls Boulevard on Erie Avenue was 0.50 accidents per MVT (Million Vehicle Travels) compared to the statewide average of 1.94 MVT. Similarly, Niagara Falls Boulevard from Ruie Road to Erie Avenue had 3.75 accidents per MVT compared to the statewide Average rate of 5.01.

Access for the two outparcels along Bluebird Drive should be controlled and permitted only on Bluebird Drive. Access for these outparcels will not be permitted on Wurlitzer Drive or Erie Avenue.

For the outparcels fronting Niagara Falls Boulevard, restrictions will be placed to restrict additional curb cuts to Niagara Falls Boulevard. Access to these outparcels will be from the primary access drive only. There may be the need to require an access easement over the larger outparcel to allow access to the corner outparcel at an acceptable location along the primary access drive. The locations of access points will be finalized during site plan approval for individual outparcels.

5.102 *Comment*
Length of Wal-Mart's Left Turn Lanes – According to TRB and AASHTO, driveways are deemed intersections and should not be placed within auxiliary left-and right-turn lanes. Wal-Mart proposes a left-turn lane on Niagara Falls Blvd. into the main access drive, and one on Erie Avenue into a secondary access driveway. However, the proposed DEIS does not reveal driveways and other highway access points that will be blocked by these lanes. At other locations, no doubt right turn and left turn lanes will have to be incorporated. This squarely conflicts with AASHTO and TRB criteria. The DEIS should recognize the issue, verify (or critique) it, disclose the existence of all relevant driveways and present alternatives (including shared vehicular access, etc.) that would resolve the problem.

Response
The length of Wal-Mart's left turn lanes for Niagara Falls Boulevard is regulated by the standards set forth by NYSDOT and not TRB. The NYSDOT and North Tonawanda City Engineer and Public Works Superintendent have reviewed the Traffic Impact Study to insure that all traffic design standards are satisfied.

The proposed left turn bay at the Niagara Falls Boulevard northbound approach to the site drive will be approximately 100 feet in length and include a 150 foot deceleration taper for vehicles to enter the left turn. Based on the proposed additional left turn lane and the added southbound right turn lane, the 95% queue length for the left turn is expected to be less than 50 feet which will have little impact on access to other driveways or roads. The longest queue for traffic on Niagara Falls Boulevard would be approximately 250 feet for southbound vehicles approaching the intersection in the PM peak. The intersection of Melody Lane is 550 feet from the Niagara Falls Boulevard/site drive intersection and as such no impacts are expected.

The applicant has tried repeatedly to obtain a private access crossing from CSX Transportation for the existing crossing at Erie Avenue. Wal-Mart's first request for a private right of access was denied. Since July 2007, Wal-Mart appealed the denial of its request and had numerous discussions with CSX and local officials regarding the private crossing. Because these discussions have not yielded any change in CSX's position, Wal-Mart is proposing to advance the Alternative Site Plan, as presented to the Planning Commission, consisting of primary access to Niagara Falls Boulevard and secondary access to Wurlitzer Drive via Bluebird Drive, and removing the access at Erie Road.

The nearest driveway to the Bluebird Drive (to Wurlitzer Drive) access is the JLA Automotive driveway, which is approximately 96 feet to the north.

5.103 *Comment*
Stormwater Management – According to Wal-Mart's application, it will require a variance (hence "60 day review") from NYSDEC for its proposed stormwater management system. According to the Stormwater Management Report, stormwater will discharge into a municipal storm sewer and a nearby creek (Sawyer Creek). The Stormwater Management Report, however, does not describe what the system's components will be and why they will not meet the technical standards contained in NYSDEC's Guidelines for stormwater management.

Response
The components of the Stormwater Management Plan (SMP) for the site include two separate grass swales in the parking area which collect sheet flow from the parking area and drain into catch basins that will convey stormwater through a closed drainage system. Additional catch basins throughout the site will collect stormwater from the building, other paved areas, and the exterior side of the berm area and convey stormwater to the closed

drainage system. Centrifugal vortex units will treat all stormwater from the storm sewer system by separating sediment and particles prior to entering the stormwater detention basin located at the south end of the site near Wurlitzer Drive. Once stormwater enters the basin, it will be directed to the outlet through 3 – 8 foot wide, 1 ½ foot deep grass swales that will further treat stormwater through infiltration of particles prior to outletting through a 24 inch outlet that will provide varying discharge rates designed to limit flow from the site to the storm sewer system in Wurlitzer Drive. The stormwater detention basin will be 11 feet deep and have a capacity of 3.24 acre-feet, capable of handling the 2.20 acre-feet volume needed for a 100-year storm event. Similarly, catch basins along the connector road to Niagara Falls Boulevard will collect runoff and filter it through centrifugal vortex units before discharging to Sawyer Creek.
Because the proposed site has been previously developed, it falls under the New York State 2003 Storm Water Manual Chapter 9 Redevelopment Standards. The redevelopment standards state that since the site will be adding additional impervious area, the required water quality volume is calculated as 25% of the existing impervious area and 100% of the additional impervious area. Of this volume, 75% may be provided through acceptable alternative practices and 25% must be provided through standard practices. Acceptable alternative practices include the proposed centrifugal vortex unit. Although accepted by the NYSDEC, the 60 Day local review is required for the use of this water quality treatment.

5.104 *Comment*
Wal-Mart Stores, Inc. should, in tabular form, identify all stores it has developed (i.e., built or expanded into Supercenters) in Western New York since 2003, when the Phase II stormwater permitting requirements commenced having force. The table should disclose which, if any, did not need variances or "sixty day review" from NYSDEC and, for each facility, the variances required and requested should be identified.

Response
Because the proposed site has been previously developed, it falls under the New York State 2003 Storm Water Manual Chapter 9 Redevelopment Standards. The redevelopment standards state that since the site will be adding additional impervious area, the required water quality volume is calculated as 25% of the existing impervious area and 100% of the additional impervious area. Of this volume, 75% may be provided through acceptable alternative practices and 25% must be provided through standard practices. Acceptable alternative practices include the proposed centrifugal vortex unit. Although accepted by the NYSDEC, the 60 Day local review is required for the use of this water quality treatment.

5.105 *Comment*
The DEIS should rigorously require an explanation of the relevant NYSDEC technical criteria and require the applicant to demonstrate compliance with every relevant criterion or, for those criteria that Wal-Mart cannot comply with, a detailed justification be presented that explains why it is not practicable to obtain compliance and that Wal-Mart's alternative plans will reduce stormwater impacts to the maximum extent practicable.

Response
Because the proposed site has been previously developed, it falls under the New York State 2003 Storm Water Manual Chapter 9 Redevelopment Standards. The redevelopment standards state that since the site will be adding additional impervious area, the required water quality volume is calculated as 25% of the existing impervious area and 100% of the additional impervious area. Of this volume, 75% may be provided through acceptable alternative practices and 25% must be provided through standard

practices. Acceptable alternative practices include the proposed centrifugal vortex unit. Although accepted by the NYSDEC, the 60 Day local review is required for the use of this water quality treatment.

5.106 *Comment*
The DEIS needs to describe the stormwater management facilities that will discharge into Sawyer Creek. The subwatershed draining in that direction should be identified. The Sawyer Creek floodplain should be identified.

Response
Sawyer Creek runs on the opposite side of Niagara Falls Boulevard conveying water to Tonawanda Creek. There is an existing floodplain along Sawyer Creek, however, this floodplain does not extend south of Niagara Falls Boulevard and does not impact the site.

Currently, over 31.0 acres of the site does not release stormwater off-site. This stormwater is retained and gradually seeps into the ground. Where stormwater does leave the site, it is either conveyed from the existing Bluebird parking area through a 36-inch stormwater sewer line along Bluebird Drive to the 90-inch interceptor stormwater sewer line along Wurlitzer Drive that eventually drains to Tonawanda Creek, or from a catch basin in a parking area near the Melody Fair that drains to the sanitary sewer along Niagara Falls Boulevard.

Runoff from the proposed main access drive will be collected in a closed drainage system that, due to capacity constraints of the Niagara Falls storm sewer, will be bored under Niagara Falls Boulevard and outlet directly to Sawyer Creek. The stormwater will be treated through a centrifugal vortex unit that separates sediment and particles from the stormwater before outletting to Sawyer Creek. Because stormwater discharges from the site will be treated according to NYSDEC guidelines, the runoff to Sawyer Creek will not impact water quality. As noted in previous comments and responses, the hydrodynamic vortex unit specified was sized using the NYSDEC guidance in appendix on page B-03 labeled "Water Quality Peak Flow Calculations" and is an approved proprietary stormwater management system. Any flow to Sawyer Creek will be attenuated to pre-development conditions to prevent any erosion of Sawyer Creek's banks.

5.107 *Comment*
[What is the potential for stormwater from the Wal-Mart Supercenter to contribute to stream channel erosion of Sawyer Creek, impact species living in the creek, and contribute to migration of hazardous or toxic waste and otherwise impact stream water quality].

Response
Because stormwater discharges from the site will be treated according to NYSDEC guidelines, the runoff to Sawyer Creek will not impact water quality. As noted in previous comments and responses, the hydrodynamic vortex unit specified was sized using the NYSDEC guidance in appendix on page B-03 labeled Water Quality Peak Flow Calculations and is an approved proprietary stormwater management system. Any flow to Sawyer Creek will be attenuated to pre-development conditions to prevent any erosion of Sawyer Creek's banks.

5.108 *Comment*
The DEIS should address in detail all five acceptable stormwater management practices identified in Chapter 5 of the NYSDEC Manual, including stormwater ponds, stormwater wetlands, infiltration practices, filtering practices, and open channel practices, and discuss the extent to which each can be incorporated into an overall stormwater management design.

None of the acceptable stormwater management practices that NYSDEC has approved and incorporated in its Manual include extended dry detention, which is the design that Wal-Mart proposed to employ in North Tonawanda.

Response

According to Table 7.1 Land Use Selection Matrix, the following would be acceptable Stormwater Management Practices: Pond, Wetland, Infiltration, Filters, and Dry Swales. From Table 7.2 Physical Feasibility Matrix, the only acceptable alternatives based on the criteria (HSG C-D, >10 Acre drainage area) are: Micropool ED, Wet Pond, Wet ED Pond, Multiple Pond, Shallow Wetland, ED Wetland, and Pond/Wetland. These options all require standing water. The City of North Tonawanda Engineer has requested that wet stormwater ponds not be used.

The Stormwater Management Report analyzed several alternative stormwater management options for this site. An infiltration basin is not a feasible option since the soils have poor permeability and the site has a relatively high water table. An underground detention basin is less environmentally friendly and more difficult to maintain. A wetland stormwater treatment area is not feasible because of the size requirements and the request of the City not to utilize a pond with standing water. Increasing the pervious areas of the site would allow for a smaller detention basin, however, the size of the site and parking area needed for the development would then encroach on the existing wooded areas to the east.

Since the City does not permit wet stormwater ponds, after investigation several stormwater management options, it was determined that utilizing a dry stormwater basin with other stormwater quality features was the best option.

5.109 *Comment*

The DEIS should demonstrate how it is that stormwater runoff from these four outparcels can meet NYSDEC criteria for stormwater runoff and, if not, the DEIS should present a range of alternatives showing how compliance could be achieved.

Response

Stormwater runoff from the four outparcels will need to be treated independently before entering the on-site storm sewer system. These specific requirements will be reviewed for each proposal during site plan review for each proposed project.

5.110 *Comment*

The project appears to entail considerable concessions from the [North] Tonawanda Common Council. Among them is abandonment of Bluebird Drive for a length of several hundred feet. This right-of-way, which extends through the footprint of the proposed Wal-Mart Supercenter, is valuable property. Similarly, the project entails the Common Council's abandonment of approximately 400 feet of Lyric Avenue. However, no compensation to the City for this valuable real estate is offered.

Response

The project proposes the abandonment of several public rights-of-way within the site to be placed in private ownership and on the tax rolls, and will no longer be the burden of the City to maintain. The details are outlined in the DEIS and included in tabular form.

The portion of Bluebird Drive proposed for abandonment is a section that does not serve any active uses for the public good and served only as a driveway to the former Bluebird Bus facility. The only business that would be somewhat affected by the status of Bluebird

Drive would be JLA Automotive, which is located at the northeast corner of the Wurlitzer and Bluebird Drive intersection. The portion of Bluebird Drive near this property is not proposed for abandonment, however, this property does have access points onto both Bluebird Drive and to Wurlitzer Drive. The owner was contacted by the applicant about the proposal and indicated that he was supportive of the proposal.

The termination of Lyric Avenue will be substituted by a new roadway that accesses Niagara Falls Boulevard and serves businesses in the Wurlitzer Business Park. This termination will eliminate traffic that crosses though neighborhoods in the Kingston Avenue area.

Any abandonment of City rights-of-ways will be the responsibility of the City Council, at which time details on the transfer of ownership of existing rights-of-way will be discussed.

5.111 *Comment*
Wal-Mart proposes a 1,000 foot long driveway running from its proposed store to Niagara Falls Blvd. Wal-Mart mentions its desire to dedicate this to the City. There is no discussion of the benefits to the City from accepting such a dedication. No figure for annualized repair and maintenance costs are given, so that the fiscal impacts can be measured.

Response
The City of North Tonawanda has indicated that they are not interested in accepting dedication of this main access road for reasons such as snow plowing and future operation and maintenance costs to the City. The primary access road will remain under private ownership.

5.112 *Comment*
Wal-Mart proposes to extend Wurlitzer Drive by approximately 750 feet... However, the cost of this proposal is not discussed. Nor is it clear that Wal-Mart would pay for all associated improvements, possibly including upgrade signalization for the Erie Avenue/ Wurlitzer Drive intersection. Who will bear the cost of maintenance? Also, what impacts on the LOS will there be in the Martinsville neighborhood if the Wurlitzer Drive extension is built.

Response
The applicant will pay for all improvement costs and other necessary highway improvements.

With the change in the project that eliminates the Erie Avenue access and moves the secondary access to Wurlitzer Drive, through Bluebird Drive, the LOS improvements to the side streets of the Martinsville neighborhood due to the Wurlitzer Drive extension are not as significant. The City has requested that the applicant continue plans to construct the extension of Wurlitzer Drive to act as an offset to improve traffic in the area. This is consistent with the City's plan to construct Wurlitzer Drive from the Water Tower at Erie Avenue through to its proposed terminus at Walck Road, immediately west of Ramsay Field. This roadway would benefit residents in the Martinsville section of the City by providing signalized access to both Erie Avenue and Wurlitzer Drive.

5.113 *Comment*
Railroad Blockage of Public Highways and Driveways – ...due to an additional delay of approximately 3 minutes at the proposed Wal-Mart Supercenter Erie Avenue driveway, one would expect queuing of an additional several dozen cars, both inbound and outbound. This would be compounded during peak traffic hours. The TIS needs to address the sufficiency of the length of the Erie Avenue left turn lane into the Wal-Mart driveway, i.e., whether it can

handle the resultant queue. Likewise, the TIS needs to address the adequacy of the outbound driveway lane with respect to the additional queue length needed.

Response
The applicant has tried repeatedly to obtain a private access crossing from CSX Transportation for the existing crossing at Erie Avenue. Wal-Mart's first request for a private right of access was denied. Since July 2007, Wal-Mart appealed the denial of its request and had numerous discussions with CSX and local officials regarding the private crossing. Because these discussions have not yielded any change in CSX's position, Wal-Mart is proposing to advance the Alternative Site Plan, as presented to the Planning Commission, consisting of primary access to Niagara Falls Boulevard and secondary access to Wurlitzer Drive via Bluebird Drive, and removing the access at Erie Road.

5.114 *Comment*
The DEIS provides no details concerning mitigation measures proposed with respect to the CSX crossing.

Response
The Traffic Impact Study addressed the above issue as noted on page 31 that due to the infrequency of the number of trains, it is not appropriate to mitigate conditions under this scenario. More details are noted in the TIS. The Erie Avenue crossing will not take place under the new layout of the site.

5.115 *Comment*
In this case, the EIS claims that the obvious problems of railroad crossing of more heavily congested highways and driveways will be solved through future negotiations between Wal-Mart and CSX. This deferral to the future is contrary to SEQRA.

Response
This claim is <u>not</u> made in the DEIS. Nonetheless, the applicant has tried repeatedly to obtain a private access crossing from CSX Transportation for the existing crossing at Erie Avenue. Wal-Mart's first request for a private right of access was denied. Since July 2007, Wal-Mart appealed the denial of its request and had numerous discussions with CSX and local officials regarding the private crossing. Because these discussions have not yielded any change in CSX's position, Wal-Mart is proposing to advance the Alternative Site Plan, as presented to the Planning Commission, consisting of primary access to Niagara Falls Boulevard and secondary access to Wurlitzer Drive via Bluebird Drive, and removing the access at Erie Road.

5.116 *Comment*
Similarly, the DEIS claims that Wal-Mart's stormwater pollution problems will be resolved through mitigation measures yet to be developed as part of NYSDEC's permitting program for stormwater discharges. At this point in time, the stormwater management plans relative to the Wal-Mart site proper are only in a primitive state of development, and it is not possible to measure efficiency in terms of, for example, percentage of pollutants removed. Resolving this important problem must not await a future post-SEQRA stage. Likewise, there are virtually no plans provided for stormwater management in the various outparcels. According to the draft EIS, during storm events there will be available capacity for stormwater runoff form these outparcels of only 2 cubic feet per second, a tiny amount considering the extensive paving and building that will take place on these outparcels. The DEIS admits that stormwater drainage for these outparcels has not been addressed as of yet. This deferral to the future is contrary to SEQRA.

Response
Since this site is an improved development site, it falls under the category of "Redevelopment" for NYSDEC SPDES-GP-02-01 purposes. The applicant has analyzed the stormwater to insure that the post condition flow does not exceed the existing conditions flow in accordance with NYSDEC guidelines. The stormwater quality treatment is being handled by a Hydrodynamic Concentric separator. The specific model specified for the site is identified as a NYSDEC approved proprietary stormwater management treatment system for redevelopment projects.

Comments from the Public Hearing held March 11, 2008

General

5.117 *Comment*
Will the project result in an increase of vehicle-deer accidents?

Response
Most of the property is already developed with buildings and parking areas and only 0.8 acres of the project site is wooded. The remainder is noted as unimproved grasslands and stone parking areas. The project site is surrounded by a dense commercial area and thus not ideal to support wildlife. These types of previously disturbed environmental habitats are not conducive for extensive herbivore activities and thus a significant increase in the number of vehicle-deer accidents as a result of this project is not anticipated.

Land

5.118 *Comment*
Address the level of contamination on the site?

Response
There were several Recognized Environmental Conditions (REC) identified on the site that will need to be properly removed, including a 10,000 gallon diesel fuel tank, a 550 gallon oil waste tank, an 8,000 oil waste tank, two hydraulic lifts with oil reserves, a 500 gallon water oil separator, a 250 gallon hydraulic oil storage tank, and one 1,000 gallon fresh oil tank. These structures will be removed by the current owners of the property, Park Centre Development, Inc. and Venue Systems, LLC, and will be done in accordance with all state and federal laws.

In addition, the applicant has indicated that there is likely asbestos within the existing buildings to be demolished on the site that will need to be properly removed.

5.119 *Comment*
Provide a discussion on who is responsible for the cleanup of the site?

Response
Prior to the start of construction, any necessary removal of underground storage tanks, debris, etc. will be conducted by the applicant in accordance with all applicable environmental laws. All demolition and cleanup activities will conform to applicable state and federal laws and will be conducted with input and participation from appropriate agencies.

Stormwater/ Utilities

5.120 *Comment*
Provide a discussion on where sewage generated at the site will go. Sewage from the project should be transmitted to the City's treatment plant, which has excess capacity.

Response
The sanitary sewage generated by the project will be transmitted to the City of North Tonawanda sewage treatment plant.

Aesthetic Resources

5.121 *Comment*
Provide a discussion on the implications of The Friends of Melody Fair desire to nominate the theater for historic designation.

Response
The Planning Commission has an action before them for a proposed Wal-Mart Supercenter, not for the purchase of the theater and subsequent nomination for historical designation and reuse of the structure as a theater.

5.122 *Comment*
Provide a discussion on the mitigation offered to reduce the impact of lighting on Kingston Avenue residents.

Response
A substantial effort has been made by the applicant to screen the proposed project from adjacent properties. The site will have 24 foot high flat lenses vertical cutoff fixtures interspersed throughout the site. These fixtures direct lighting downward and conform to National Dark Sky compliant lighting standards. Light emissions leaving the site are minimal. This results in an average lumen rating of 2.8 within the parking lot area. This is substantially lower than most parking lots which often surpass 5.0 lumens. The landscaped berms that are proposed near Kingston Avenue and along Erie Avenue will further reduce any light emissions from the site.

Transportation

5.123 *Comment*
The access at Bluebird Drive will lead to increased traffic in the Wurlitzer Park and Martinsville neighborhoods.

Response
The site generated traffic associated with the full build-out of the project will redistribute much of the traffic previously associated with the proposed Erie Avenue access through the signalized intersection of Erie Avenue and Wurlitzer Drive to the Wurlitzer Drive/ Bluebird Drive access. The Bluebird Drive access will increase traffic on the section of Wurlitzer Drive between Bluebird Drive and Erie Avenue from 530 vehicles to 904 vehicles during the weekday AM peak hour, from 550 vehicles to 1,115 vehicles during the weekday PM peak hour, and from 581 vehicles to 1,368 vehicles during the Saturday midday peak hour. The Bluebird Drive access will have little traffic impact on the section of Wurlitzer Drive north of the Bluebird Drive access, adding approximately 50-70 vehicles during each of the peak hours.

The project change is not expected to result in a significant impact to the Martinsville neighborhood with traffic increases expected to be 1% or less. The extension of Wurlitzer Drive is offered as mitigation for traffic entering/exiting the Martinsville neighborhood.

5.124 *Comment*
Provide a discussion of the implications of requiring only one access for this site: Niagara Falls Boulevard.

Response
A supplement to the Traffic Impact Study was developed to evaluate a single access of the site to Niagara Falls Boulevard (found in Appendix B). The analysis indicated that a single access would require significant mitigation on Niagara Falls Boulevard near the access drive and to the intersection of Niagara Falls Boulevard and Erie Avenue/ Shawnee Road. The scenario would require dual left turn lanes on Erie Avenue at Niagara Falls Boulevard that would improve the left turn lane delay.

The NYSDOT has indicated, in a letter dated January 9, 2008, that they concur with the supplemental TIS statement (single access scenario) that providing dual left turn lanes on Erie Avenue at Niagara Falls Boulevard would improve the left turn lane delay and understand that it would not be practical to construct due to constraints at this intersection. However, without the dual left turn lanes, the analysis shows an excessive queue length during the Saturday peak hour that would be greater than 300 feet for vehicles turning left from Erie Avenue.

The Synchro analysis shows that the queue length for vehicles turning left from Niagara Falls Boulevard to the proposed access driveway would be in excess of 500 feet. Dual left turn lanes would be required on Niagara Falls Boulevard to mitigate this impact. Due to right-of-way constraints, this mitigation does not appear to be practical either.

The Planning Commission does not support this option to have only one access to Wal-Mart since it does not appear feasible to mitigate the traffic impacts.

5.125 *Comment*
How does the Level of Service (LOS) at the intersection of Niagara Falls Boulevard and Erie Avenue/ Shawnee Road actually improve with the construction of a Wal-Mart?

Response
The applicant submitted a supplement to the Traffic Impact Study dated February 4, 2008 that analyzed the site with full primary access to Niagara Falls Boulevard and full secondary access at Wurlitzer Drive (through Bluebird Drive). The evaluation of this intersection is provided in 5.9.

5.126 *Comment*
Provide a discussion on whether the data used in the Traffic Impact Study is correct?

Response
Wendel Duchscherer (WD), the City's professional consultants, has reviewed the original Traffic Impact Study and all supplemental traffic analyses submitted by FRA Engineering as well as all supporting data and Synchro files and has determined that the TIS is technically sound and referenced.

During the SEQR process, the City, WD, and NYSDOT have all commented on the Traffic Impact Study and have requested that the applicant make several revisions. WD has

ensured that the applicant has addressed all of the agencies concerns and that the TIS is acceptable.

5.127 *Comment*
The applicant should present their backup data and Synchro files used for the development of the Traffic Impact Study.

Response
The reviewing agencies responsible for evaluating the TIS were provided all necessary documentation. In the cases of the three Supplemental Traffic Analyses, Synchro output data was not provided in the Appendices due to the extent of the technical data. In lieu of the printout of the Synchro data, a CD was provided directly to NYSDOT Region 5 and to Wendel Duchscherer, the City's consultant, for their review. These Supplemental Traffic Analyses were released to the public so that the public was aware of the issues being resolved.

Under SEQRA Law, information related to the DEIS is released to the public only when it is accepted as complete for public review (the same is true for FEIS's). Once the DEIS public hearing is held and the public comment period is closed, the Lead Agency begins the production of the FEIS ("...must prepare or cause to be prepared..."). In the case of this FEIS, Wendel Duchscherer is working with the Applicant, City Staff, and the Planning Commission to prepare the FEIS. In drafting the FEIS, pre-drafts and working documents not accepted for public review are not released to the public. This is done because pre-drafts are typically being worked on by applicants, staff, or consultants (most of which are not on file with the Lead Agency). These documents are not ready for public review until the Lead Agency authorizes their release. It would cause a tremendous problem to the "record" if the Lead Agency is receiving comments on documents that are not complete or accurate or acceptable by them. However, any information presented to the Planning Board is public information.

5.128 *Comment*
Address the impacts of the increased traffic to Kingston Avenue.

Response
The applicant has reviewed alternatives for access to the project. The Bluebird Drive access location minimizes any potential impacts to local residents on Kingston Avenue. In addition, it allows for coordinated access with the businesses such as the Wurlitzer Business Park and other businesses.

Additionally, the termination of Lyric Avenue will be substituted by a new roadway that accesses Niagara Falls Boulevard and serves businesses in the Wurlitzer Business Park. This termination will eliminate traffic that crosses though neighborhoods in the Kingston Avenue area.

5.129 *Comment*
Provide a discussion on the impacts of the Wurlitzer Drive extension.

Response
The City has requested that the applicant continue plans to construct the extension of Wurlitzer Drive to act as an offset to improve traffic in the area. This is consistent with the City's plan to construct Wurlitzer Drive from the Water Tower at Erie Avenue through to its proposed terminus at Walck Road, immediately west of Ramsay Field. This roadway would benefit residents in the Martinsville section of the City by providing signalized

access to both Erie Avenue and Wurlitzer Drive. This new roadway will handle approximately 30 vehicles during the weekday AM peak hour, 38 vehicles during the weekday PM peak hour, and 49 vehicles during the Saturday midday peak.

5.130 *Comment*
If the option to restrict access at the Bluebird Drive access is used, people will likely not obey the right-in, left-out.

Response
The restricted right-in/ left-out access at Bluebird Drive was evaluated as one of the supplemental traffic scenarios. A restricted right-in/ left-out access is not supported since restricted access often causes confusion amongst drivers at the intersection and poses safety issues since drivers often disobey the restrictions to avoid any inconvenience.

In addition, the City does not believe that the additional 5% traffic distribution that will be added to Wurlitzer Drive is significant enough to warrant restricted access to the site. The access should be a full access with a dedicated left turn lane and thru lane on eastbound Wurlitzer Drive into the site, a dedicated right turn lane and thru lane on westbound Wurlitzer Drive into the site, two outbound lanes from Bluebird Drive, a right turn lane and left turn lane, and one inbound lane on Bluebird Drive. Additionally, there should be no stop control on Wurlitzer Drive that would degrade the LOS. The only stop control should be for outbound Bluebird Drive traffic.

5.131 *Comment*
Provide a discussion on the safety features that will incorporated at the railroad crossing.

Response
The Traffic Impact Study addressed the above issue as noted on page 31 that due to the infrequency of the number of trains, further railroad crossing mitigations are not proposed under this scenario. More details are noted in the TIS.

5.132 *Comment*
Address the potential for people to avoid Niagara Falls Boulevard and cut through the residential streets.

Response
The project is not expected to generate a significant number of trips cutting through the adjacent residential streets. A driver using this route as a cut through would encounter a number of stop signs, traffic on site, pedestrian traffic in front of the store, and slower speeds than would likely be encountered on Erie Avenue. This would make this route undesirable for a substantial amount of cut through traffic.

The site generated traffic associated with the full build-out of the project will result in an increase in traffic on the section of Wurlitzer Drive between Bluebird Drive and Erie Avenue, however, will have little traffic impact on the section of Wurlitzer Drive north of the Bluebird Drive access. The project not expected to result in a significant impact to the Martinsville neighborhood with traffic increases on residential streets expected to be 1% or less.

The City has requested that the applicant continue plans to construct the extension of Wurlitzer Drive to act as an offset to improve traffic in the area. This is consistent with the City's plan to construct Wurlitzer Drive from the Water Tower at Erie Avenue through to its proposed terminus at Walck Road, immediately west of Ramsay Field. This roadway

would benefit residents in the Martinsville section of the City by providing signalized access to both Erie Avenue and Wurlitzer Drive.

5.133 *Comment*
Describe truck access to the site.

Response
All trucks servicing the proposed development will be directed to use the Niagara Falls Boulevard primary access road for both ingress and egress. All the truck loading/ unloading docks are located on the north side of the building. Trucks entering the site will travel along the north side of the building to the loading/ unloading docks.

The Wal-Mart Supercenter will receive approximately 5-7 tractor trailer deliveries per day along with up to 12 additional smaller truck deliveries from individual vendors. Deliveries will take place generally between the hours of 7:00 AM and 8:00 PM. Typically, the turn around time for unloading deliveries is approximately 3 hours. Delivery trucks are not anticipated to be parked overnight.

5.134 *Comment*
The increased traffic will make it difficult for residents in the Martinsville neighborhood to access Erie Avenue.

Response
The Wurlitzer Drive extension will have a positive impact on the Martinsville neighborhood as they will have an alternative access to Erie Avenue. The City has requested that the applicant continue plans to construct the extension of Wurlitzer Drive to act as an offset to improve traffic in the area. This is consistent with the City's plan to construct Wurlitzer Drive from the Water Tower at Erie Avenue through to its proposed terminus at Walck Road, immediately west of Ramsay Field. This roadway would benefit residents in the Martinsville section of the City by providing signalized access to both Erie Avenue and Wurlitzer Drive. This new roadway will handle approximately 30 vehicles during the weekday AM peak hour, 38 vehicles during the weekday PM peak hour, and 49 vehicles during the Saturday midday peak.

5.135 *Comment*
This project will lead to the intersection of Niagara Falls Boulevard and Erie Avenue/ Shawnee Road failing.

Response
The applicant submitted a supplement to the Traffic Impact Study dated February 4, 2008 that analyzed the site with full primary access to Niagara Falls Boulevard and full secondary access at Wurlitzer Drive (through Bluebird Drive). The evaluation of this intersection is provided in 5.9.

Noise/ Odor/ Air Quality

5.136 *Comment*
Address the impacts from idling of vehicles and trucks and how air quality will be impacted.

Response
The air quality impacts from idling vehicles and trucks are not expected to be significant. Wal-Mart will institute regulations on the idling of trucks at the site to further reduce the air quality impacts.

Neighborhood Character

5.137 *Comment*
Provide a discussion of how the project is in compliance with the Comprehensive Plan.

Response
The entire project site is zoned M-1, as outlined in the City Zoning Code. The M-1 District allows all uses permitted in the C-2 District, and the C-2 District allows all uses permitted in the C-1 District. The C-1 district permits retail stores and personal service establishments. The zoning laws were implemented on June 15, 1989 and revised November 15, 2005 according to the City Clerk. The City currently does not have an adopted Comprehensive Plan. The City is in the process of creating a Comprehensive Plan.

5.138 *Comment*
Provide a discussion on the potential for the City to issue a moratorium on big box development until a Comprehensive Plan is adopted.

Response
Any moratorium on development must be issued by the City Council. The City to date has not expressed interested in such a moratorium.

Written Comments from North Tonawanda First (paraphrased, full written comment provided in Appendix C)

5.139 *Comment*
Without telling anyone, and only two days before the September 10, 2007 public hearing, you let Wal-Mart amend their application to eliminate the Erie Avenue driveway and replace it with a Wurlitzer Drive driveway. This was a big change which would directly affect the Martinsville and Wurlitzer Park neighborhoods.

Response
The changes were alternatives that were being evaluated during the FEIS process. At the time of the September 10, 2007 public hearing, the original site plan with access to Erie Avenue was under consideration. Following a comment from CSX Transportation denying the at-grade access to Erie Avenue, the project was revised to provide secondary access to Wurlitzer Drive through Bluebird Drive. The Planning Commission reopened the DEIS comment period and held a second Public Hearing to gather input on the project change on March 11, 2008.

In accordance with SEQR, the Lead Agency, with its consultant Wendel Duchscherer, evaluated the "project change" caused by the railroad's decision on the Erie Avenue entrance. It was determined that the change did <u>not</u> result in a specific, <u>significant</u> environmental impact not addressed or inadequately addressed in the DEIS, and therefore, we did not request a Supplemental Draft Environmental Impact Statement (SDEIS).

5.140 *Comment*
Imagine our surprise when we learned at the March 11, 2008 public hearing that the project had again changed, without any kind of advance notice to the public. Under the second, or "Plan B" proposal, the Wal-Mart driveway on Wurlitzer Drive would be designed so that all exiting traffic

would have to turn left (southbound) onto Wurlitzer Drive. This was designed to minimize exiting vehicles from driving through the Wurlitzer Park neighborhood

Response
The changes were alternatives that were being evaluated during the FEIS process. The restricted right-in/ left-out access at Bluebird Drive was evaluated as one of the supplemental traffic scenarios. A restricted right-in/ left-out access is not supported since restricted access often causes confusion amongst drivers at the intersection and poses safety issues since drivers often disobey the restrictions to avoid any inconvenience.

The applicant submitted a supplement to the Traffic Impact Study dated February 4, 2008 that analyzed the site with full primary access to Niagara Falls Boulevard and full secondary access at Wurlitzer Drive (through Bluebird Drive).

The City does not believe that the additional 5% traffic distribution that will be added to Wurlitzer Drive is significant enough to warrant restricted access to the site. The access should be a full access with a dedicated left turn lane and thru lane on eastbound Wurlitzer Drive into the site, a dedicated right turn lane and thru lane on westbound Wurlitzer Drive into the site, two outbound lanes from Bluebird Drive, a right turn lane and left turn lane, and one inbound lane on Bluebird Drive. Additionally, there should be no stop control on Wurlitzer Drive that would degrade the LOS. The only stop control should be for outbound Bluebird Drive traffic.

Under SEQRA Law, information related to the DEIS is released to the public only when it is accepted as complete for public review (the same is true for FEIS's). Once the DEIS public hearing is held and the public comment period is closed, the Lead Agency begins the production of the FEIS ("...must prepare or cause to be prepared..."). In the case of this FEIS, Wendel Duchscherer is working with the Applicant, City Staff, and the Planning Commission to prepare the FEIS. In drafting the FEIS, pre-drafts and working documents not accepted for public review are not released to the public. This is done because pre-drafts are typically being worked on by applicants, staff, or consultants (most of which are not on file with the Lead Agency). These documents are not ready for public review until the Lead Agency authorizes their release. It would cause a tremendous problem to the "record" if the Lead Agency is receiving comments on documents that are not complete or accurate or acceptable by them. However, any information presented to the Planning Board is public information.

5.141 *Comment*
Under the most recent, or "Plan C" proposal, exiting traffic would be free to turn right (northbound) on Wurlitzer Drive, and all of that traffic would go through the Wurlitzer Park neighborhood. This would amount to thousands of vehicles every day of the year, and at all times of the night and day.

Response
The site generated traffic associated with the full build-out of the project will result in an increase of traffic on the section of Wurlitzer Drive between Bluebird Drive and Erie Avenue. The Bluebird Drive access will increase traffic on the section of Wurlitzer Drive between Bluebird Drive and Erie Avenue from 530 vehicles to 904 vehicles during the weekday AM peak hour, from 550 vehicles to 1,115 vehicles during the weekday PM peak hour, and from 581 vehicles to 1,368 vehicles during the Saturday midday peak hour. The Bluebird Drive access will have little traffic impact on the section of Wurlitzer Drive north of the Bluebird Drive access, adding approximately 50-70 vehicles during each of the peak hours.

5.142 *Comment*
Why would you even consider not disclosing to the public major project changes?

Response
The changes were alternatives that were being evaluated during the FEIS process. Under SEQRA Law, information related to the DEIS is released to the public only when it is accepted as complete for public review (the same is true for FEIS's). Once the DEIS public hearing is held and the public comment period is closed, the Lead Agency begins the production of the FEIS ("...must prepare or cause to be prepared..."). In the case of this FEIS, Wendel Duchscherer is working with the Applicant, City Staff, and the Planning Commission to prepare the FEIS. In drafting the FEIS, pre-drafts and working documents not accepted for public review are not released to the public. This is done because pre-drafts are typically being worked on by applicants, staff, or consultants (most of which are not on file with the Lead Agency). These documents are not ready for public review until the Lead Agency authorizes their release. It would cause a tremendous problem to the "record" if the Lead Agency is receiving comments on documents that are not complete or accurate or acceptable by them. However, any information presented to the Planning Board is public information. At these meetings and at the public hearings, the Planning Commission shared the information about alternative site layouts that were being analyzed. There was no information being withheld.

In accordance with SEQR, the Lead Agency, with its consultant Wendel Duchscherer, evaluated the "project change" caused by the railroad's decision on the Erie Avenue entrance. It was determined that the change did <u>not</u> result in a specific, <u>significant</u> environmental impact not addressed or inadequately addressed in the DEIS, and therefore, we did not request a Supplemental Draft Environmental Impact Statement (SDEIS).

5.143 *Comment*
The City will not give us a supplemental traffic impact study addressing Plan C. Also, the City has not (unless it is hiding it from us) collected the HCS input and output data for either Plans B or C.

Response
The reviewing agencies responsible for evaluating the TIS were provided all necessary documentation. In the cases of the three Supplemental Traffic Analyses, Synchro output data was not provided in the Appendices due to the extent of the technical data. In lieu of the printout of the Synchro data, a CD was provided directly to NYSDOT Region 5 and to Wendel Duchscherer, the City's consultant, for their review. These Supplemental Traffic Analyses were released to the public so that the public was aware of the issues being resolved. The TIS and all supplemental traffic analyses were developed using the Synchro traffic simulation model, not HCS.

5.144 *Comment*
We [North Tonawanda First] demand:

1. A Supplemental environmental impact statement addressing all alternatives that are on the table, including Plans B and C and, for that matter, Plans D, E, F, etc.
2. The HCS input and output data for both Plans B and C.
3. A supplemental traffic impact study for Plan C.
4. Full disclosure of project changes when they are proposed.

5. An opportunity to comment on project changes.

Response
In a letter dated April 14, 2008 to City Clerk Thomas M. Jaccarino in response to a FOIL request by North Tonawanda First, Wendel Duchscherer released to the City the following information:

1. **The original Draft Environmental Impact Statement (DEIS), including the traffic study (this has the input and output sheets for the model). These have been available to the public. Wendel Duchscherer has the traffic model itself, because we need it to run different scenarios to properly produce the FEIS.**
2. **Supplemental Study #1 dated September 10, 2007 to evaluate the effect of re-locating the secondary access to the site to Wurlitzer Drive.**
3. **Supplemental Study #2 dated November 5, 2007 to evaluate the effect of only having one access to the site at the Niagara Falls Boulevard location.**
4. **Supplemental Study #3 dated February 4, 2008 to evaluate the effect of having the secondary access on Wurlitzer being a full access (no limitations on turning movements).**
5. **Site Plan modifications and Wurlitzer Drive entrance road scenario plans.**

Under SEQRA Law, information related to the DEIS is released to the public only when it is accepted as complete for public review (the same is true for FEIS's). Once the DEIS public hearing is held and the public comment period is closed, the Lead Agency begins the production of the FEIS ("...must prepare or cause to be prepared..."). In the case of this FEIS, Wendel Duchscherer is working with the Applicant, City Staff, and the Planning Commission to prepare the FEIS. In drafting the FEIS, pre-drafts and working documents not accepted for public review are not released to the public. This is done because pre-drafts are typically being worked on by applicants, staff, or consultants (most of which are not on file with the Lead Agency). These documents are not ready for public review until the Lead Agency authorizes their release. It would cause a tremendous problem to the "record" if the Lead Agency is receiving comments on documents that are not complete or accurate or acceptable by them. However, any information presented to the Planning Board is public information.

Written Comments from Report of Preliminary Findings on the Traffic Impact Study for the proposed Wal-Mart Supercenter submitted by North Tonawanda First (paraphrased, full report provided in Appendix E)

5.145 *Comment*
The two Supplemental Traffic Analyses reflect substantial changes in the project, including moving one access point to Wurlitzer Drive, the elimination of a road through the project, and providing only one access road to the project that was proposed in FRA's initial Traffic Impact Study. There are serious deficiencies in the two Supplemental Traffic Analyses that prevent a traffic engineering or other reviewer from concluding that they were completed in accordance with sound and generally accepted engineering principals and judgment.

Response
Mr. Wolfe reviewed an out of date Traffic Impact Study (TIS) that was developed in November 2006. A comprehensive TIS for the Wal-Mart Supercenter project was completed in July 2007 that incorporated comments developed during the scoping process and was incorporated into the DEIS and accepted as complete by the Planning Commission on August 6, 2007.

This TIS evaluated the proposed development with primary access to Niagara Falls Boulevard, secondary access to Erie Avenue, and an emergency access to Wurlitzer Drive. A public hearing was held on September 10, 2007 to accept comments on the DEIS. At the time of the meeting, the applicant received notification from CSX Transportation that the at-grade railroad crossing at the proposed secondary access to Erie Avenue was denied, prompting a revision to the site plan and subsequent revisions to the TIS. The revised site plan incorporated the following changes:

1. **All truck loading/ unloading areas were moved to the north side of the building, further away from residential areas;**
2. **The stormwater detention basin was moved slightly to the west to account for the changes in truck access; and**
3. **Access from Erie Avenue was eliminated and secondary access to Wurlitzer Drive, via Bluebird Drive, was proposed.**

Following the project change, the City requested that the applicant provide supplemental traffic analyses to assess the impacts of various access scenarios. These scenarios included:

1. **Primary access from Niagara Falls Boulevard only with a proposed traffic signal;**
2. **Primary access to Niagara Falls Boulevard with a proposed traffic signal and secondary access to Wurlitzer Drive through a restricted right-in, left-out stop controlled access on Bluebird Drive; and,**
3. **Primary access to Niagara Falls Boulevard with a proposed traffic signal and full secondary access to Wurlitzer Drive via Bluebird Drive with stop control on Bluebird Drive only.**

The reviewing agencies responsible for evaluating the TIS were provided all necessary documentation. In the cases of the three Supplemental Traffic Analyses, Synchro output data was not provided in the Appendices due to the extent of the technical data. In lieu of the printout of the Synchro data, a CD was provided directly to NYSDOT Region 5 and to Wendel Duchscherer, the City's consultant, for their review. These Supplemental Traffic Analyses were released to the public so that the public was aware of the issues being resolved.

In accordance with SEQR, the Lead Agency, with its consultant Wendel Duchscherer, evaluated the "project change" caused by the railroad's decision on the Erie Avenue entrance. It was determined that the change did <u>not</u> result in a specific, <u>significant</u> environmental impact not addressed or inadequately addressed in the DEIS, and therefore, a Supplemental Draft Environmental Impact Statement (SDEIS) was not requested.

5.146 *Comment*

There is no backup documentation for the intersection Level of Service tables. Review of the Supplemental Traffic Analyses requires that one check the input data and the output data to ensure that there are no errors and to understand the measures taken to mitigate the traffic from the proposed development. However, both the input and output data is absent.

Response

The reviewing agencies responsible for evaluating the TIS were provided all necessary documentation. In the cases of the three Supplemental Traffic Analyses, Synchro output

data was not provided in the Appendices due to the extent of the technical data. In lieu of the printout of the Synchro data, a CD was provided directly to NYSDOT Region 5 and to Wendel Duchscherer, the City's consultant, for their review. These Supplemental Traffic Analyses were released to the public so that the public was aware of the issues being resolved.

5.147 *Comment*
Excluded from the alternatives is a proposal to mitigate traffic impacts at the Niagara Falls Blvd./ Erie Avenue and Shawnee Road intersection, even though the intersection will have failing levels of service.

Response
The City requested that the applicant provide supplemental traffic analyses to assess the impacts of various traffic scenarios on the intersection. The applicant worked closely with the NYSDOT (the owner of said intersection) in the evaluation of multiple traffic scenarios to develop the best scenario that would mitigate the impacts of the site generated traffic associated with the Wal-Mart to the maximum extent practicable.

The mitigations being proposed by the applicant for the intersection include traffic signal coordination between the signals at the intersection of Niagara Falls Boulevard at Erie Avenue/ Shawnee Road and Niagara Falls Boulevard at the primary access road. Signal timing optimization provides more green time to specific movements at intersections, thereby improving the LOS. Signal timing improvements and optimization are an efficient way to improve traffic operations and reduce delay at signalized intersections.

The applicant submitted a supplement to the TIS dated February 4, 2008 that analyzed the site with full primary access to Niagara Falls Boulevard and full secondary access at Wurlitzer Drive (through Bluebird Drive). The evaluation of the intersection is provided in 5.9.

In a letter to Mr. Thomas Jaccarino, dated January 9, 2008, the NYSDOT recommended that FRA Engineering explore other options to improve the LOS at the intersection of Niagara Falls Boulevard and Erie Avenue/ Shawnee Road. FRA Engineering investigated split phasing and concluded in their February 4, 2008 supplemental traffic analysis that the original phasing should remain. The NYSDOT concurred that the LOS would decrease if the signal phasing was split. Also, the NYSDOT stated that there are no practical geometric improvements due to the right-of-way constraints. Therefore, this intersection would experience increased delays with the additional Wal-Mart traffic, most notably in the afternoon peak for the left turn movement from Niagara Falls Boulevard to Shawnee Road and for the Erie Avenue through movement.

5.148 *Comment*
There are recommendations to extend Wurlitzer Drive, but no supporting documentation substantiating the impacts this will have on the Martinsville neighborhood.

Response
The TIS developed in July 2007 analyzed the extension of Wurlitzer Drive on pages 27 through 30. The extension was offered as a mitigation under the proposal to utilize secondary access to Erie Avenue as the LOS of several of the side streets were improved. The TIS made the following conclusions:

1. **The Wurlitzer Drive Extension is a logical and efficient extension of the existing street system. The extension would create a fourth leg of the existing intersection of Erie Avenue and Wurlitzer Drive.**

2. **No additional traffic signals would be added to Erie Avenue.**
3. **Motorists exiting or entering the Martinsville neighborhood would have the option of diverting to the new roadway connection when heavy traffic on Erie Avenue creates delays in accessing side streets. Overall delay would be reduced for side-street left turns along Erie Avenue.**
4. **Overall driver safety would be improved with a signalized access to/from the Martinsville neighborhood via the Wurlitzer Drive extension.**

With the change in the project that eliminates the Erie Avenue access and moves the secondary access to Wurlitzer Drive, through Bluebird Drive, the LOS improvements to the side streets due to the Wurlitzer Drive extension are not as significant. The City has requested that the applicant continue plans to construct the extension of Wurlitzer Drive to act as an offset to improve traffic in the area. This is consistent with the City's plan to construct Wurlitzer Drive from the Water Tower at Erie Avenue through to its proposed terminus at Walck Road, immediately west of Ramsay Field. This roadway would benefit residents in the Martinsville section of the City by providing signalized access to both Erie Avenue and Wurlitzer Drive. This new roadway will handle approximately 30 vehicles during the weekday AM peak hour, 38 vehicles during the weekday PM peak hour, and 49 vehicles during the Saturday midday peak.

5.149 *Comment*
The site plan does not show access points or intersection configurations for any of the four outparcels.

Response
The site plan for the Wal-Mart Supercenter identifies four (4) outparcels in addition to the Wal-Mart. Exact plans for the outparcels have not been finalized. The DEIS provided a full build-out scenario of the project, for the purposes of conducting a complete SEQR review, consisting of a 185,312 square foot Wal-Mart Supercenter, a 3,000 square foot fast food restaurant with drive-thru window, a 3,000 square foot fast food restaurant without a drive-thru window, a 5,000 square foot sit down restaurant, and a 37,250 square foot retail plaza. Each outparcel, when development plans are proposed, will be subject to individual site plan review by the Planning Commission and compliance with site plan regulations. If development being proposed is substantially different than what is evaluated in the Environmental Impact Statement, the Planning Commission may request a Supplemental Environmental Impact Statement. SEQR does not require the specific design of outparcels, only the evaluation of their development impact in the Environmental Impact Statement, which the applicant has accomplished.

Access for the two outparcels along Bluebird Drive should be controlled and permitted only on Bluebird Drive. Access for these outparcels will not be permitted on Wurlitzer Drive or Erie Avenue.

For the outparcels fronting Niagara Falls Boulevard, restrictions will be placed to restrict additional curb cuts to Niagara Falls Boulevard. Access to these outparcels will be from the primary access drive only. There may be the need to require an access easement over the larger outparcel to allow access to the corner outparcel at an acceptable location along the primary access drive. The locations of access points will be finalized during site plan approval for individual outparcels.

5.150 *Comment*
Is there a designated truck route? If so, where is it and how is it signed?

Response
Niagara Falls Boulevard and Erie Avenue are signed as truck routes and all trucks must use the signed routes. All trucks servicing the proposed development will be directed to use the Niagara Falls Boulevard primary access road for both ingress and egress.

5.151 *Comment*
Safety issues are presented for people who will drive through the site from Niagara Falls Boulevard access to reach Wurlitzer Drive, and vice versa.

Response
A driver using this route as a cut through would encounter a number of stop signs, traffic on site, pedestrian traffic in front of the store, and slower speeds than would likely be encountered on Erie Avenue. This would make this route undesirable for a substantial amount of cut through traffic.

5.152 *Comment*
The developer is proposing that the main access driveway be a public street owned by the City of North Tonawanda, which will only reinforce use of the street for cut through traffic.

Response
The City is not interested in owning this access road for reasons such as snow plowing priorities and future operation and maintenance costs to the City for a road predominately used for the benefit of the Wal-Mart commercial area. The primary access drive will be privately owned and maintained by the applicant.

5.153 *Comment*
For safety reasons, traffic needs to be diverted from the front of the Wal-Mart and, in addition, measures taken to slow down traffic inside the development.

Response
The debate over driveways traversing the front of retail developments is ongoing as to the benefits to the store versus the safety of the patrons. The site plan includes substantial pavement markings along this driveway to alert vehicles of pedestrian crossings. The site plan is laid out to include a ring road around the perimeter of the parking area. This road consists of several 90 degree turns that will aid in calming the speed of traffic through the site. The applicant should consider placing additional traffic calming measures throughout the site if traffic speed or safety of patrons becomes a concern.

5.154 *Comment*
An important assumption in all of FRA's traffic evaluations is that the project's effects on the Wurlitzer Park neighborhood will be minimized by discouraging project patrons from driving through the residential neighborhood to access the project site.

Response
The restricted right-in/ left-out access at Bluebird Drive was evaluated as one of the supplemental traffic scenarios. A restricted right-in/ left-out access is not supported since restricted access often causes confusion amongst drivers at the intersection and poses safety issues since drivers often disobey the restrictions to avoid any inconvenience.

In addition, the City does not believe that the additional 5% traffic distribution that will be added to Wurlitzer Drive is significant enough to warrant restricted access to the site. The

access should be a full access with a dedicated left turn lane and thru lane on eastbound Wurlitzer Drive into the site, a dedicated right turn lane and thru lane on westbound Wurlitzer Drive into the site, two outbound lanes from Bluebird Drive, a right turn lane and left turn lane, and one inbound lane on Bluebird Drive. Additionally, the City feels there should be no stop control on Wurlitzer Drive that would degrade the LOS. The only stop control should be for outbound Bluebird Drive traffic.

5.155 *Comment*
If the entrance(s) to the two southwest outparcels is/are too close to Wurlitzer Drive (or to each other) the following problems could occur: 1.) inadequate stopping sight distance, 2.) poor sight distance for vehicles exiting the access drives, 3.) queuing for left turning vehicles turning into the access drives.

Response
SEQR does not require the design of outparcels, only the evaluation of their development impact in the Environmental Impact Statement, which the applicant has accomplished.

The site plan for the Wal-Mart Supercenter identifies four (4) outparcels in addition to the Wal-Mart. Exact plans for the outparcels have not been finalized, however, for the purposes of conducting a complete SEQR review and providing a worst case scenario, the DEIS analyzed and evaluated stormwater and traffic for the entire site, including all outparcels. The DEIS provided a full build-out scenario of the project consisting of a 185,312 square foot Wal-Mart Supercenter, a 3,000 square foot fast food restaurant with drive-thru window, a 3,000 square foot fast food restaurant without a drive-thru window, a 5,000 square foot sit down restaurant, and a 37,250 square foot retail plaza. Each outparcel, when development plans are proposed, will be subject to individual site plan review by the Planning Commission and compliance with site plan regulations. If development being proposed is substantially different than what is evaluated in the Environmental Impact Statement, the Planning Commission may request a Supplemental Environmental Impact Statement.

Access for the two outparcels along Bluebird Drive should be controlled and permitted only on Bluebird Drive. Access for these outparcels will not be permitted on Wurlitzer Drive or Erie Avenue.

5.156 *Comment*
The former Wurlitzer Company factory complex is now a partially completed industrial redevelopment project. Its driveways' intersections with the proposed project's access road need to be analyzed to insure that there will not be any traffic problems due to the proposed intersection geometries.

Response
The primary access road will replace an existing driveway from the Wurlitzer Complex to Niagara Falls Boulevard with a 3-lane road with signalization at Niagara Falls Boulevard. The new road will provide improved geometrics and includes realigning several interior driveways from the Wurlitzer Complex to access this new road.

For the outparcels fronting Niagara Falls Boulevard, restrictions will be placed to restrict additional curb cuts to Niagara Falls Boulevard. Access to these outparcels will be from the primary access drive only. There may be the need to require an access easement over the larger outparcel to allow access to the corner outparcel at an acceptable location along the primary access drive. The locations of access points will be finalized during site plan approval for individual outparcels.

5.157 *Comment*
Current and projected future Wurlitzer Park complex traffic generation needs to be accounted for. It is my understanding that the Wurlitzer complex is underutilized and that its continuing redevelopment will result in increase occupancy, and therefore, increased traffic generation.

Response
The TIS took into account traffic for the existing businesses in the Wurlitzer Park complex. Changes in use can be expected to replicate existing businesses that currently occupy the building. Since at the time of the TIS, there were no plans for new or expanded businesses within the Wurlitzer Park complex, no specific traffic generation was utilized in the generation of the background traffic conditions.

The primary access driveway improves access to Wurlitzer Park complex by removing an unsignalized driveway and replacing it with a 3-lane road with signalized access at Niagara Falls Boulevard.

5.158 *Comment*
The access points into the Northeast parcels need to be shown on the site plan and the intersections analyzed to insure that there will not be any traffic problems due to the proposed intersection geometries.

Response
The site plan for the Wal-Mart Supercenter identifies four (4) outparcels in addition to the Wal-Mart. Exact plans for the outparcels have not been finalized, however, for the purposes of conducting a complete SEQR review and providing a worst case scenario, the DEIS analyzed and evaluated stormwater and traffic for the entire site, including all outparcels. The DEIS provided a full build-out scenario of the project consisting of a 185,312 square foot Wal-Mart Supercenter, a 3,000 square foot fast food restaurant with drive-thru window, a 3,000 square foot fast food restaurant without a drive-thru window, a 5,000 square foot sit down restaurant, and a 37,250 square foot retail plaza. Each outparcel, when development plans are proposed, will be subject to individual site plan review by the Planning Commission and compliance with site plan regulations.

If development being proposed is substantially different than what is evaluated in the Environmental Impact Statement, the Planning Commission may request a Supplemental Environmental Impact Statement.

Access for the two outparcels along Bluebird Drive should be controlled and permitted only on Bluebird Drive. Access for these outparcels will not be permitted on Wurlitzer Drive or Erie Avenue.

For the outparcels fronting Niagara Falls Boulevard, restrictions will be placed to restrict additional curb cuts to Niagara Falls Boulevard. Access to these outparcels will be from the primary access drive only. There may be the need to require an access easement over the larger outparcel to allow access to the corner outparcel at an acceptable location along the primary access drive. The locations of access points will be finalized during site plan approval for individual outparcels.

5.159 *Comment*
The FRA TIS assumes that all traffic accessing the Wurlitzer Business Park redevelopment will use Niagara Falls Boulevard. This does not seem reasonable under any scenario, excect the single access alternative.

Response
The TIS does assume that Wurlitzer Business Park traffic will utilize the primary access road, with signalized access to Niagara Falls Boulevard, that will also act as the main access to Wurlitzer Business Park rather than attempting to traverse the Wal-Mart site. There is the potential that some vehicles may use the Bluebird Drive access to access the Wurlitzer Business Park, however, this option is currently available as vehicles can utilize Bluebird Drive, Lyric Avenue, or Melody Lane to access the Wurlitzer Business Park. Under the project proposal, the Lyric Avenue and Melody Lane access to the Wurlitzer Business Park won't be permitted.

5.160 *Comment*
The traffic distribution for the Wurlitzer Drive area shows traffic going past Bluebird Drive to Erie Avenue and then to Niagara Falls Boulevard to access the site. It would seem that these people would be more likely to use Ohio Avenue to access Niagara Falls Boulevard.

Response
The February 2008 supplemental traffic analysis assumes that all trips generated by the Wal-Mart from Wurlitzer Drive north of Bluebird Drive will utilize the Bluebird Drive access. In the July 2007 TIS, it is assumed that a percentage of vehicles trips destined for the outparcels on Niagara Falls Boulevard will use Wurlitzer Drive to Erie Avenue, then to Niagara Falls Boulevard to utilize the primary access road, and it is assumed that some of these vehicles will utilize Ohio Street or even Ruie Road to Niagara Falls Boulevard. Traffic modeling attempts to distribute trips to appropriate roadways by utilizing the shortest route between origin and destination, and cannot predict personal preference.

5.161 *Comment*
The traffic analysis should include intersections in the Martinsville neighborhood to determine the effects on levels of service, traffic volumes, and vehicular speed in the Martinsville neighborhood due to the change in traffic patterns.

Response
The intersections that were studied in the TIS were determined through the scoping process conducted by the Planning Commission as part of the SEQR process. The scoping document required the applicant to review the Martinsville neighborhood streets where they intersect with Erie Avenue.

The TIS evaluated the LOS at Erie Avenue at each of the intersection streets of the Martinsville neighborhood. The outcome of this analysis resulted in the following conclusions:

1. **The Wurlitzer Drive Extension is a logical and efficient extension of the existing street system. The extension would create a fourth leg of the existing intersection of Erie Avenue and Wurlitzer Drive.**
2. **No additional traffic signals would be added to Erie Avenue.**
3. **Motorists exiting or entering the Martinsville neighborhood would have the option of diverting to the new roadway connection when heavy traffic on Erie Avenue creates delays in accessing side streets. Overall delay would be reduced for side-street left turns along Erie Avenue.**
4. **Overall driver safety would be improved with a signalized access to/from the Martinsville neighborhood via the Wurlitzer Drive extension.**

With the change in the project that eliminates the Erie Avenue access and moves the secondary access to Wurlitzer Drive, through Bluebird Drive, the LOS improvements to the side streets due to the Wurlitzer Drive extension are not as significant. The City has requested that the applicant continue plans to construct the extension of Wurlitzer Drive to act as an offset to improve traffic in the area. This is consistent with the City's plan to construct Wurlitzer Drive from the Water Tower at Erie Avenue through to its proposed terminus at Walck Road, immediately west of Ramsay Field. This roadway would benefit residents in the Martinsville section of the City by providing signalized access to both Erie Avenue and Wurlitzer Drive. This new roadway will handle approximately 30 vehicles during the weekday AM peak hour, 38 vehicles during the weekday PM peak hour, and 49 vehicles during the Saturday midday peak.

5.162 *Comment*
For an area such as this, a simulation model, such as Synchro, would be better for determining the traffic LOS at the intersections, and traffic flow on the streets, than HCS, which is designed to analyze isolated intersections.

Response
The TIS and all supplemental traffic analyses were developed using the Synchro traffic simulation model, not HCS.

5.163 *Comment*
The Wurlitzer Drive/ Bluebird Drive intersection would be heavily impacted by this development. Under the existing and background conditions, the traffic on Wurlitzer Drive does not experience any delay. This changes drastically when the project traffic is added to the intersection,

Response
The City does not believe that the additional 5% traffic distribution that will be added to Wurlitzer is significant enough to warrant restricted access to the site. The access should be a full access with a dedicated left turn lane and thru lane on eastbound Wurlitzer Drive into the site, a dedicated right turn lane and thru lane on westbound Wurlitzer Drive into the site, two outbound lanes from Bluebird Drive, a right turn lane and left turn lane, and one inbound lane on Bluebird Drive. Additionally, there should be no stop control on Wurlitzer Drive that would degrade the LOS. The only stop control should be for outbound Bluebird Drive traffic.

5.164 *Comment*
For the Southwest Parcels Weekday and Saturday Peak Hour Volume Distributions, no trips are shown from the Wurlitzer Drive residential community.

Response
In Figures 16 and 17 of the July 2007 TIS, vehicle trips for the southwest outparcel are distributed to and from the Wurlitzer Drive residential community, as well as, to and from the Martinsville neighborhood.

5.165 *Comment*
If there is no mitigation possible for the intersection (Niagara Falls Boulevard/ Erie Avenue) and the intersection LOS deteriorates significantly, then a recommendation to not build the development due to the traffic impacts would be expected.

Response
The TIS evaluates the impact of site generated traffic associated with the full build-out of the Wal-Mart against the projected background traffic conditions that would exist without the project being built. The evaluation of the intersection is provided in 5.9.

In a letter to Mr. Thomas Jaccarino, dated January 9, 2008, the NYSDOT recommended that FRA Engineering explore other options to improve the LOS at the intersection of Niagara Falls Boulevard and Erie Avenue/ Shawnee Road. FRA Engineering investigated split phasing and concluded in their February 4, 2008 supplemental traffic analysis that the original phasing should remain. The NYSDOT concurred that the LOS would decrease if the signal phasing was split. Also, the NYSDOT stated that there are no practical geometric improvements due to the right-of-way constraints. Therefore, this intersection would experience increased delays with the additional Wal-Mart traffic, most notably in the afternoon peak for the left turn movement from Niagara Falls Boulevard to Shawnee Road and for the Erie Avenue through movement.

The Planning Commission will make it a condition of the findings that the applicant provides a retesting of traffic volumes six months to one year after the opening of the store to validate projected traffic volumes at key locations. The new data collection will provide an accurate review of the post-opening traffic conditions and shall be presented to the City Planning Commission. Any further mitigation to address traffic issues can be required at this time, if deemed necessary by the Planning Commission. At this time, the traffic impacts have been identified for full build out of the site and they have been mitigated to the maximum extent practicable.

5.166 *Comment*
Pass-by traffic has been proportioned based on the traffic volumes at the access points. Although this is an acceptable method of distributing the pass-by traffic, in this case it does not take into account the Niagara Falls Blvd./ Erie Avenue & Shawnee Road intersection, which as stated by FRA engineers will be operating at an LOS E or F once build out is complete.

Response
The July 2007 TIS includes the intersection of Niagara Falls Boulevard and Erie Avenue/ Shawnee Road in the analysis of pass-by traffic.

5.167 *Comment*
The proposed DEIS does not appear to take into account the findings of AASHTO when calculating the actual stopping sight distance available at the proposed supercenter's two main driveways.

Response
The TIS indicates that the primary access drive proposed for Niagara Falls Boulevard has a stopping sight distance in excess of 1,000 feet. The Bluebird Drive access utilizes and existing road with an intersection to Wurlitzer Drive and has a stopping site distance from Erie Avenue in excess of 400 feet.

5.168 *Comment*
The traffic study is non-conservative because it assumes an unrealistically low level of development for the large, prime northeast outparcel that fronts Niagara Falls Boulevard.

Response
The site plan for the Wal-Mart Supercenter identifies four (4) outparcels in addition to the Wal-Mart. Exact plans for the outparcels have not been finalized, however, for the

purposes of conducting a complete SEQR review and providing a worst case scenario, the DEIS analyzed and evaluated stormwater and traffic for the entire site, including all outparcels. The DEIS provided a full build-out scenario of the project consisting of a 185,312 square foot Wal-Mart Supercenter, a 3,000 square foot fast food restaurant with drive-thru window, a 3,000 square foot fast food restaurant without a drive-thru window, a 5,000 square foot sit down restaurant, and a 37,250 square foot retail plaza. Each outparcel, when development plans are proposed, will be subject to individual site plan review by the Planning Commission and compliance with stormwater management regulations.

If development being proposed is substantially different than what is evaluated in the Environmental Impact Statement, the Planning Commission may request a Supplemental Environmental Impact Statement.

The Planning Commission will make it a condition of the findings that the applicant provides a retesting of traffic volumes six months to one year after the opening of the store to validate projected traffic volumes at key locations. The new data collection will provide an accurate review of the post-opening traffic conditions and shall be presented to the City Planning Commission. Any further mitigation to address traffic issues can be required at this time, if deemed necessary by the Planning Commission.

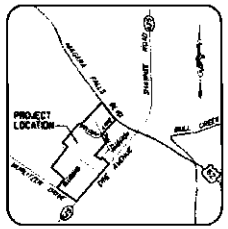
APPENDIX A

TABLE OF CONTENTS

APPENDIX A

Alternative Site Plan and Building Elevations

1. Site plan of the Alternative Wal-Mart Supercenter Site Plan (Plan B), with Bluebird Drive access and eliminating the Erie Avenue access.
2. Detail of the proposed Bluebird Drive access.
3. Building elevations of the Wal-Mart Supercenter.



SITE LOCATION MAP
NOT TO SCALE

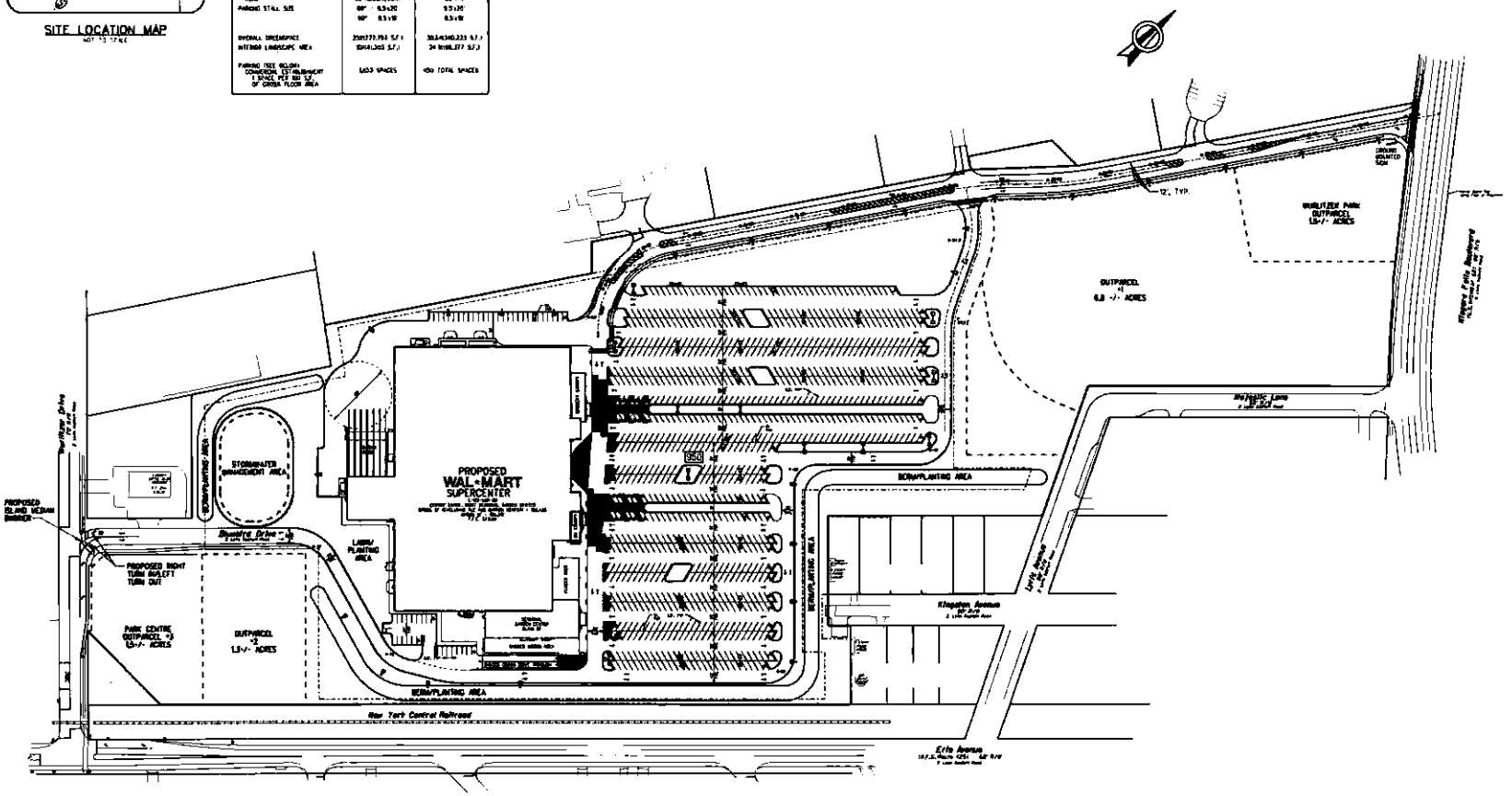
SITE DATA - WAL-MART PARCEL

TAX ACCOUNT NUMBER 176.8-2-34
TOTAL WAL-MART SITE AREA +/- 36 ACRES
PROPOSED WAL-MART SITE AREA +/- 25.5 ACRES
CURRENT ZONING M-1 LIGHT MANUFACTURING

ZONING REQUIREMENTS	REQUIRED (*APP.)	PROPOSED
LOT DEPTH	NO REQUIREMENT	+627 FT.
LOT WIDTH	NO REQUIREMENT	+163 FT.
BUILDING COVERAGE	NO REQUIREMENT	28%
MAXIMUM BUILDING HEIGHT	NO REQUIREMENT	35 FT.
BUILDING SETBACKS		
FRONT	25 FT. (50'-R)	475 FT.
SIDE	10 FT. (50'-R)	67 FT.
REAR	25 FT. (50'-R)	40 FT.
PARKING SETBACKS		
FRONT	NO REQUIREMENT	65 FT.
SIDE	NO REQUIREMENT	10 FT.
REAR	NO REQUIREMENT	30 FT.
PARKING STALL SIZE	90° - 9.5x20'	9.5x20'
	90° - 9.5x18'	9.5x18'
OVERALL DIMENSIONS	25X1277.793 S.F.1	30.5X1340.223 S.F.1
INTERIOR LANDSCAPE AREA	10X41,305 S.F.1	24 X198,377 S.F.1
PARKING (SEE BELOW) COMMERCIAL ESTABLISHMENT 1 SPACE PER 100 S.F. OF GROSS FLOOR AREA	1,653 SPACES	450 TOTAL SPACES

LEGEND

- EXISTING PROPERTY LINE
- PROPOSED LEASE LINE
- SETBACK LINE
- PROPOSED CONCRETE CURB/GUTTER
- PROPOSED CART CORRAL



OVERALL SITE PLAN

(ALTERNATIVE-B)

SCALE IN FEET

DIG SAFELY, NEW YORK
CONTRACTOR SHALL CONTACT "DIG SAFELY" NEW YORK @ 1-800-962-7962 FOR LOCATION OF ALL UTILITIES, AT LEAST 72 HOURS PRIOR TO BEGINNING CONSTRUCTION

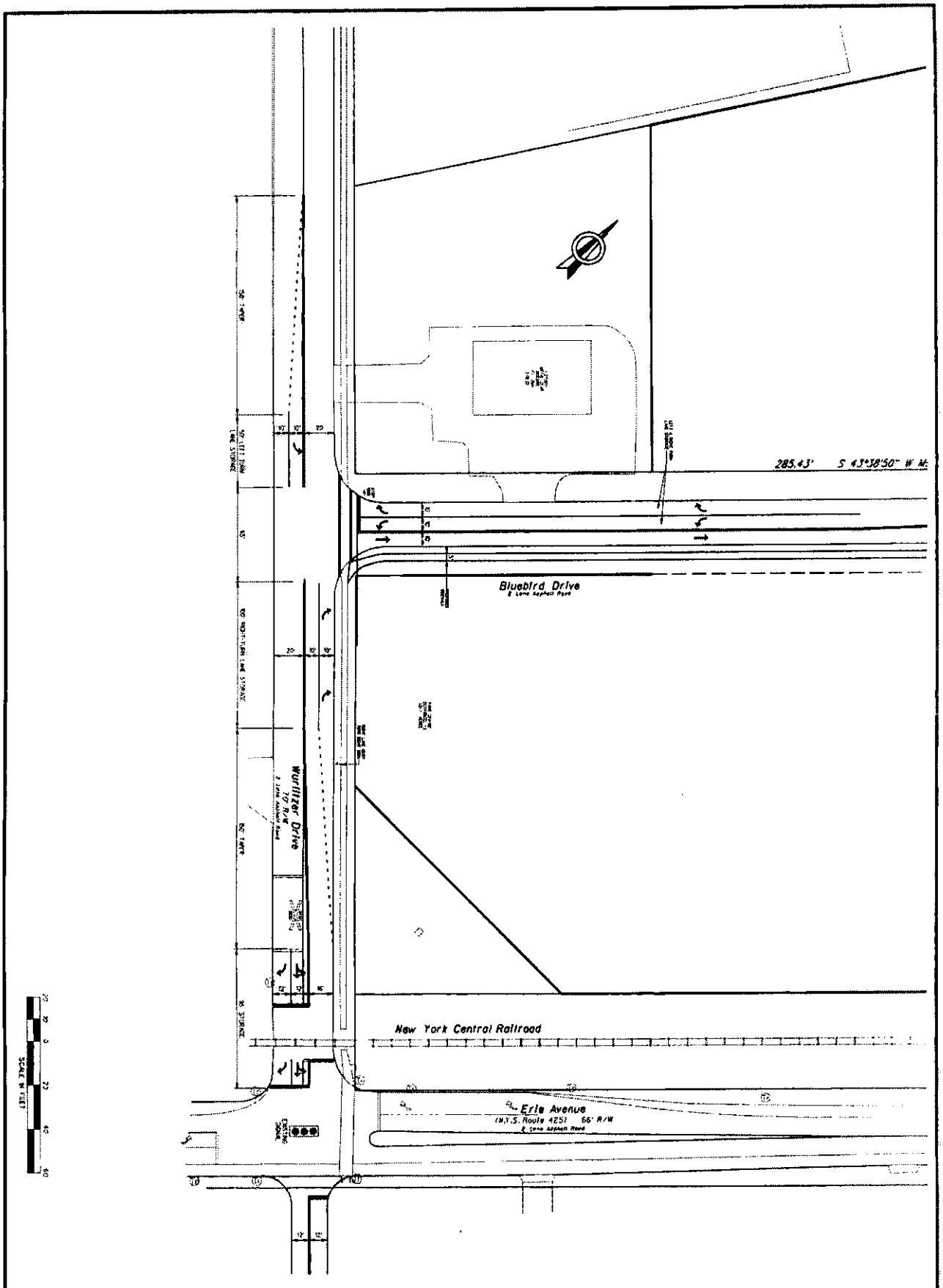
REVISIONS | BY

F|R|A
Planning | Designing | Building
530 SUMMIT POINT DRIVE
HENRIETTA, NY 14467
(585) 359-0280

DATE

WAL-MART SUPERCENTER #4597-00
NIAGARA FALLS BOULEVARD & ERIE AVENUE
NORTH TONAWANDA, NIAGARA COUNTY, NEW YORK
WAL-MART STORES, INC.
2001 S.E. 10th STREET, BENTONVILLE, ARKANSAS 72716-0550

DRAWN: MCE
CHECKED: TCG
DATE: 04/30/07
SCALE: 1"=80'
JOB NO.: DF 4159
SHEET: C-1
OF 1 SHEETS



PROJECT NO. 06-4159	DRAWN BY TCG	
DATE 1/31/08	CHKD BY NEB	
SCALE 1"=30'	CHKD BY TCG	
DRAWING NO. RP-2		
SHEET NO. 1 of 1		

ROADWAY PLAN - 2

PROJECT NAME: WAL-MART SUPERCENTER #4597-00
MAZARA FALLS BOULEVARD & ERIE AVENUE NORTH TONAWANDA NY

CLIENT: WAL-MART STORES, INC.
2001 S.E. 10th STREET, BENTONVILLE, ARKANSAS 72716-0550

F|R|A
Planning | Designing | Building
530 SUMMIT POINT DR. HENRIETTA, NY 14467 (585)359-0280

DATE

NO.	DATE	DESCRIPTION
1		
2		
3		
4		

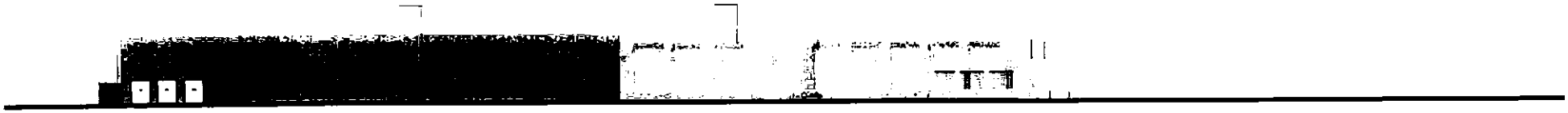
North Tonawanda, New York

WALMART SUPERCENTER

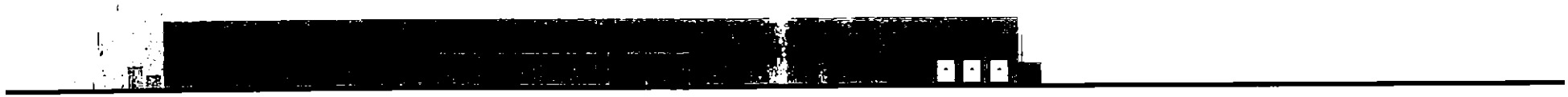
Bergmann associates

FRONT ELEVATION

REAR ELEVATION



LEFT ELEVATION



RIGHT ELEVATION

North Tonawanda, New York

JULY 26th, 2007

WALMART SUPERCENTER

Bergmann associates

APPENDIX B

TABLE OF CONTENTS

APPENDIX B

Supplemental Information to the Draft Environmental Impact Statement

1. Letter from FRA Engineering dated September 10, 2007 identifying the Alternative Site Plan with access from Niagara Falls Boulevard and Bluebird Drive and eliminating the Erie Avenue access.
2. Supplemental information to the Traffic Impact Study from FRA Engineering dated September 20, 2007 analyzing the Niagara Falls Boulevard access and a restricted right-in, left-out Bluebird Drive access.
3. Supplemental information to the Traffic Impact Study from FRA Engineering dated November 5, 2007 analyzing a single Niagara Falls Boulevard access.
4. Supplemental information to the Traffic Impact Study from FRA Engineering dated February 4, 2008 analyzing the Niagara Falls Boulevard access and full access at Bluebird Drive.
5. NYSDOT highway right-of-way maps for Niagara Falls Boulevard.
6. Revised Wal-Mart Signage Package prepared by Bergmann Associates dated December 19, 2007.

F|R|A

Planning | Designing | Building

585 359 0280
FAX: 585 359 1059

530 Summit Point Drive
Henrietta, NY 14467-9607

RECEIVED

SEP 12 2007

WENDEL

September 10, 2007

North Tonawanda City Hall
City Clerks Office
216 Payne Avenue
North Tonawanda, New York 14120

ATTN: Mr. Thomas Jaccarino
North Tonawanda City Clerk

RE: Site Plan Alternative
Proposed Wal-Mart Supercenter
886 Niagara Falls Boulevard

Dear Mr. Jaccarino:

The Project Team was notified by CSX denying a private access agreement at Erie Avenue. We have attached said letter to this submission. Although we have been denied, we have held subsequent discussions with them and believe that we will be able to find common ground with their concerns and implement an agreement. We continue to pursue this.

Nonetheless, we have searched for another alternative that would satisfy the project criteria while not using the existing railroad crossing to Erie Ave. Please find attached a revised site plan and landscape plan that shows another alternative to the preferred alternative shown in the DEIS. You will note the following primary changes from the preferred alternative in the DEIS:

- A new site driveway accesses the westerly portion of the site from Wurlitzer Drive. We understand the neighbors concerns north of the Wurlitzer Drive/Bluebird intersection and hence have included a right in /left out only for the Wurlitzer Drive / Bluebird Drive entrance. The preliminary traffic analysis shows suitable Level of Service (LOS) at the Wurlitzer/Erie Ave and Wurlitzer/Bluebird Drive Intersection. We will forward a comprehensive traffic analysis under separate cover.
- The truck loading docks have been shifted to the north side of the building to reduce truck vehicle movement conflicts on the south side of the building. The landscaping and berms have been maintained with additional berming at the former Erie Ave/ site driveway.

The remaining elements have remained consistent with the preferred alternative in the DEIS. As part of the approval process, we appreciate your consideration of this site plan alternative before completion of the Final Environmental Impact Statement (FEIS).

As always, if you should have any questions or require additional information please call me at (585) 359-0280.

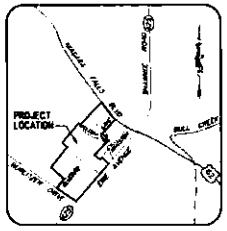
Sincerely,
FRA Engineering, P.C.

Tim Gawenus, PE

TCG/jmp
w/encl.

cc: Larry Soos, Mayor City of North Tonawanda
Tom Summers, City of North Tonawanda Council Chairman
Gary Prezewozny, North Tonawanda Planning Commission Chairperson
Andrew Riley, Wendel Duchscherer Architects and Engineers
Yelann Yu, Bergmann Associates
Jennifer Wright, Harter, Secrest & Emery

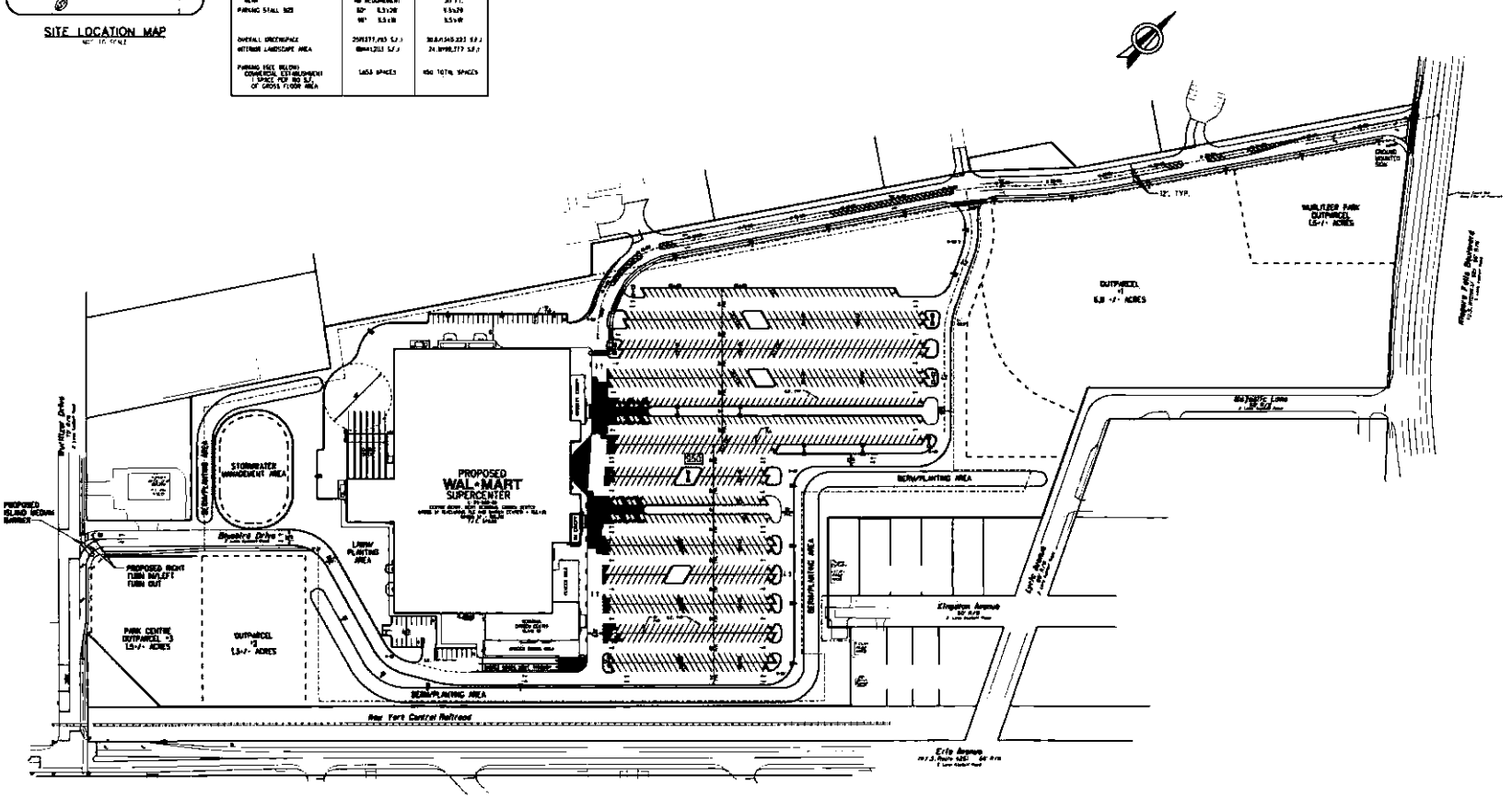
P:\Rochester\SITE\06-4159 - Walmart - North Tonawanda, NY\Correspondence\Outgoing\Jaccarino 09-10-07.doc



SITE LOCATION MAP

SITE DATA - WAL-MART PARCEL		
tax ACCOUNT NUMBER 176.8-7-54		
TOTAL WAL-MART SITE AREA +/- 39 ACRES		
PROPOSED WAL-MART SITE AREA +/- 25.3 ACRES		
CURRENT ZONING M-3 LIGHT MANUFACTURING		
ZONING REQUIREMENTS	REQUIRED (M-3)	PROPOSED
LOT DEPTH	NO REQUIREMENT	+/-627 FT.
LOT WIDTH	NO REQUIREMENT	+/-1621 FT.
BUILDING COVERAGE	NO REQUIREMENT	35%
MAXIMUM BUILDING HEIGHT	NO REQUIREMENT	35 FT.
BUILDING SETBACKS		
FRONT	25 FT. (150'+/-R)	675 FT.
SIDE	10 FT. (150'+/-R)	67 FT.
REAR	25 FT. (150'+/-R)	80 FT.
PARKING SETBACKS		
FRONT	NO REQUIREMENT	65 FT.
SIDE	NO REQUIREMENT	10 FT.
REAR	NO REQUIREMENT	20 FT.
PARKING STALL SIZE	90° 8.5'x20'	8.5'x20'
	90° 8.5'x18'	8.5'x18'
OVERALL GROSS SPACE	2581377.765 S.F.	1104349.233 S.F.
INTERIOR LANDSCAPE AREA	184413.253 S.F.	241998.277 S.F.
PARKING REQ. BELOW COMMERCIAL ESTABLISHMENT 1 SPACE PER 180 S.F. OF GROSS FLOOR AREA	1453 SPACES	1561 TOTAL SPACES

LEGEND
- EXISTING PROPERTY LINE
- PROPOSED LEASE LINE
- SETBACK LINE
- PROPOSED CONCRETE CURB/GUTTER
- PROPOSED CURB CORNER



OVERALL SITE PLAN
(ALTERNATIVE-B)

SCALE IN FEET

DIG SAFELY.
NEW YORK
CONTRACTOR SHALL CONTACT "DIG SAFELY" NEW YORK @ 1-800-962-7962 FOR LOCATION OF ALL UTILITIES, AT LEAST 72 HOURS PRIOR TO BEGINNING CONSTRUCTION.

NO.	REVISIONS	BY	DATE

F|R|A
Planning | Designing | Building
530 SUMMIT POINT DRIVE
HENRIETTA, NY 14467
(585) 359-0280

WAL-MART SUPERCENTER #4597-00
NIAGARA FALLS BOULEVARD & ERIE AVENUE
NORTH TONAWANDA, NIAGARA COUNTY, NEW YORK
WAL-MART STORES, INC.
BENTONVILLE, ARKANSAS
DRAWN BY: MJH
CHECKED BY: MJH
DATE: 10/27/2004

C-1

F|R|A

Planning | Designing | Building

585 359 0280
FAX 585 359 1059

530 Summit Point Drive
Henrietta, NY 14467-9607

MEMORANDUM

TO: North Tonawanda City Planning Commission
c/o Tom Jaccarino, City Clerk

FROM: Tim Gawenus, FRA Engineering TG

RE: Supplemental Traffic Analysis for Proposed Wal-Mart Project (No CSX/Erie Ave. entrance driveway)
866 Niagara Falls Boulevard
City of North Tonawanda, New York

DATE: September 20, 2007

This supplemental traffic analysis has been prepared by FRA Engineering to evaluate the potential traffic impacts that would result from the proposed Wal-Mart project if Blue Bird Drive were used as a primary access route in lieu of a direct driveway to Erie Avenue.

A comprehensive Traffic Impact Study for the proposed Wal-Mart Supercenter was completed in July of 2007 and accepted by the City Planning Commission on August 6, 2007 as part of the DEIS. That study was based on the proposed plan to provide vehicle access to both Niagara Falls Boulevard and Erie Avenue. An emergency access drive was proposed from Wurlitzer Drive at the location of the existing Blue Bird Drive. The site driveway to Erie Avenue was proposed to coincide with an existing driveway that crosses the CSX railroad at-grade. An outbound left turn prohibition was recommended for the driveway to Erie Avenue. A traffic signal was proposed for the intersection of Niagara Falls Boulevard and the access road. It was also recommended that Wurlitzer Drive be extended from Erie Avenue to D'Angelo Drive in order to reduce the traffic impact of the Wal-Mart project on the Martinsville neighborhood.

Recently, CSX Railroad officials have expressed concern about the railroad crossing to the site from Erie Avenue. As such, we have investigated the option of providing an alternate site access plan that does not include direct access to Erie Avenue.

Description of Alternative Access Scenario

In lieu of a driveway to Erie Avenue, the existing Blue Bird Drive would serve as a primary access route for the Wal-Mart Supercenter. We have developed a modified site plan for the Wal-Mart project in order to accommodate Blue Bird Drive as a primary access route. The modified site plan is attached to this letter. The existing section of Blue Bird Drive would be extended as a circulatory road around the east and south sides of the property.

Our evaluation of this alternative access scenario is based on full build out of the Wal-Mart property, including full development of **all** outparcels. The proposed Wal-Mart building would be the same size under the alternative access plan as was shown in the original site plan. Therefore, the total amount of traffic to be generated by the project site would be the same as the amount that was projected in the Traffic Impact Study prepared in July 2007.

It should be noted that there are no active development plans for the outparcels. Therefore, the analysis of full build out conditions represents a conservative traffic scenario that would reflect longer-term conditions rather than opening day conditions.

Wurlitzer Drive currently provides access to a residential neighborhood to the northwest of Blue Bird Drive. In order to minimize the impact of Wal-Mart traffic on the residential area, this analysis is based on the assumption that traffic using the store does not travel to and from the residential area. To accomplish this left turns would be prohibited from Wurlitzer Drive into Blue Bird Drive and right turns would be prohibited from Blue Bird Drive onto Wurlitzer Drive.

Trip Distribution

Much of the site-generated traffic would distribute to the highway system differently if Blue Bird Drive were used as a primary access route in lieu of a driveway to Erie Avenue. The primary differences in the traffic distributions are as follows:

- With Blue Bird Drive as a main access route, nearly all vehicles approaching the project site from the southwest on Erie Avenue would turn left from Erie Avenue onto Wurlitzer Drive and then turn right onto Blue Bird Drive. These vehicles were previously projected to turn left from Erie Avenue directly into the proposed site driveway.

- With Blue Bird Drive as a main access route, most vehicles approaching the project site from the southeast on Niagara Falls Boulevard or from the north on Shawnee Road would be expected to enter the proposed access drive from Niagara Falls Boulevard. This route would involve a shorter distance and less circuitous travel than the route involving Erie Avenue and Blue Bird Drive.

With Blue Bird Drive as a main access route, the distribution of outparcels traffic would be nearly the same as for the scenario with a driveway to Erie Avenue. It is expected that all access for the two outparcels fronting Erie Avenue would be by Blue Bird Drive. It is also expected that all access for the outparcels facing Niagara Falls Boulevard would be by the proposed access road from Niagara Falls Boulevard.

With Blue Bird Drive as a main access route, the estimated percentage distribution of inbound and outbound Wal-Mart traffic is shown in the attached Figures 1 and 2. These percentages apply to the newly generated "primary" traffic, but not pass-by traffic. Based on these percentages, the projected "primary" traffic volumes for the Wal-Mart Supercenter were distributed to the roadway system for each of the peak hours (morning, afternoon and Saturday) in Figures 3 and 4. The estimated distribution of pass-by traffic for the Wal-Mart Supercenter is shown in Figures 5 and 6. The volumes in Figures 3 through 6 apply to the Wal-Mart Supercenter traffic but not outparcel traffic. The projected traffic volume distributions for the outparcels are shown in Figures 7 through 14.

An additional consideration associated with the Wal-Mart project is the expected redistribution of existing traffic for the Wurlitzer Business Park due to the planned closure of existing access routes from Melody Lane and Lyric Avenue. This redistribution was described in detail in the Traffic Impact Study dated July 2007. The projected redistribution under a scenario with no site driveway to Erie Avenue is shown in Figures 15 and 16.

The projected traffic distributions for the project site were combined with the year 2008 background traffic volumes in order to obtain the total anticipated traffic volumes on the highway system when the Wal-Mart property is fully built out. The year 2008 background traffic volumes are shown in the attached Figures 17 and 18. The total year 2008 traffic volumes are shown in the attached Figures 19 and 20.

Traffic Analysis

A traffic analysis was conducted for each of the proposed site access points and for key existing intersections in order to assess the impacts that the Wal-Mart traffic would have if Blue Bird Drive were used as a main access route. The following intersections were analyzed under this scenario:

- Wurlitzer Drive at Blue Bird Drive;
- Erie Avenue at Wurlitzer Drive;
- Erie Avenue at Leah Drive;
- Erie Avenue at Eddy Drive;
- Erie Avenue at Linden Avenue;
- Erie Avenue at Ellwood Avenue & Lyric Avenue;
- Erie Avenue at Strad Avenue;
- Niagara Falls Boulevard at Erie Avenue and Shawnee Road;
- Niagara Falls Boulevard at Melody Lane;
- Niagara Falls Boulevard at Proposed Access Road; and
- Niagara Falls Boulevard at Ohio Avenue.

A Level of Service analysis was conducted for each of these intersections by using the Synchro (Version 7) modeling software. The analysis was conducted for the following development scenarios:

- Year 2008 background traffic;
- Year 2008 total traffic upon full buildout of the Wal-Mart property, with Blue Bird Drive as a primary access route and no driveway to Erie Avenue.

The impacts of the site-generated traffic were determined by comparing the Levels of Service for year 2008 background traffic with those for year 2008 total traffic.

The Levels of Service determined by the analysis are shown in the following tables:

Wurlitzer Drive at Blue Bird Drive

Approach	Total with Outparcels								
	Stop sign on Blue Bird only			Stop Sign on Blue Bird w/ WB right turn lane			All-Way Stop w/ WB right turn lane		
	AM	PM	SAT	AM	PM	SAT	AM	PM	SAT
Blue Bird Drive									
Outbound									
Left Turns	E (38)	F (95)	F (220)	C (25)	E (43)	F (80)	B (14)	C (18)	D (31)
Wurlitzer Drive									
Eastbound									
Throughs	-	-	-	-	-	-	C (21)	C (15)	C (18)
Westbound									
Through	-	-	-	-	-	-	B (12)	C (22)	C (21)
Right Turns	-	-	-		-		B (11)	B (13)	C (23)
Intersection Overall	-	-	-	-	-	-	C (16)	C (17)	C (24)

* With an exclusive westbound right turn lane.

Erie Avenue at Wurlitzer Drive

Approach	Existing			Background			Total with Outparcels			Total with Outparcels & Mitigation*		
	AM	PM	SAT	AM	PM	SAT	AM	PM	SAT	AM	PM	SAT
Wurlitzer Drive												
Eastbound												
Left Turns	C (33)	C (30)	C (29)	C (33)	C (30)	C (30)	D (49)	D (39)	D (54)	D (52)	D (47)	D (45)
Right Turns	A (7)	A (8)	A (7)	A (7)	A (8)	A (7)	A (8)	B (12)	A (7)	A (7)	A (8)	A (7)
Erie Avenue												
Northbound												
Left Turns	A (8)	A (8)	A (7)	A (9)	A (10)	A (8)	C (25)	F (86)	C (27)	C (23)	D (51)	C (30)
Throughs	A (8)	A (8)	A (7)	A (9)	A (9)	A (8)	A (10)	B (12)	A (10)	A (10)	B (11)	B (11)
Southbound												
Throughs	A (9)	A (8)	A (6)	A (10)	A (8)	A (7)	B (10)	B (11)	A (8)	B (19)	C (31)	B (17)
Right Turns	A (2)	A (1)	A (2)	A (2)	A (1)	A (2)	A (2)	A (2)	A (2)	A (3)	A (3)	A (3)
Intersection Overall	B (11)	A (9)	A (9)	B (12)	A (10)	A (9)	B (17)	C (24)	B (18)	B (19)	C (24)	B (19)

* Installation of northbound left green arrow

Erie Avenue at Martinsville Neighborhood side streets

Approach	Existing			Background			Total with Outparcels		
	AM	PM	SAT	AM	PM	SAT	AM	PM	SAT
Strad Avenue									
Westbound									
Left + Right Turns	B (11)	B (12)	B (10)	B (12)	B (13)	B (11)	C (15)	C (17)	B (11)
Lyric Avenue									
Eastbound									
Left + Thru + Right	C (18)	C (20)	B (14)	C (21)	C (25)	B (15)	D (26)	D (29)	C (22)
Ellwood Avenue									
Westbound									
Left + Thru + Right	D (28)	F (82)	D (27)	E (35)	F (145)	D (32)	E (38)	F (189)	F (59)
Linden Avenue									
Westbound									
Left + Right Turns	D (29)	D (33)	C (20)	D (35)	E (44)	C (21)	F (57)	F (83)	D (33)
Eddy Drive									
Westbound									
Left + Right Turns	D (34)	F (52)	C (24)	E (45)	F (83)	D (28)	F (76)	F (193)	F (55)
Leah Drive									
Westbound									
Left + Right Turns	D (32)	E (40)	C (20)	E (40)	F (53)	C (22)	F (67)	F (110)	E (37)
D'Angelo Drive									
Westbound									
Left + Right Turns	C (23)	E (36)	C (21)	D (28)	E (48)	C (24)	E (44)	F (127)	E (49)

Niagara Falls Boulevard at Erie Avenue & Shawnee Road

Approach	Existing			Background			Total with Outparcels		
	AM	PM	SAT	AM	PM	SAT	AM	PM	SAT
Niagara Falls Blvd.									
Eastbound									
Left Turns	C (21)	C (30)	C (23)	C (23)	C (34)	C (24)	C (24)	D (47)	C (34)
Throughs	E (71)	D (38)	D (48)	F (80)	D (39)	D (49)	F (90)	D (39)	E (56)
Right Turns	B (19)	B (18)	B (19)	B (19)	B (18)	B (19)	B (17)	B (17)	B (18)
Westbound									
Left Turns	C (34)	E (55)	D (49)	C (34)	E (63)	D (52)	D (48)	F (105)	F (101)
Throughs	C (30)	D (52)	C (35)	C (32)	E (56)	D (36)	C (33)	E (72)	D (40)
Right Turns	B (17)	C (25)	B (18)	C (21)	C (28)	B (19)	C (21)	C (30)	B (20)
Erie Avenue									
Northbound									
Left Turns	C (22)	C (21)	C (21)	C (23)	C (21)	C (21)	C (29)	C (25)	C (25)
Throughs	D (53)	D (51)	D (42)	E (68)	E (61)	D (46)	E (72)	E (69)	D (48)
Right Turns	C (29)	B (16)	B (16)	C (30)	B (20)	C (22)	C (31)	C (23)	C (25)
Shawnee Road									
Southbound									
Left Turns	F (159)	D (53)	C (28)	F (314)	F (205)	D (42)	F (326)	F (231)	D (51)
Throughs	D (37)	C (33)	C (32)	D (40)	C (35)	C (33)	D (50)	D (41)	D (40)
Right Turns	A (10)	A (9)	A (10)	B (11)	A (7)	A (9)	B (11)	A (8)	A (9)
Intersection Overall	E (59)	D (41)	C (35)	F (83)	E (59)	D (37)	F (85)	E (67)	D (43)

Niagara Falls Boulevard at Melody Lane

Approach	Existing			Background			Total with Outparcels		
	AM	PM	SAT	AM	PM	SAT	AM	PM	SAT
Melody Lane									
Eastbound									
Left Turns	C (21)	C (15)	C (20)	C (22)	C (16)	C (21)	C (19)	B (15)	C (20)
Right Turns	B (15)	B (12)	B (13)	C (15)	B (12)	B (13)	A (10)	A (9)	A (9)
Niagara Falls Blvd.									
Northbound									
Left Turns	B (12)	A (10)	B (11)	B (12)	A (10)	B (11)	B (11)	A (10)	B (12)

Niagara Falls Boulevard at Proposed Wal-Mart Driveway

Approach	Total with Outparcels					
	Unsignalized			Signalized		
	AM	PM	SAT	AM	PM	SAT
Wal-Mart Driveway						
Outbound						
Left Turns	D (33)	F (54)	F (303)	C (23)	C (26)	C (28)
Right Turns	C (16)	C (17)	C (20)	A (9)	A (7)	A (7)
Niagara Falls Blvd.						
Northbound						
Left Turns	C (16)	B (13)	C (19)	A (9)	A (9)	C (24)
Throughs	-	-		A (3)	A (7)	A (6)
Southbound						
Throughs	-	-	-	A (10)	B (13)	B (19)
Right Turns	-	-	-	A (2)	A (3)	A (3)
Intersection Overall	-	-	-	A (6)	A (10)	B (14)

The following is a discussion of the analysis and findings at each intersection

Wurlitzer Drive at Blue Bird Drive: As noted previously, this intersection would be designed to prohibit left turns from Wurlitzer Drive into Blue Bird Drive and right turns from Blue Bird Drive onto Wurlitzer Drive. The intersection would be angled with a raised median barrier and signs prohibiting the unintended turning movements. All outbound vehicles on Blue Bird Drive would be required to turn left. To provide an acceptable Level of Service, the analysis indicated that it would be necessary to construct an exclusive right turn lane for vehicles turning right from Wurlitzer Drive into Blue Bird Drive. In addition, it would be necessary to either install a traffic signal or provide an all-way stop control to obtain an acceptable Level of Service for the intersection. Preliminary investigation of traffic warrants indicate that the projected traffic volumes would not be met with the Supercenter traffic only. In addition, a traffic signal is not recommended due to the close proximity to the railroad crossing on Wurlitzer Drive and the proximity of the existing traffic signal at the intersection of Erie Avenue and Wurlitzer Drive. Therefore, all-way stop sign control t is recommended.

Erie Avenue at Wurlitzer Drive: The analysis of full build out conditions indicated that the Level of Service for left turns from Erie Avenue into Wurlitzer Drive would reduce to 'F' during the weekday afternoon peak hour. All other movements at this intersection would operate at an acceptable Level of Service. It would be necessary to install an advance green left turn arrow into the traffic signal operation in order to mitigate the Level of Service deficiency for left turns from Erie Avenue.

Erie Avenue at Side Streets to Martinsville Neighborhood: A Level of Service analysis was conducted for each of the side streets that intersect Erie Avenue from the Martinsville neighborhood. These side streets consist of Strad Avenue, Ellwood Avenue, Linden Avenue, Eddy Avenue, Leah Drive, and D'Angelo Drive. The analysis of existing conditions for the weekday afternoon peak hour indicated Level of Service 'F' for Ellwood Avenue and Eddy Drive and Level of Service 'E' for Leah Drive and D'Angelo Drive. The Level of Service during the weekday afternoon peak hour would be 'F' for all side streets from the Martinsville neighborhood except for Strad Avenue. The delay would range from 39 seconds for Linden Avenue to 110 seconds for Eddy Drive. To provide alternatives for drivers using the side streets from the Martinsville neighborhood, extension of Wurlitzer Drive from Erie Avenue to D'Angelo Drive is recommended.

Niagara Falls Boulevard at Erie Avenue and Shawnee Road: The analysis of existing and background traffic at this intersection indicated Level of Service 'E' and 'F' for several individual movements during the morning and afternoon peak hours. The analysis indicated a further increase in delays for several movements after adding the site-generated traffic. Geometric improvements to this intersection are not practical due to right-of-way constraints, proximity of the CSX Railroad, and the adjacent Sawyer Creek Bridge.

Niagara Falls Boulevard at Melody Lane: The analysis of existing and background conditions at this intersection indicate that outbound left turns from Melody Lane operate at Level of Service 'C' during all peak hours. The analysis indicates that the delays at this intersection would generally improve after adding the site-generated traffic. This is due to the gaps created by the proposed traffic signal on Niagara Falls Boulevard at the proposed access Road.

Niagara Falls Boulevard at Proposed Access Road: It is recommended that the proposed access road Consist of one inbound lane and two outbound lanes. An unsignalized Level of Service analysis indicated Level of Service 'F' for outbound left turns from the proposed access road onto Niagara Falls Boulevard. A traffic signal warrant analysis was conducted for this intersection based on the NYSDOT signal warrants. The analysis indicated that the "Minimum Vehicular Volume" warrant would be met upon full build out of the Wal-Mart and outparcels. It is therefore recommended that a new traffic signal be installed at the

intersection of Niagara Falls Boulevard and the proposed access road. The new signal should be coordinated with the existing signals at Ruie Road and Erie Avenue in order to minimize vehicle stops and delays along Niagara Falls Boulevard. The following improvement measures are recommended for the intersection in order to provide an acceptable Level of Service:

- The existing two-way center lane on Niagara Falls Boulevard should be designated as an exclusive left turn lane on the northbound approach to the new access road.
- An exclusive right turn lane should be constructed on the southbound Niagara Falls Boulevard approach.
- An advance green left turn arrow should be included in the signal phasing to accommodate inbound left turns from Niagara Falls Boulevard.

Summary and Conclusions

The following is a summary of the findings obtained in this revised TIS analysis:

1. In order to provide an acceptable Level of Service for outbound Blue Bird Drive traffic, it will be necessary to add an exclusive right turn lane on the westbound Wurlitzer Drive approach to Blue Bird Drive. All-way stop sign control is also recommended at the intersection. To insure adherence with the Bluebird drive left out and the Wurlitzer north bound right a concrete channelizing median is proposed.

2. An advance green left turn arrow should be added to the traffic signal operation for left turns from Erie Avenue onto Wurlitzer Drive.

3. The delays for outbound traffic from the Martinsville neighborhood are projected to increase as a result of the proposed project. Due to the projected delays and impacts of the project traffic, consideration should still be given to extending Wurlitzer Drive to D'Angelo Drive in order to provide a signalized means of egress for the Martinsville neighborhood.

4. At all other locations in the study area, the projected conditions would result in the same mitigation requirements as those outlined in the July 2007 study.

Cc: Frederick Frank, Wendel Duchscherer Architects and Engineers
Dale Marshall, PE, City Engineer
Michael Gallerani, NYSDOT Region 5
Yelann Yu, Bergmann Associates
Jennifer Wright, Harter, Secrest & Emery

TRAFFIC FIGURES

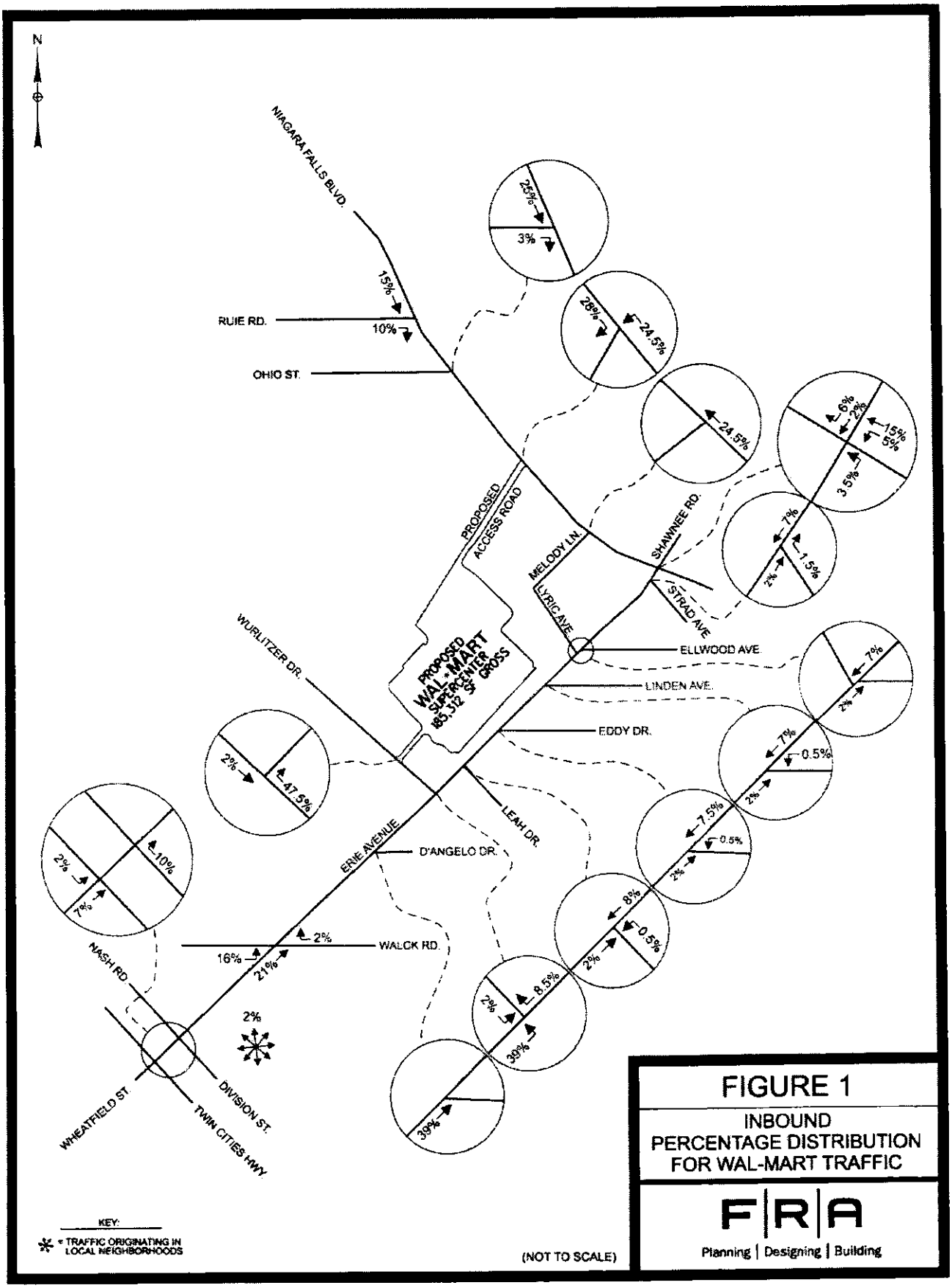


FIGURE 1

INBOUND PERCENTAGE DISTRIBUTION FOR WAL-MART TRAFFIC

F|R|A

Planning | Designing | Building

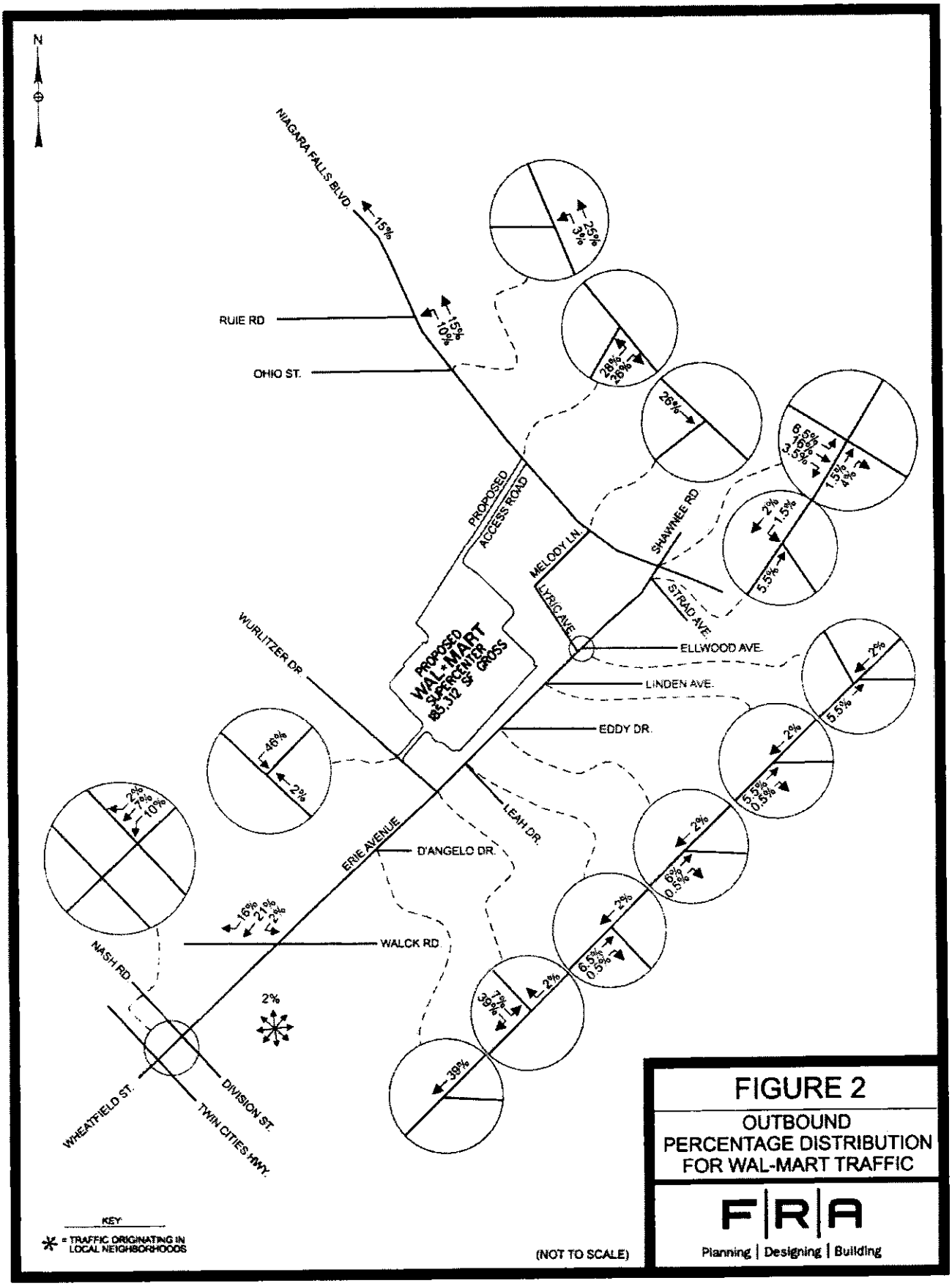


FIGURE 2

OUTBOUND PERCENTAGE DISTRIBUTION FOR WAL-MART TRAFFIC

F|R|A

Planning | Designing | Building

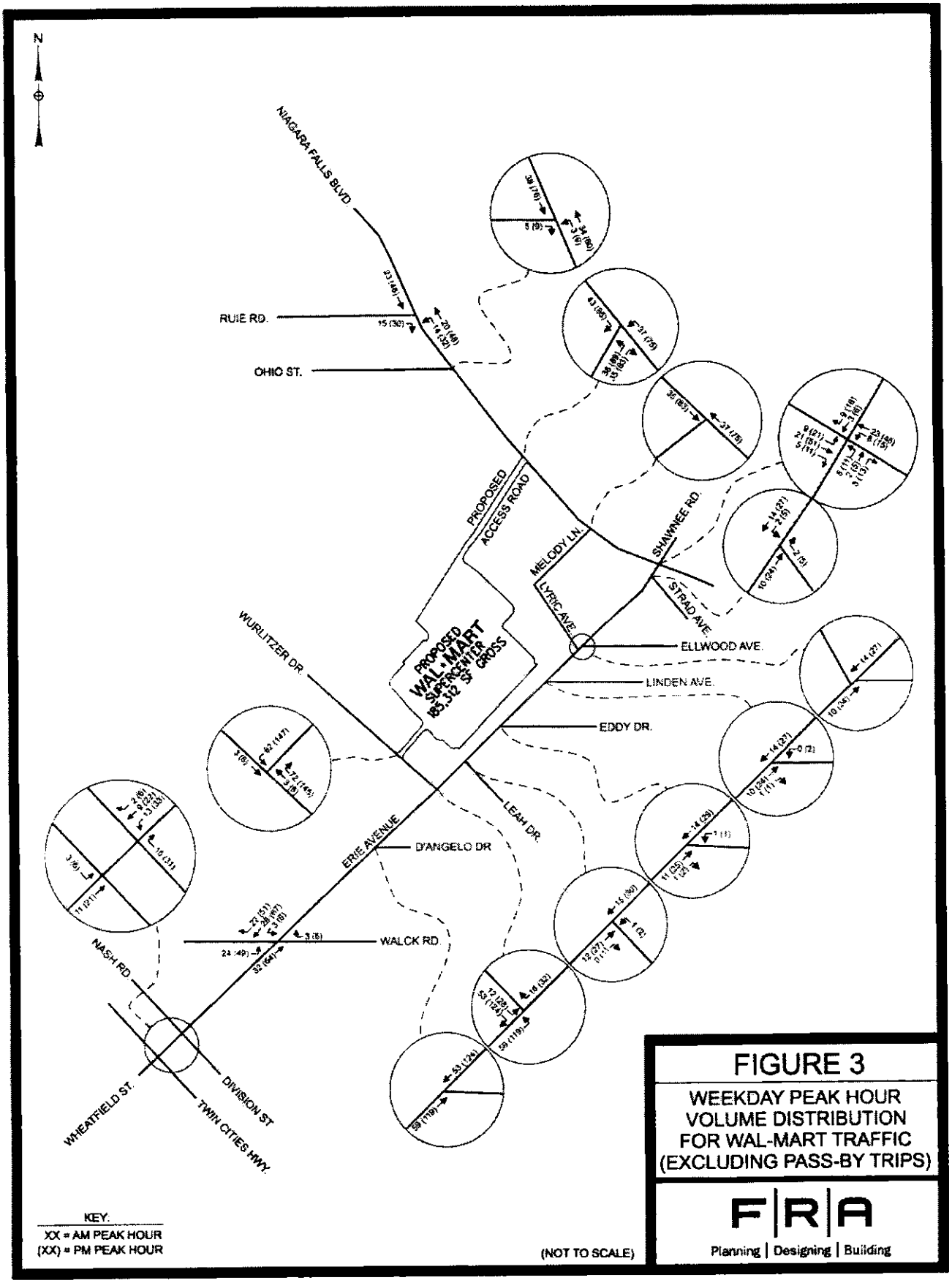


FIGURE 3

WEEKDAY PEAK HOUR VOLUME DISTRIBUTION FOR WAL-MART TRAFFIC (EXCLUDING PASS-BY TRIPS)

F|R|A

Planning | Designing | Building

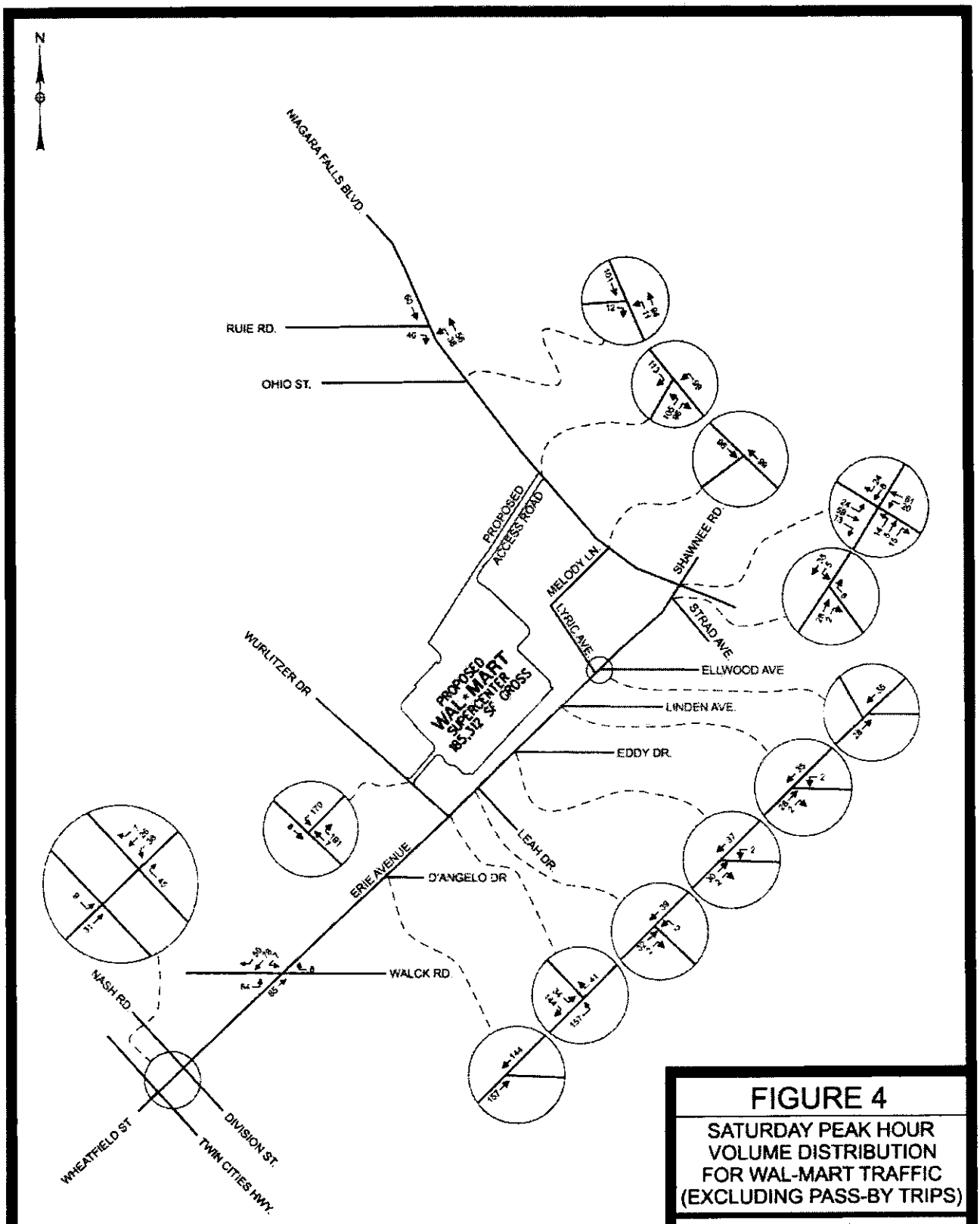


FIGURE 4

SATURDAY PEAK HOUR VOLUME DISTRIBUTION FOR WAL-MART TRAFFIC (EXCLUDING PASS-BY TRIPS)

F|R|A

Planning | Designing | Building

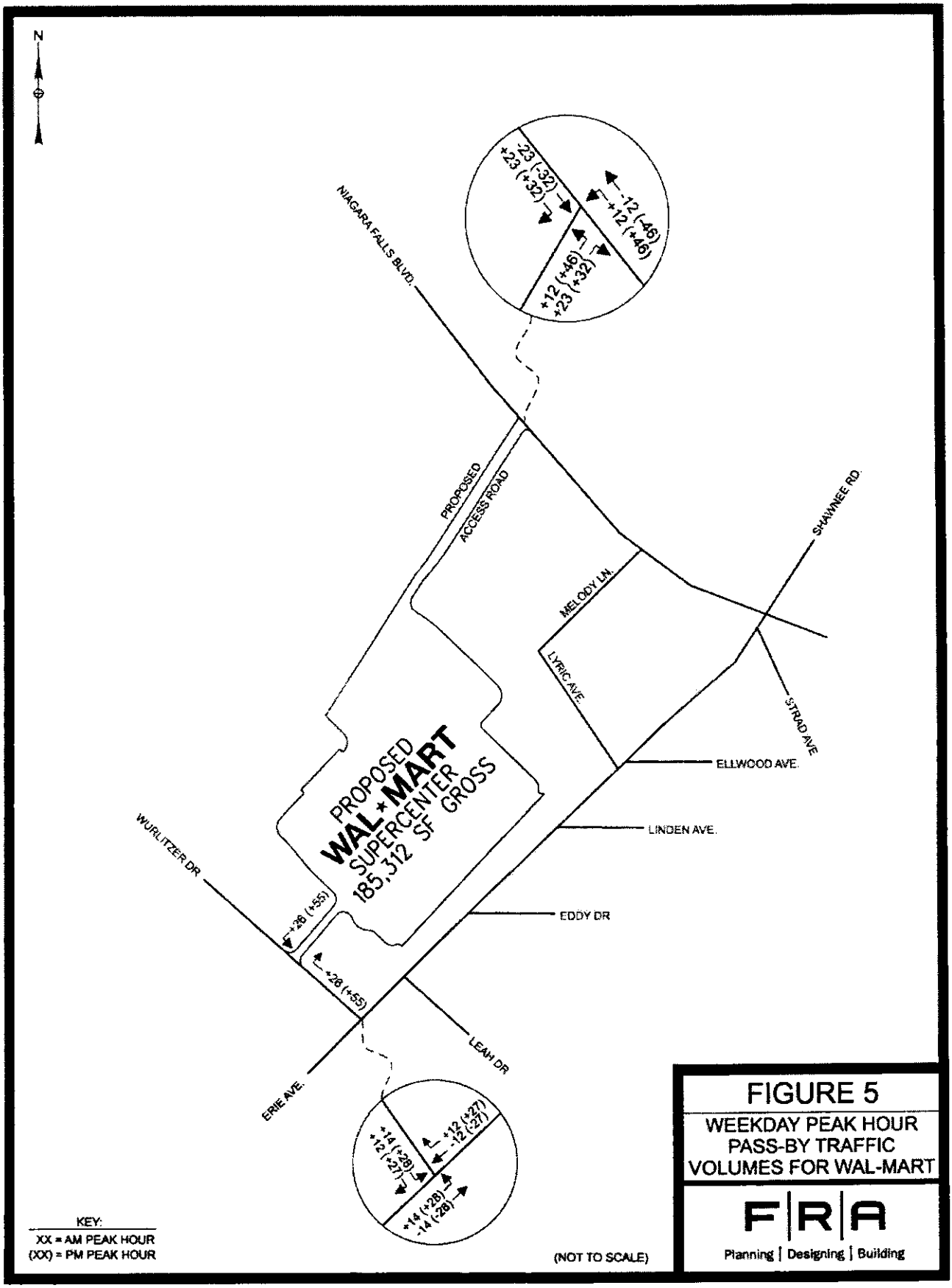


FIGURE 5

WEEKDAY PEAK HOUR PASS-BY TRAFFIC VOLUMES FOR WAL-MART

F|R|A

Planning | Designing | Building

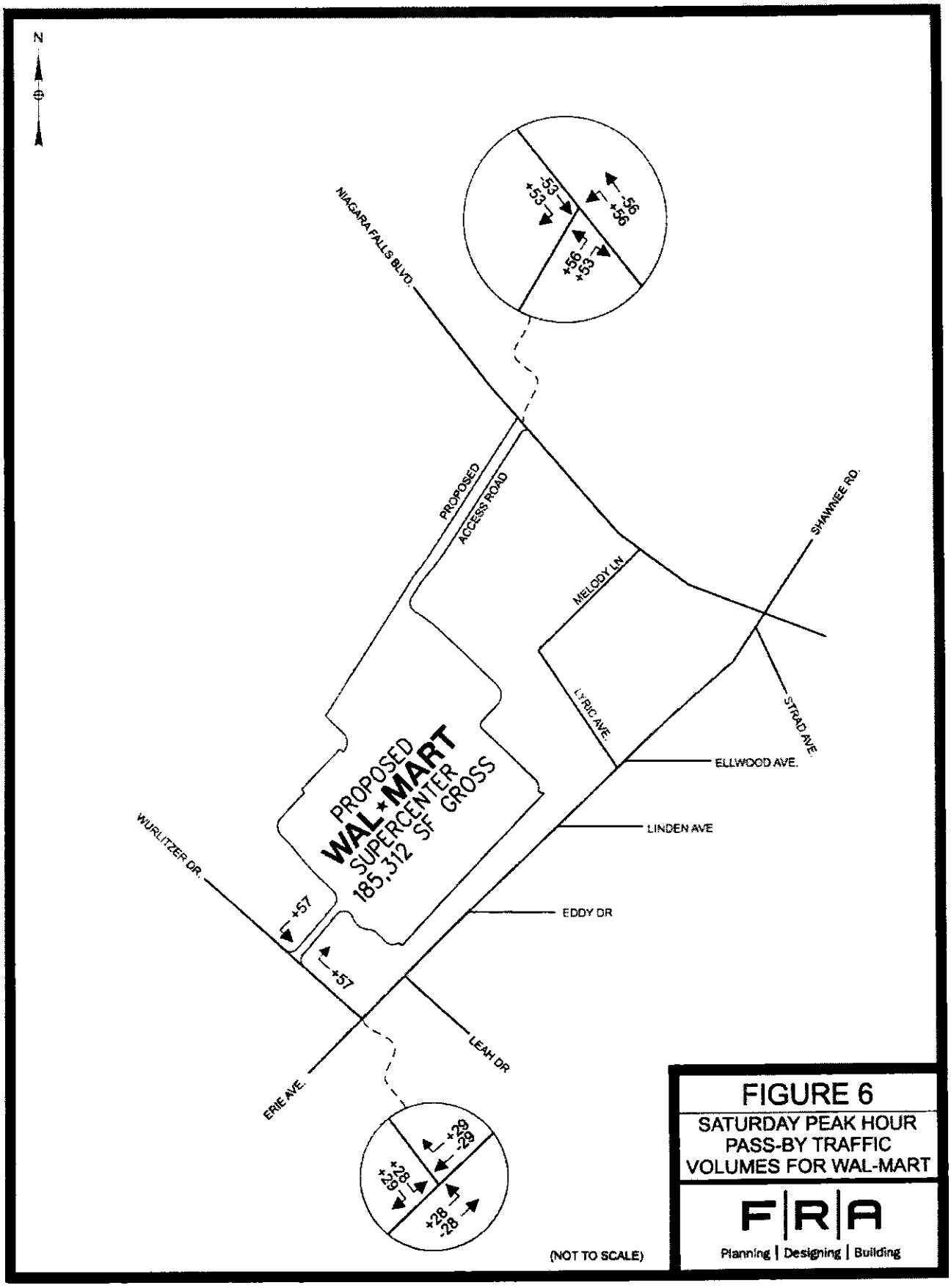
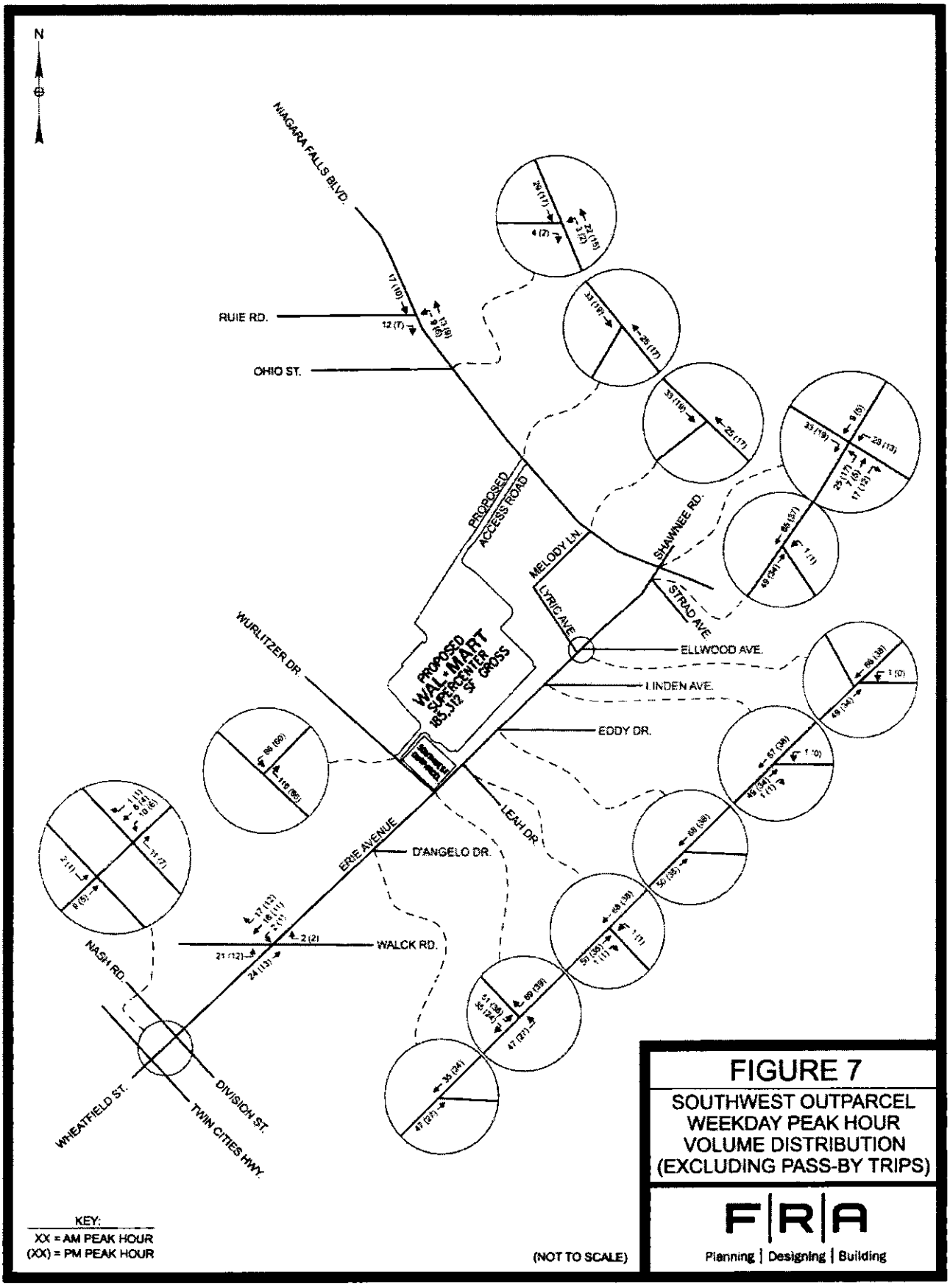


FIGURE 6

SATURDAY PEAK HOUR
PASS-BY TRAFFIC
VOLUMES FOR WAL-MART

F|R|A

Planning | Designing | Building


N
NIAGARA FALLS BLVD.
RUIE RD.
OHIO ST.
PROPOSED ACCESS ROAD
PROPOSED WAL-MART SUPERCENTER 185,312 SF GROSS
WURLITZER DR.
MELODY LN.
LYRIC AVE.
SHAWNEE RD.
STRAD AVE.
ELLWOOD AVE.
LINDEN AVE.
EDDY DR.
LEAH DR.
ERIE AVENUE
D'ANGELO DR.
WALCK RD.
NASH RD.
WHEATFIELD ST.
DIVISION ST.
TWIN CITIES HWY.
KEY:
XX = AM PEAK HOUR
(XX) = PM PEAK HOUR
(NOT TO SCALE)
FIGURE 7
SOUTHWEST OUTPARCEL
WEEKDAY PEAK HOUR
VOLUME DISTRIBUTION
(EXCLUDING PASS-BY TRIPS)
F|R|A
Planning | Designing | Building

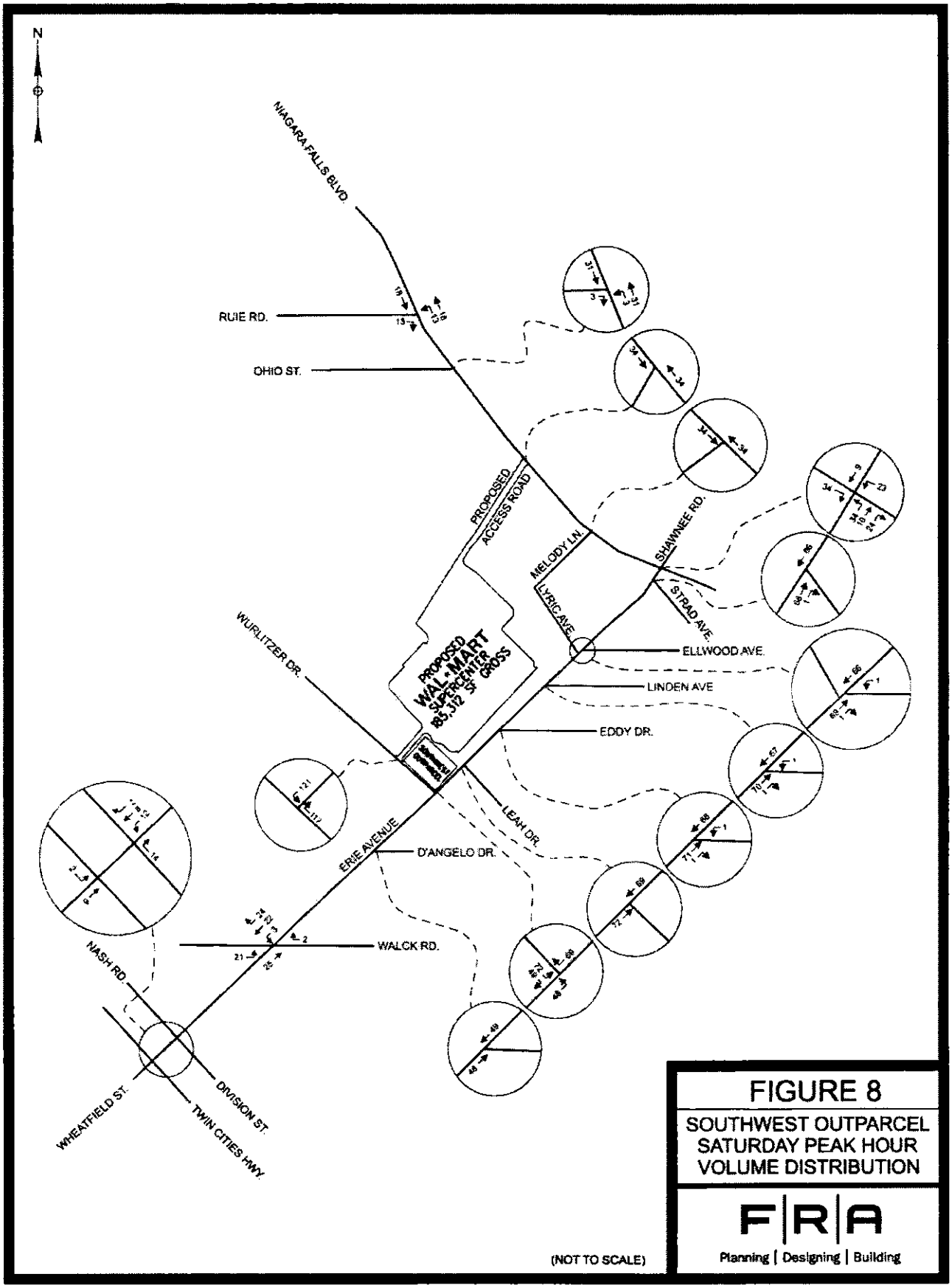


FIGURE 8

SOUTHWEST OUTPARCEL SATURDAY PEAK HOUR VOLUME DISTRIBUTION

F|R|A

Planning | Designing | Building

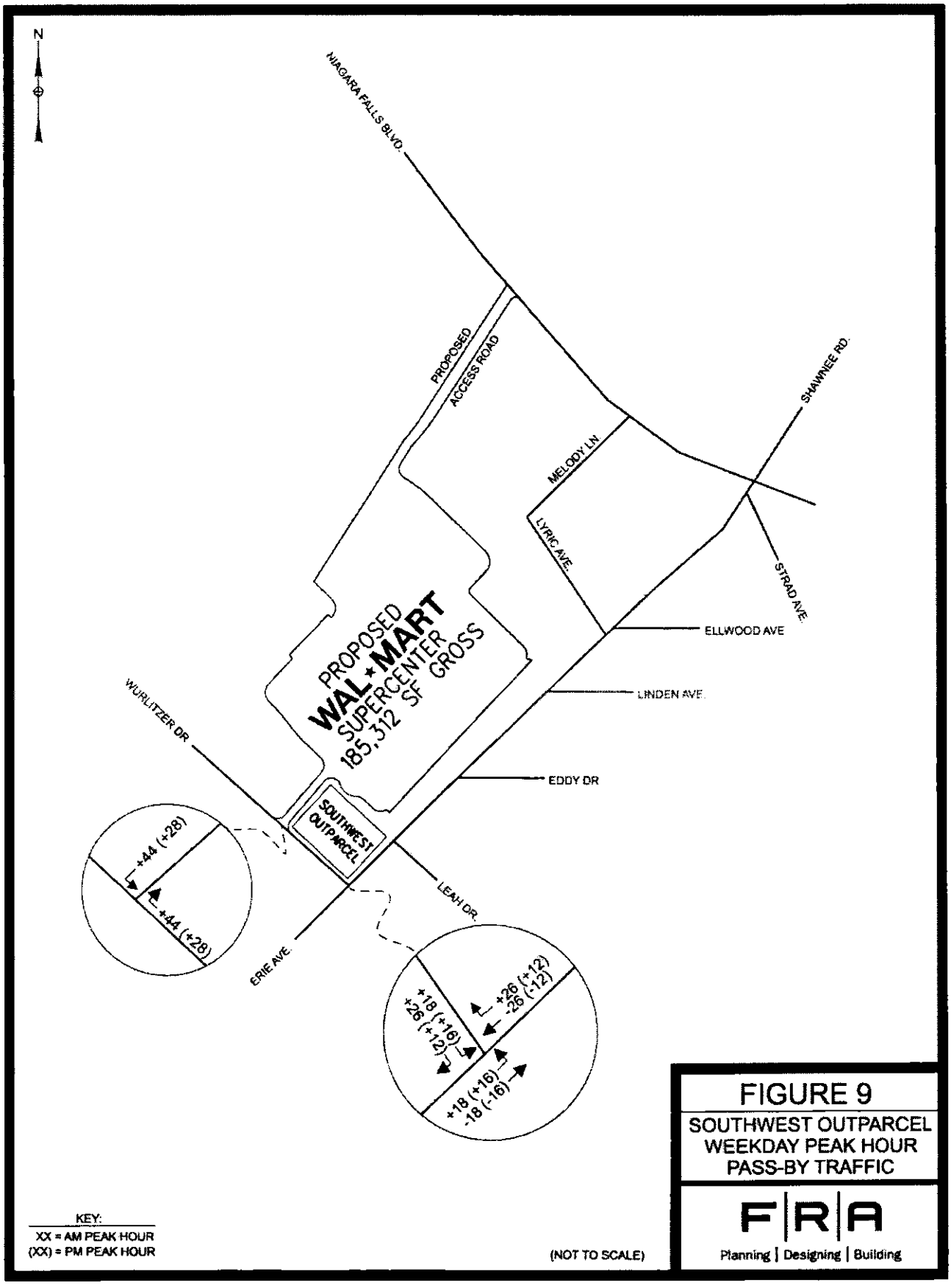


FIGURE 9

SOUTHWEST OUTPARCEL WEEKDAY PEAK HOUR PASS-BY TRAFFIC

F|R|A

Planning | Designing | Building

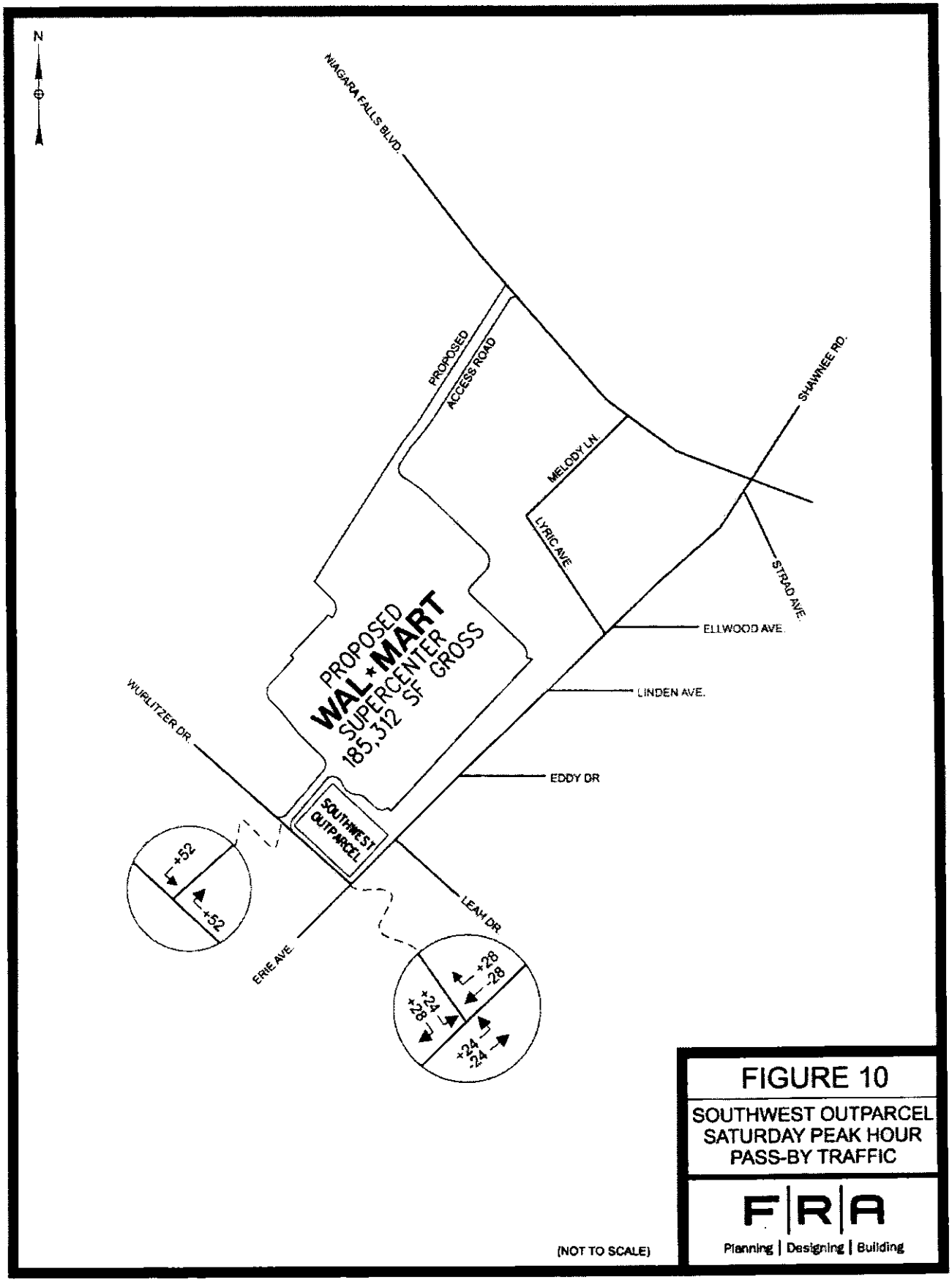
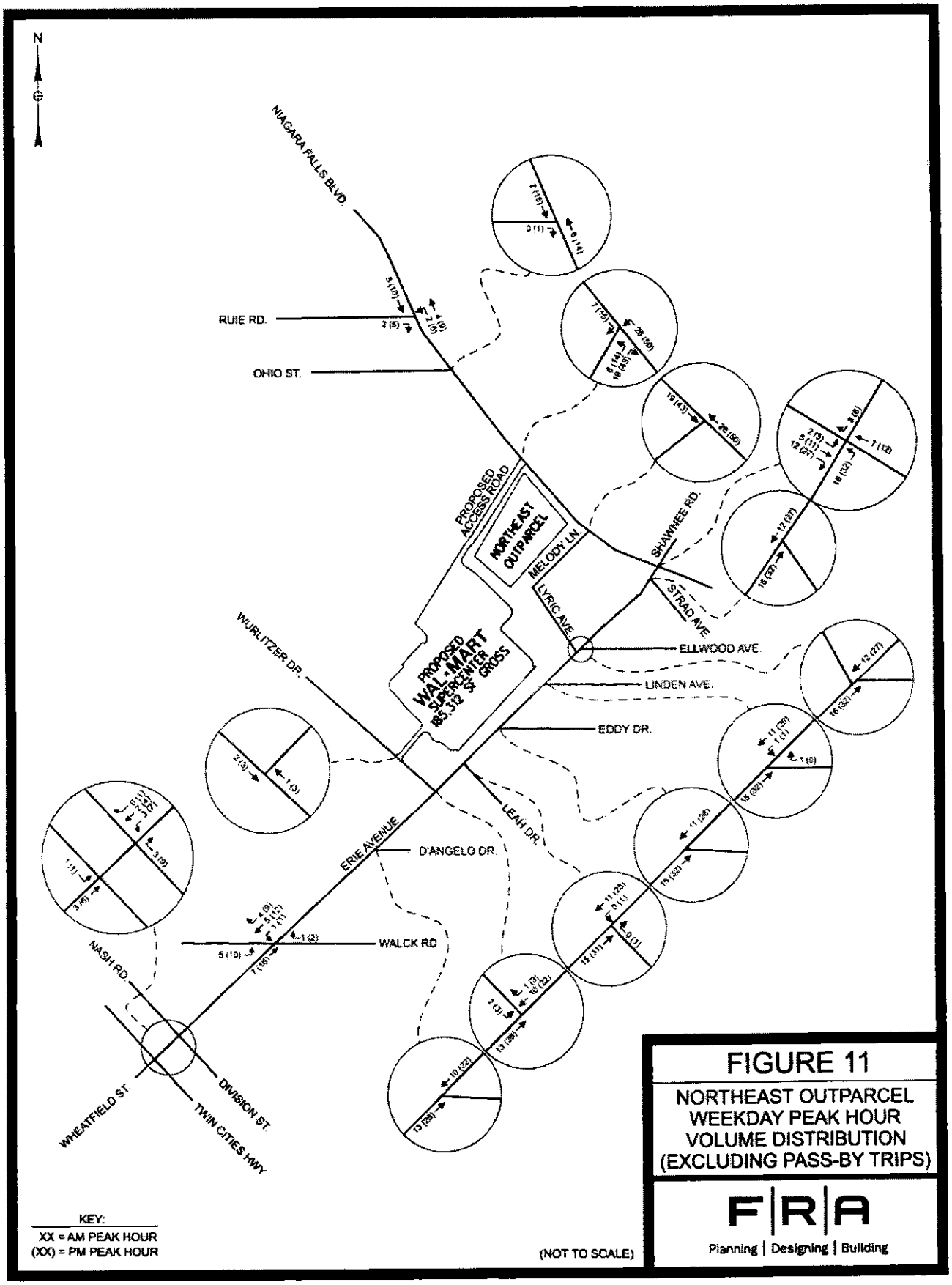


FIGURE 10

SOUTHWEST OUTPARCEL
SATURDAY PEAK HOUR
PASS-BY TRAFFIC

F|R|A

Planning | Designing | Building


N
NIAGARA FALLS BLVD.
RUIE RD.
OHIO ST.
PROPOSED ACCESS ROAD
NORTHEAST OUTPARCEL
PROPOSED WAL-MART SUPERCENTER 185,312 SF GROSS
MELODY LN.
LYRIC AVE.
SHAWNEE RD.
I STRAD AVE
ELLWOOD AVE.
LINDEN AVE.
EDDY DR.
LEAH DR.
WURLITZER DR.
ERIE AVENUE
D'ANGELO DR.
WALCK RD.
NASH RD.
WHEATFIELD ST.
DIVISION ST
TWIN CITIES HWY
KEY:
XX = AM PEAK HOUR
(XX) = PM PEAK HOUR
(NOT TO SCALE)
FIGURE 11
NORTHEAST OUTPARCEL
WEEKDAY PEAK HOUR
VOLUME DISTRIBUTION
(EXCLUDING PASS-BY TRIPS)
F|R|A
Planning | Designing | Building

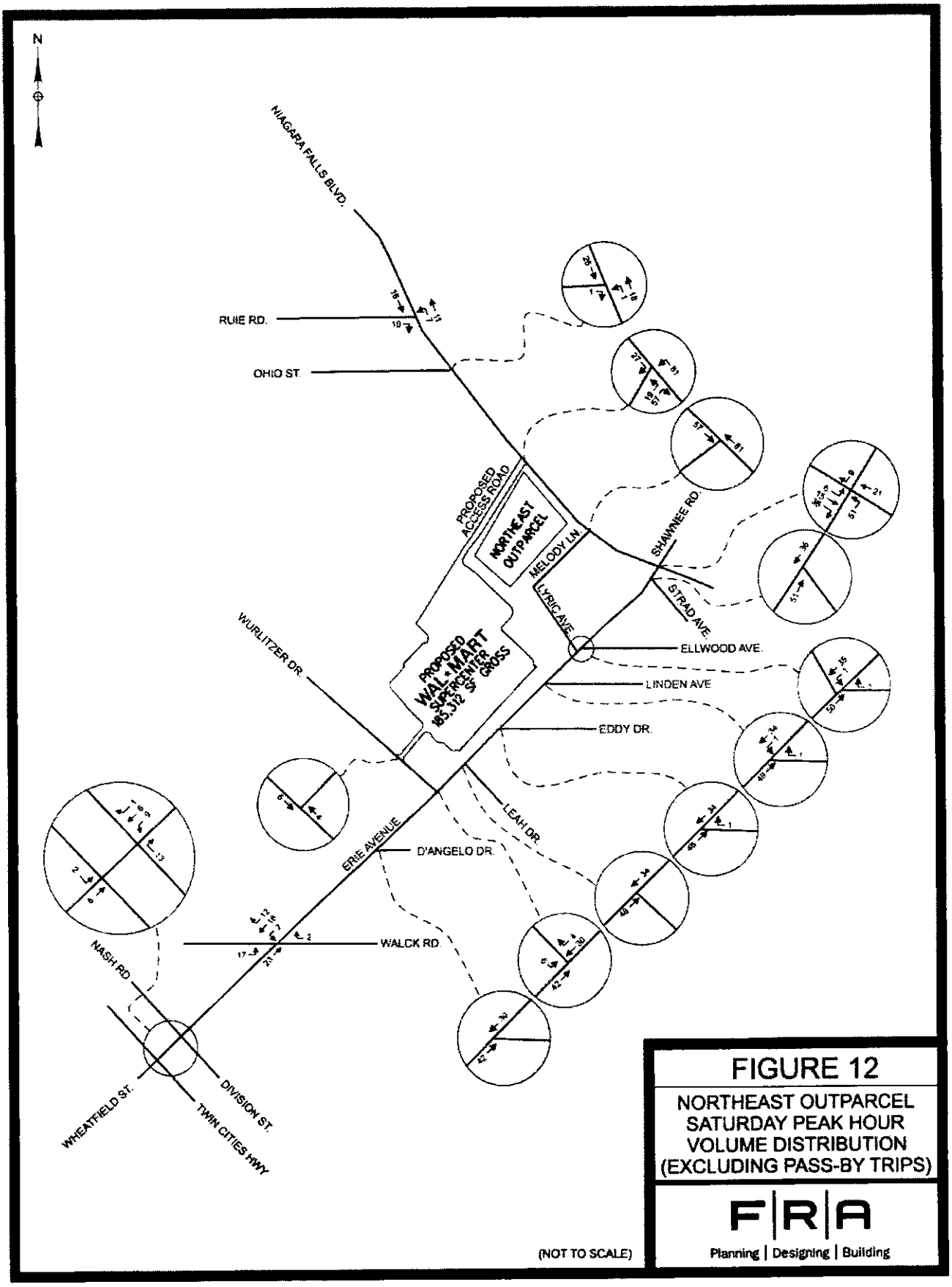
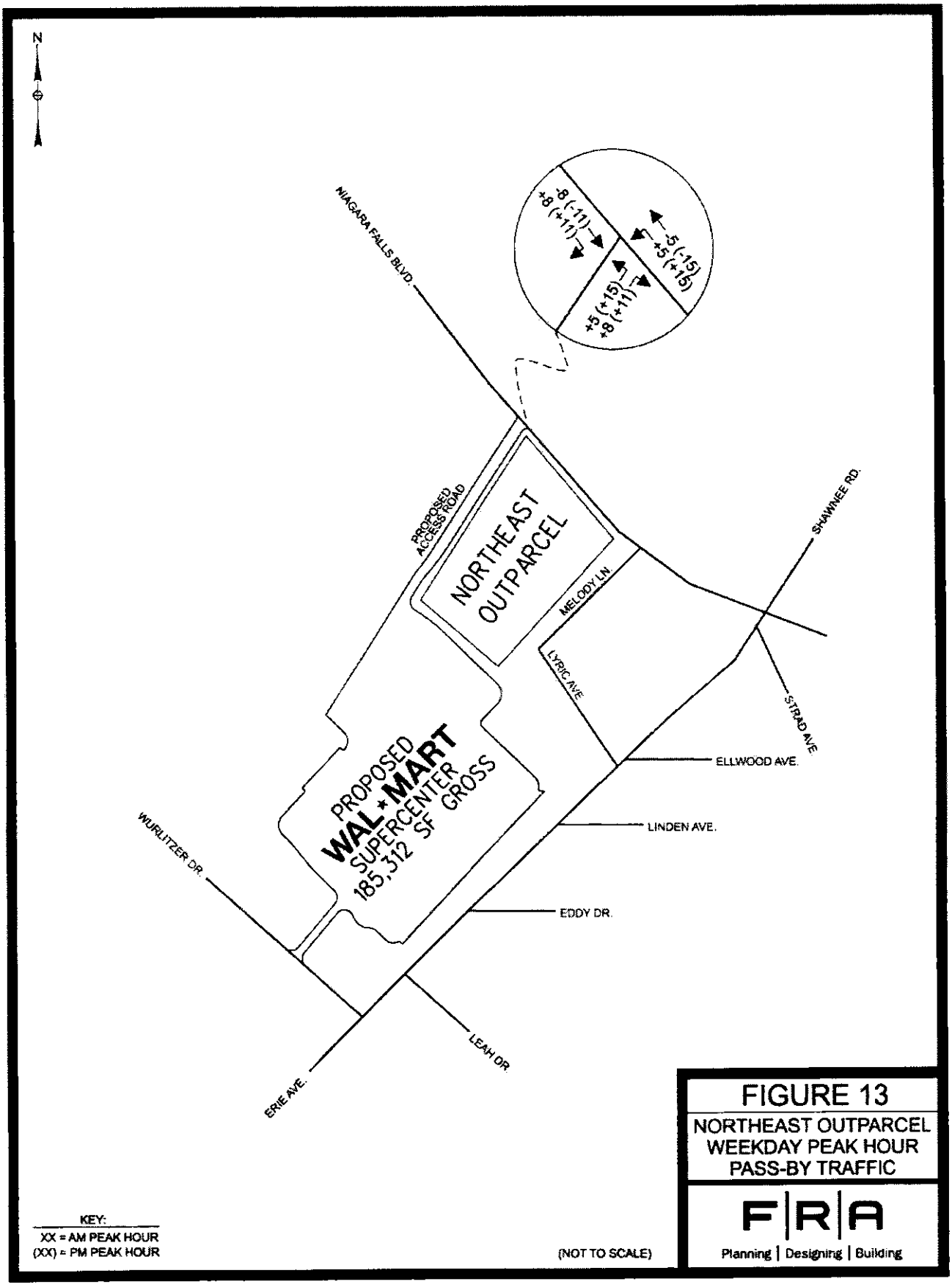


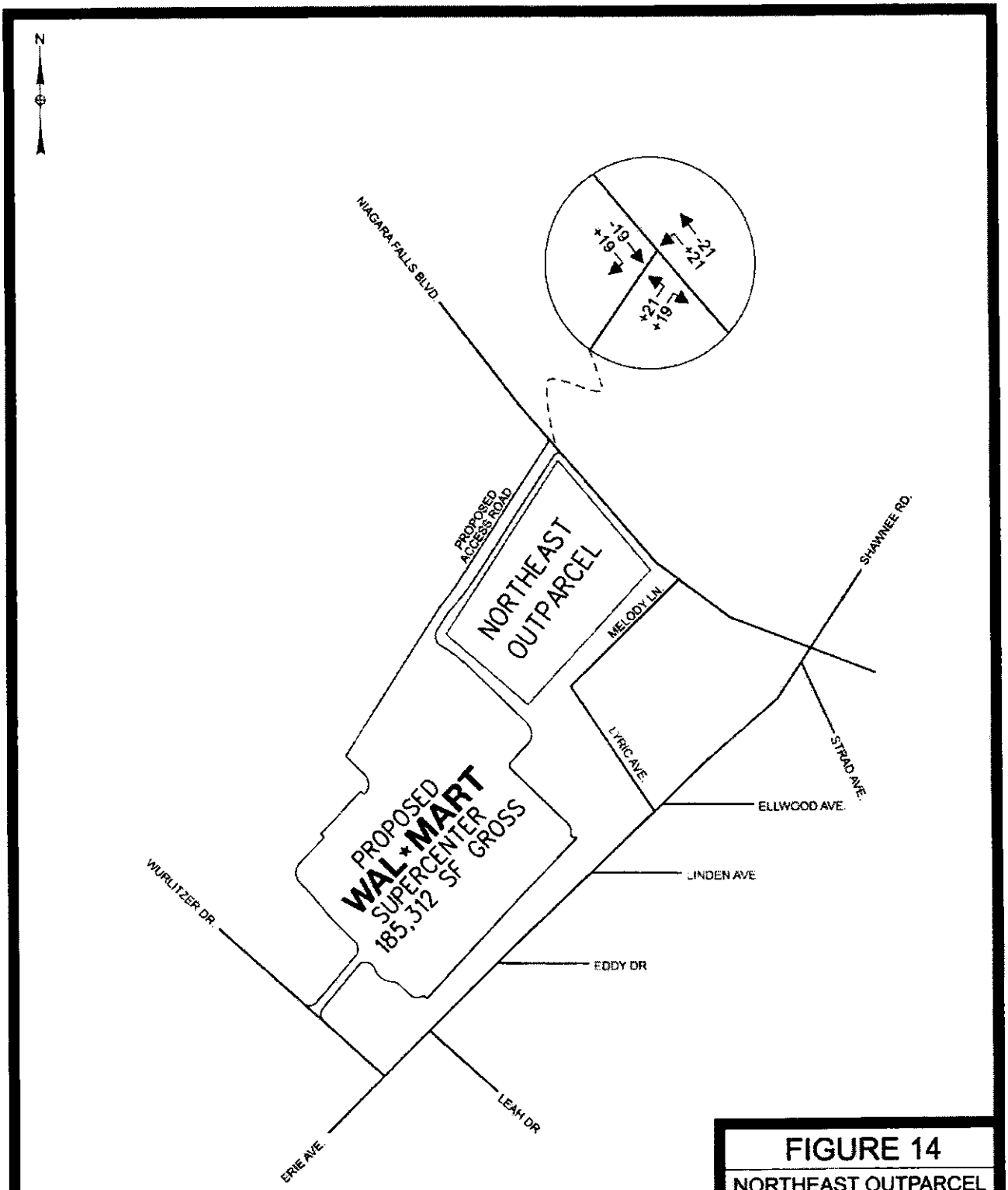
FIGURE 12

NORTHEAST OUTPARCEL SATURDAY PEAK HOUR VOLUME DISTRIBUTION (EXCLUDING PASS-BY TRIPS)

F|R|A

Planning | Designing | Building


N
NIAGARA FALLS BLVD.
-8 (-11)
+8 (+11)
-5 (-15)
+5 (+15)
+5 (+15)
+8 (+11)
PROPOSED ACCESS ROAD
NORTHEAST OUTPARCEL
PROPOSED WAL★MART SUPERCENTER 185,312 SF GROSS
MELODY LN.
LYRIC AVE.
SHAWNEE RD.
STRAD AVE.
ELLWOOD AVE.
LINDEN AVE.
EDDY DR.
WURLITZER DR.
LEAH DR.
ERIE AVE.
KEY:
XX = AM PEAK HOUR
(XX) = PM PEAK HOUR
(NOT TO SCALE)
FIGURE 13
NORTHEAST OUTPARCEL
WEEKDAY PEAK HOUR
PASS-BY TRAFFIC
F|R|A
Planning | Designing | Building



(NOT TO SCALE)

FIGURE 14

NORTHEAST OUTPARCEL
SATURDAY PEAK HOUR
PASS-BY TRAFFIC

F|R|A

Planning | Designing | Building

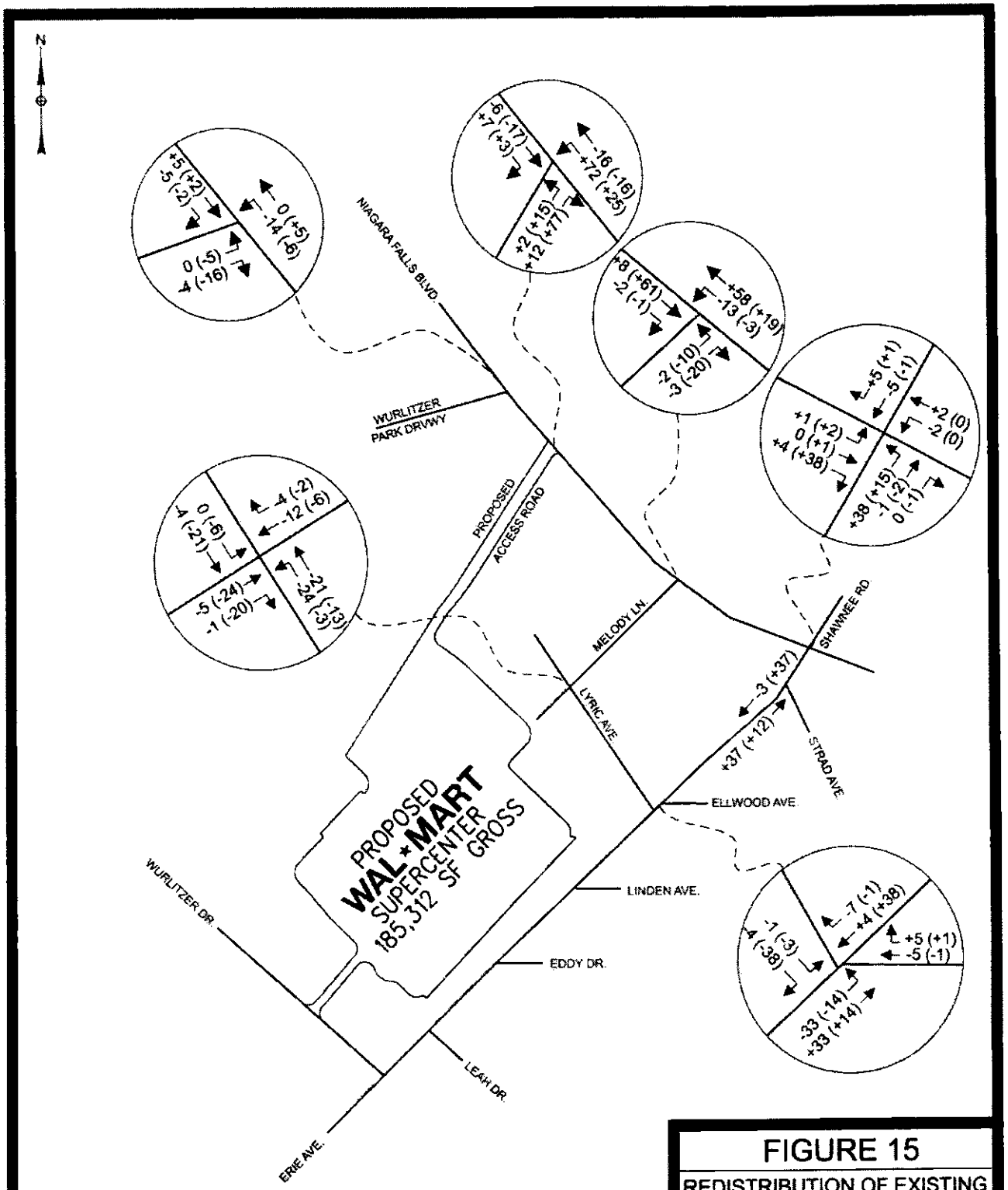


FIGURE 15

REDISTRIBUTION OF EXISTING WEEKDAY PEAK HOUR WURLITZER PARK TRAFFIC

F|R|A

Planning | Designing | Building

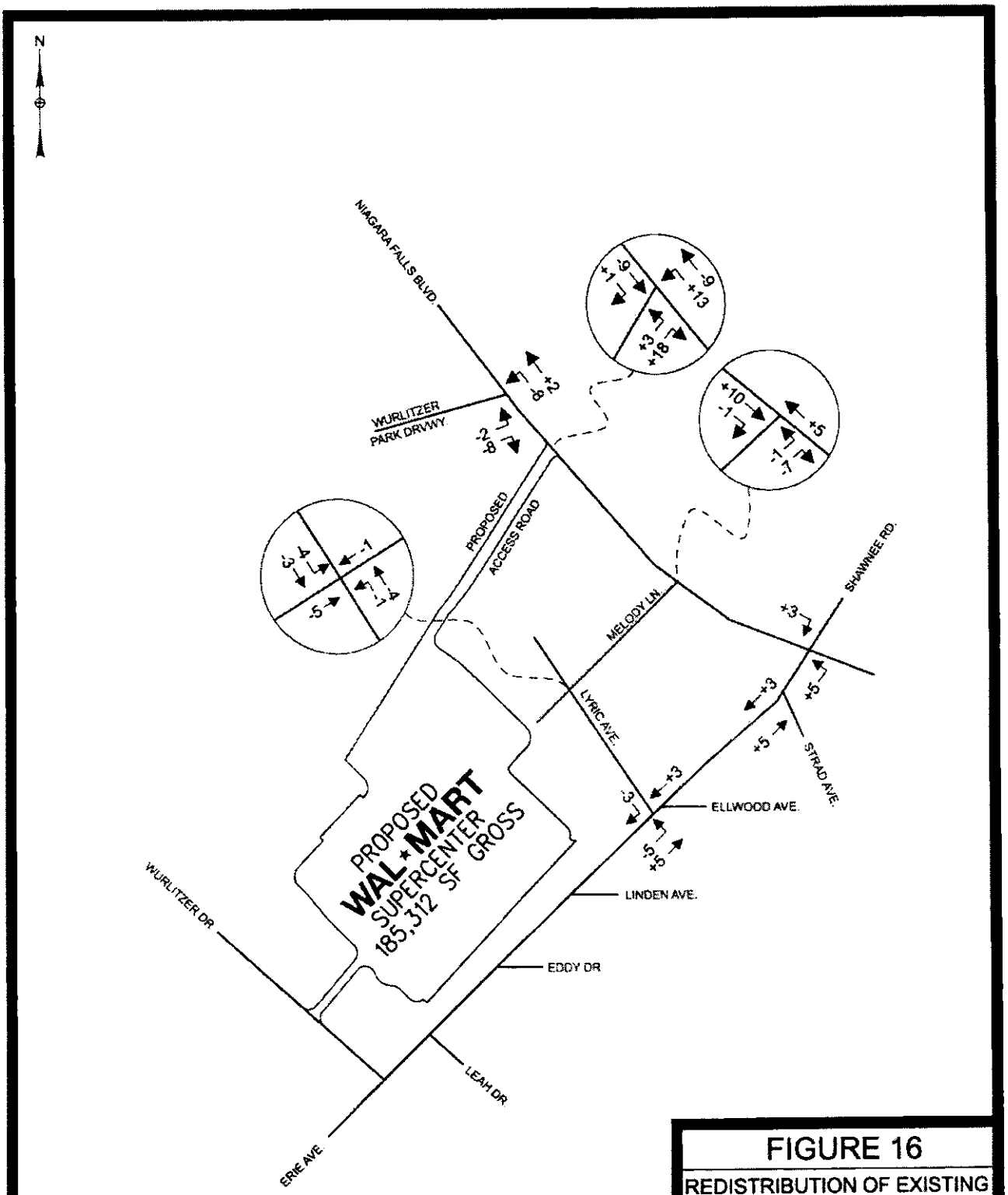
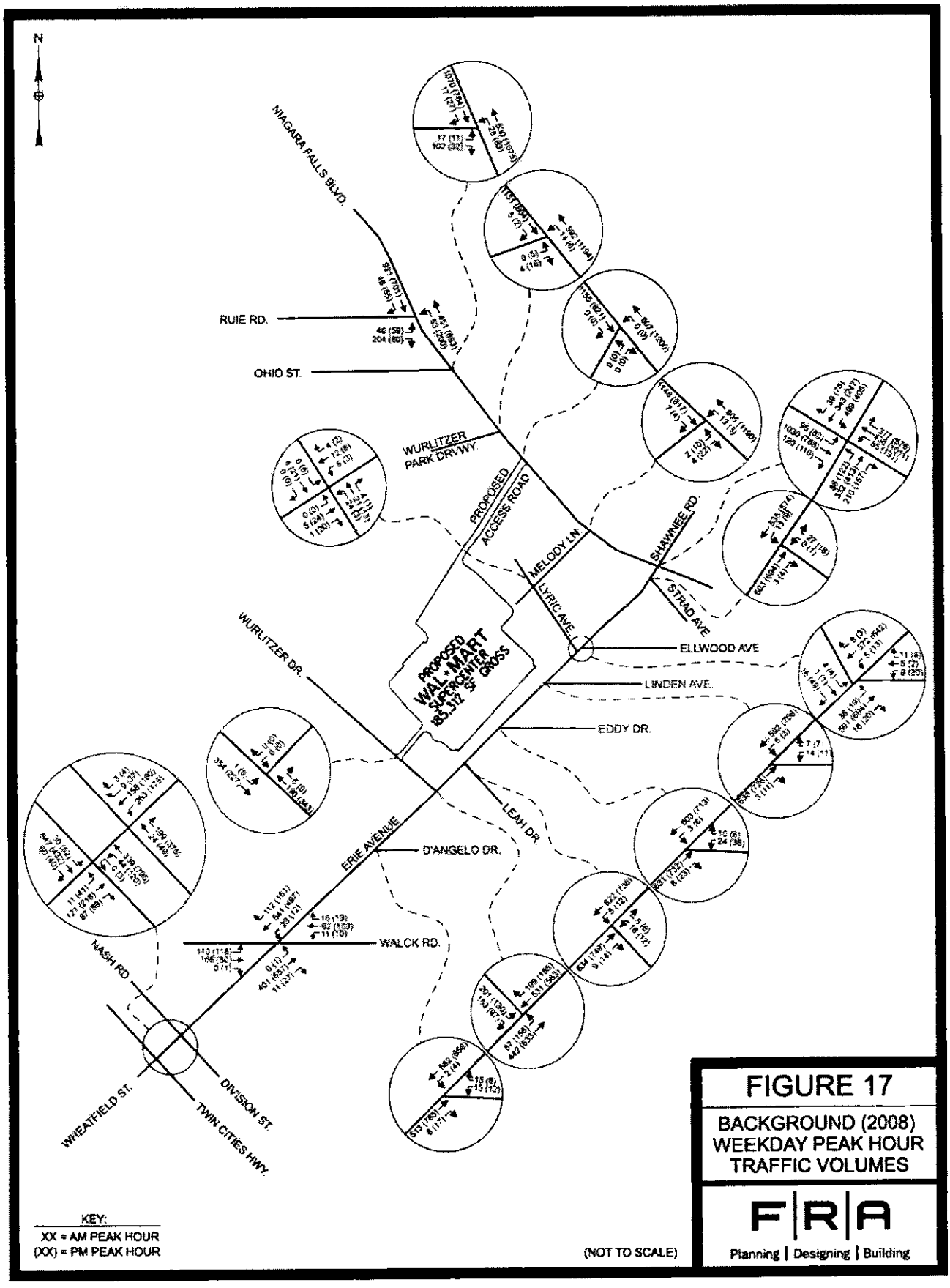


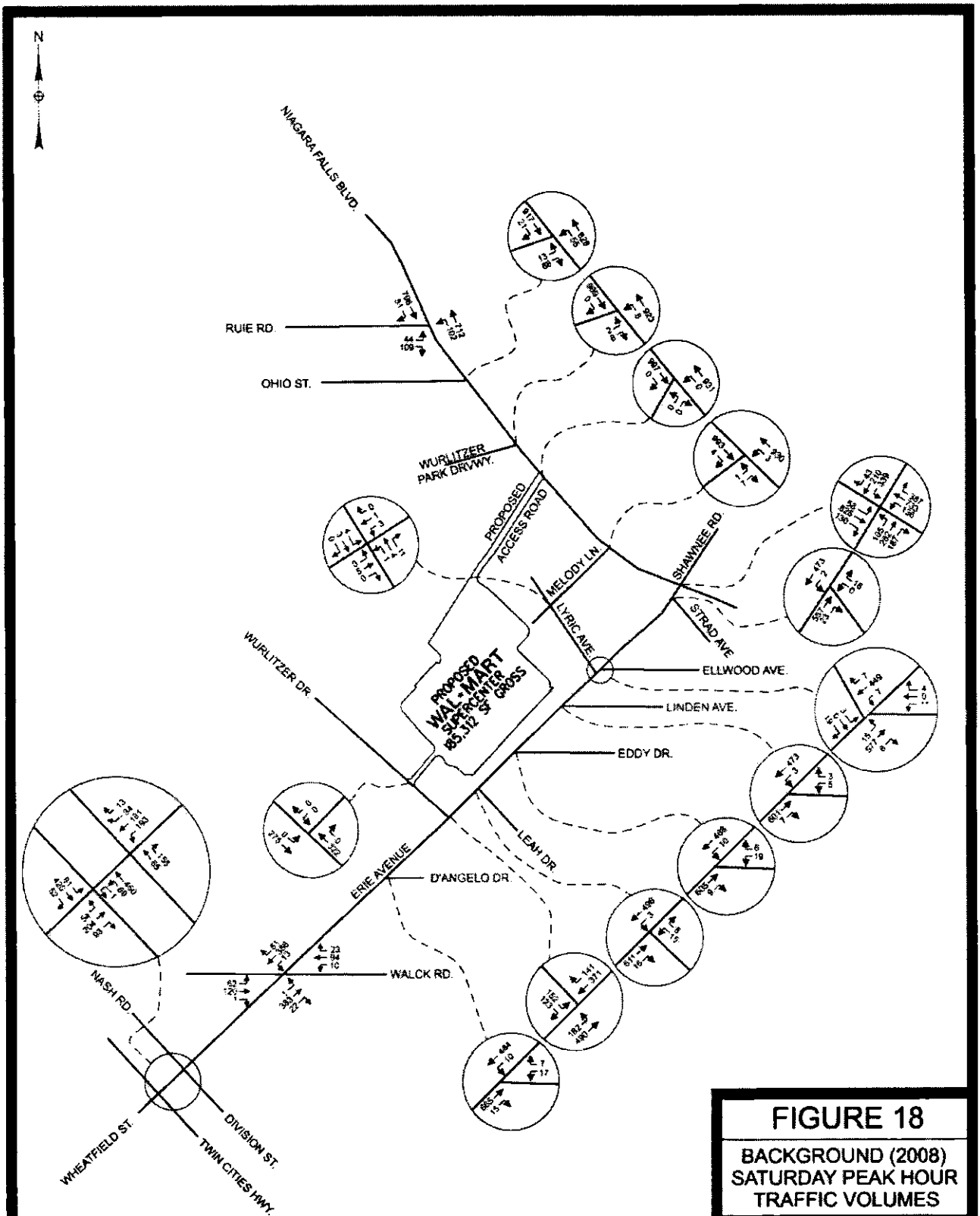
FIGURE 16

REDISTRIBUTION OF EXISTING SATURDAY PEAK HOUR WURLITZER PARK TRAFFIC

F|R|A

Planning | Designing | Building


N
NIAGARA FALLS BLVD.
RUIE RD.
OHIO ST.
WURLITZER PARK DRIVWY.
PROPOSED ACCESS ROAD
MELODY LN
LYRIC AVE.
SHAWNEE RD.
STRAD AVE
ELLWOOD AVE
LINDEN AVE.
EDDY DR.
LEAH DR.
D'ANGELO DR.
WURLITZER DR.
ERIE AVENUE
WALCK RD.
NASH RD
WHEATFIELD ST.
DIVISION ST.
TWIN CITIES HWY.
PROPOSED WAL*MART SUPERCENTER GROSS 185,312 SF
KEY:
XX = AM PEAK HOUR
(XX) = PM PEAK HOUR
(NOT TO SCALE)
FIGURE 17
BACKGROUND (2008) WEEKDAY PEAK HOUR TRAFFIC VOLUMES
F|R|A
Planning | Designing | Building



(NOT TO SCALE)

FIGURE 18

BACKGROUND (2008) SATURDAY PEAK HOUR TRAFFIC VOLUMES

F|R|A

Planning | Designing | Building

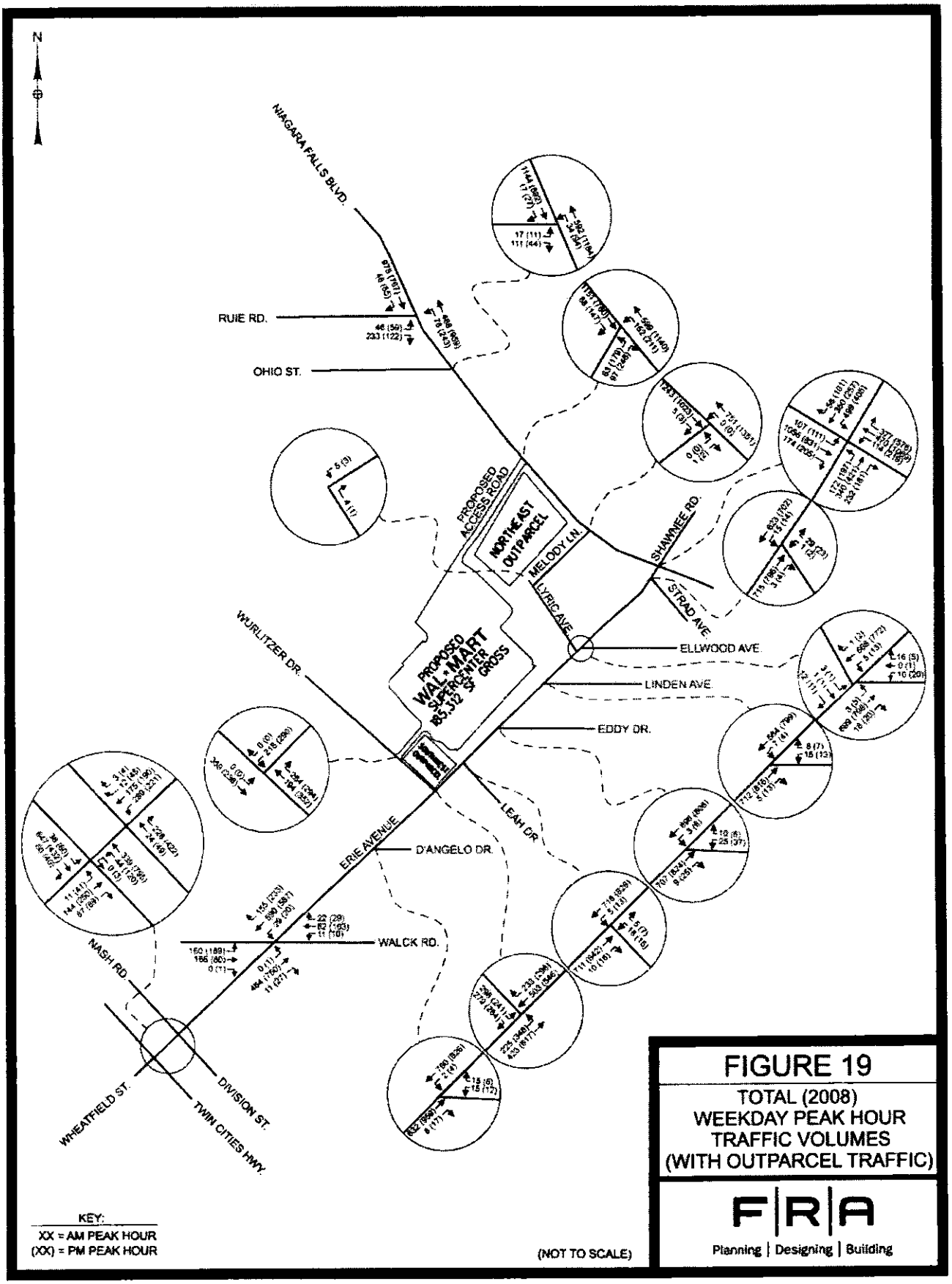


FIGURE 19

TOTAL (2008) WEEKDAY PEAK HOUR TRAFFIC VOLUMES (WITH OUTPARCEL TRAFFIC)

F|R|A

Planning | Designing | Building

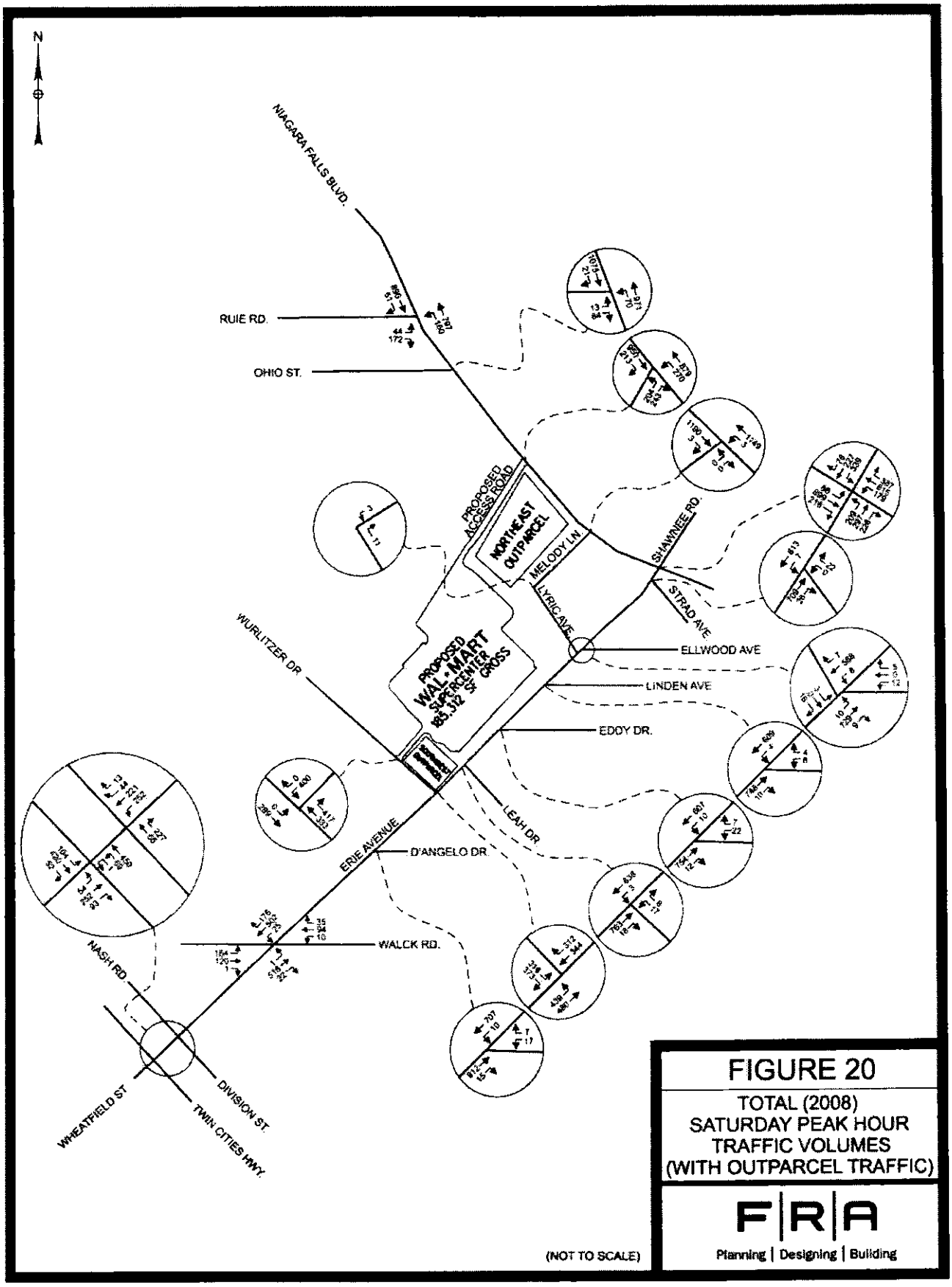


FIGURE 20

TOTAL (2008)
SATURDAY PEAK HOUR
TRAFFIC VOLUMES
(WITH OUTPARCEL TRAFFIC)

F|R|A

Planning | Designing | Building

F|R|A Planning | Designing | Building | 585 359 0360 fax 585 359 1059 | 530 Summit Point Drive Henrietta, NY 14467-9607

November 5, 2007

Mr. Tom Jaccarino
c/o Mr. Gary Przewozny, Planning Commission Chairman
City of North Tonawanda Clerk
216 Payne Avenue
North Tonawanda, New York 14120

RE: Supplemental Traffic Analysis for Proposed Wal-Mart Project
Niagara Falls Blvd Entrance Only access
City of North Tonawanda, New York

Dear Mr. Jaccarino:

This supplemental traffic analysis has been prepared by FRA Engineering to evaluate the potential traffic impacts that would result from the proposed Wal-Mart project if the only access point was the proposed Dedicated Niagara Falls Blvd entrance near the Wurlitzer Business Park. This analysis was completed per the request of the Planning Commission as part of their DEIS comments.

Description of Alternative Access Scenario

Our evaluation of this alternative access scenario is based on full build out of the Wal-Mart property, including full development of all outparcels. The proposed Wal-Mart building would be the same size under this alternative access plan. Therefore, the total amount of traffic to be generated by the project site would be the same as the amount that was previously projected.

It should be noted that there are no active development plans for the outparcels. Therefore, the analysis of full buildout conditions represents a conservative traffic scenario that would reflect longer-term conditions rather than opening day conditions.

Trip Distribution

The trips were redistributed in the following manner:

- The Wal-Mart generated volumes that previously were entering the Wurlitzer Drive access were directed to enter the Niagara Falls Boulevard access drive.
- The northeast outparcel volumes did not change since they previously were distributed to the Niagara Falls access drive.
- The southwest outparcel traffic was assumed to continue to use the Wurlitzer Drive access drive. These volumes were not redistributed.

Details of the distribution can be found in Appendix.

The projected traffic distributions for the project site were combined with the year 2008 background traffic volumes in order to obtain the total anticipated traffic volumes on the highway system when the Wal-Mart property is fully built out. The year 2008 background traffic volumes include the full build out volumes including outparcel development.

Traffic Analysis

A traffic analysis was conducted for both the Niagara Falls Blvd site drive entrance and the Niagara Falls/ Shawnee/Erie Blvd intersection. These intersections particularly, the NFB/ Erie/ Shawnee are the only intersections that would have additional traffic or redistributed traffic. The other intersections in the study area would operate in a similar manner as previously shown and analyzed. For example, there were no changes to the intersections southwest of Wurlitzer Drive (i.e. D'Angelo, Walck, Division, Nash) and northwest of the Niagara Falls Blvd access drive (i.e. Ohio & Ruie).

A Level of Service analysis was conducted for each of these intersections by using the Synchro (Version 7) modeling software. The analysis was conducted for the following development scenarios:

- Year 2008 background traffic;
- Year 2008 total traffic upon full build out of the Wal-Mart property

The impacts of site-generated traffic were determined by comparing the Levels of Service for year 2008 background traffic with those for year 2008 total traffic. The Levels of Service determined by the analysis are shown and summarized below:

Niagara Falls Boulevard at Proposed Access Road

Approach	Total (NF Blvd Access Only)		
	AM Peak	PM Peak	SAT Peak
Niagara Falls Boulevard			
Northbound			
Left Turns	B (13)	B (20)	D (52)
Throughs	A (3)	A (7)	A (7)
Southbound			
Throughs	B (13)	B (19)	C (32)
Right Turns	A (4)	A (4)	A (4)
Proposed Access Road			
Eastbound			
Left Turns	C (32)	C (35)	D (49)
Right Turns	B (11)	B (12)	B (10)
Intersection Overall	**B (11)**	**B (14)**	**C (25)**

Niagara Falls Boulevard at Erie Avenue and Shawnee Road

Approach	Background			Total (NF Blvd Access Only)		
	AM Peak	PM Peak	SAT Peak	AM Peak	PM Peak	SAT Peak
Niagara Falls Boulevard						
Eastbound						
Left Turns	C (23)	C (34)	C (24)	C (24)	D (50)	D (38)
Throughs	E (80)	D (39)	D (49)	F (92)	D (39)	E (59)
Right Turns	B (19)	B (18)	B (19)	B (15)	B (16)	B (16)
Westbound						
Left Turns	C (34)	E (63)	D (52)	D (43)	F (90)	E (73)
Throughs	C (32)	E (56)	D (36)	C (33)	E (77)	D (41)
Right Turns	C (21)	C (28)	B (19)	C (21)	C (30)	B (20)
Erie Avenue						
Northbound						
Left Turns	C (23)	C (21)	C (21)	D (41)	C (33)	D (37)
Throughs	E (68)	E (61)	D (46)	E (71)	E (68)	D (48)
Right Turns	C (30)	B (20)	C (22)	C (31)	C (22)	C (23)
Shawnee Road						
Southbound						
Left Turns	F (314)	F (205)	D (42)	F (323)	F (228)	D (49)
Throughs	D (40)	C (35)	C (33)	E (68)	D (50)	D (49)
Right Turns	B (11)	A (7)	A (9)	B (13)	A (9)	A (10)
Intersection Overall	**F (83)**	**E (59)**	**D (37)**	**F (85)**	**E (66)**	**D (42)**

The results show that the primary increases are from vehicles from the north via Erie Avenue to the Niagara Falls Blvd/ Erie Ave intersection. This traffic would make a left turn from Erie Ave to the Niagara Falls site drive entrance. As expected, there is a slight increase in total delay with this alternative at the Niagara Falls intersection. The overall LOS does not decrease.

Summary and Recommendations

The following is a summary of the findings and recommendations:

1. Although providing a dual left turn lane for the Erie Avenue approach to the Niagara Falls intersection would improve the left turn delay, it is not recommended for the following reasons.
   a. There is limited ROW near the intersection with a commercial building to the north side and a Tim Hortons to the south side of this approach.
   b. The CSX railroad line would need to be encroached to the north of Erie Ave near the intersection. Based on the applicants experience with CSX, it is not expected that such encroachment on CSX property will be granted.
   c. To accommodate a dual use left turn alone the approach to Shawnee would need to be widened to make sure opposing vehicles using the dual left turn form Erie Ave would not conflict in the intersection. This would require encroaching Sawyer Creek and Sawyer Creek Bridge. Both of these alternatives are environmentally restrictive.

2. The Entrance drive at Niagara Falls Blvd. is proposed to be the same configuration as previously noted including construction of a new exclusive right turn lane and restriping the dual use center turn lane as a left turn lane.
3. At all other locations in the study area, the projected conditions will operate in the same manner as previously identified. The mitigation proposed would be the same.

The analysis and the recommendation contained in this document are subject to approval by the NYSDOT Region 5 office. If you have any questions or require additional information, please feel free to call.

Sincerely yours,

Tim Gawenus, PE
FRA Engineering

TCG/nam
w/enclosures

cc: Mike Gallerani, New York State Dept of Transportation, Region 5
Dale Marshall, PE, City of North Tonawanda Engineer
Frederick Frank, Wendel Duchscherer
Yelann Yu, Bergmann Assoc.

o/rochester/projects/4159/corresp/outgoing/supplementalanalysis101907

APPENDIX

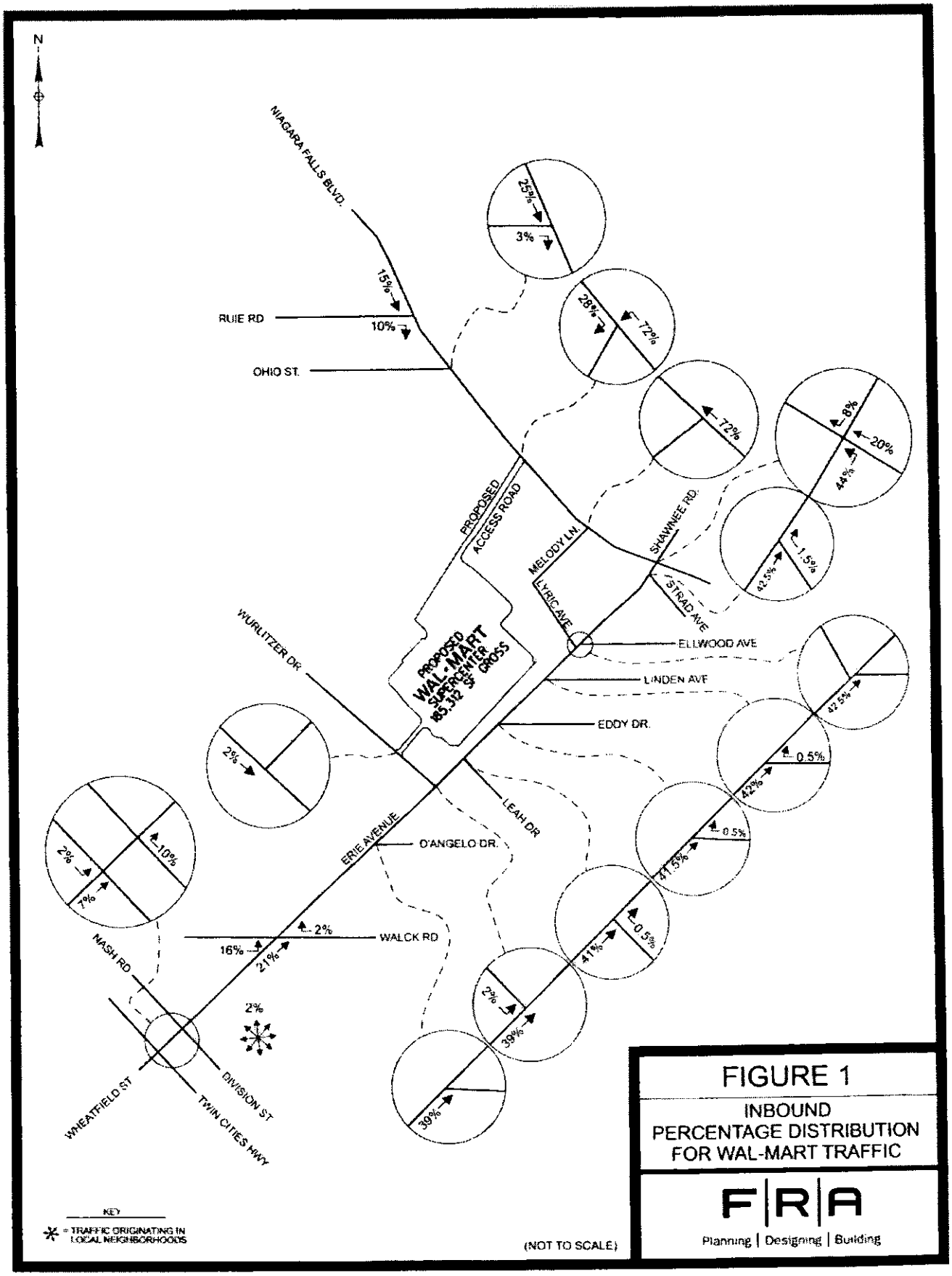


FIGURE 1

INBOUND PERCENTAGE DISTRIBUTION FOR WAL-MART TRAFFIC

F|R|A

Planning | Designing | Building

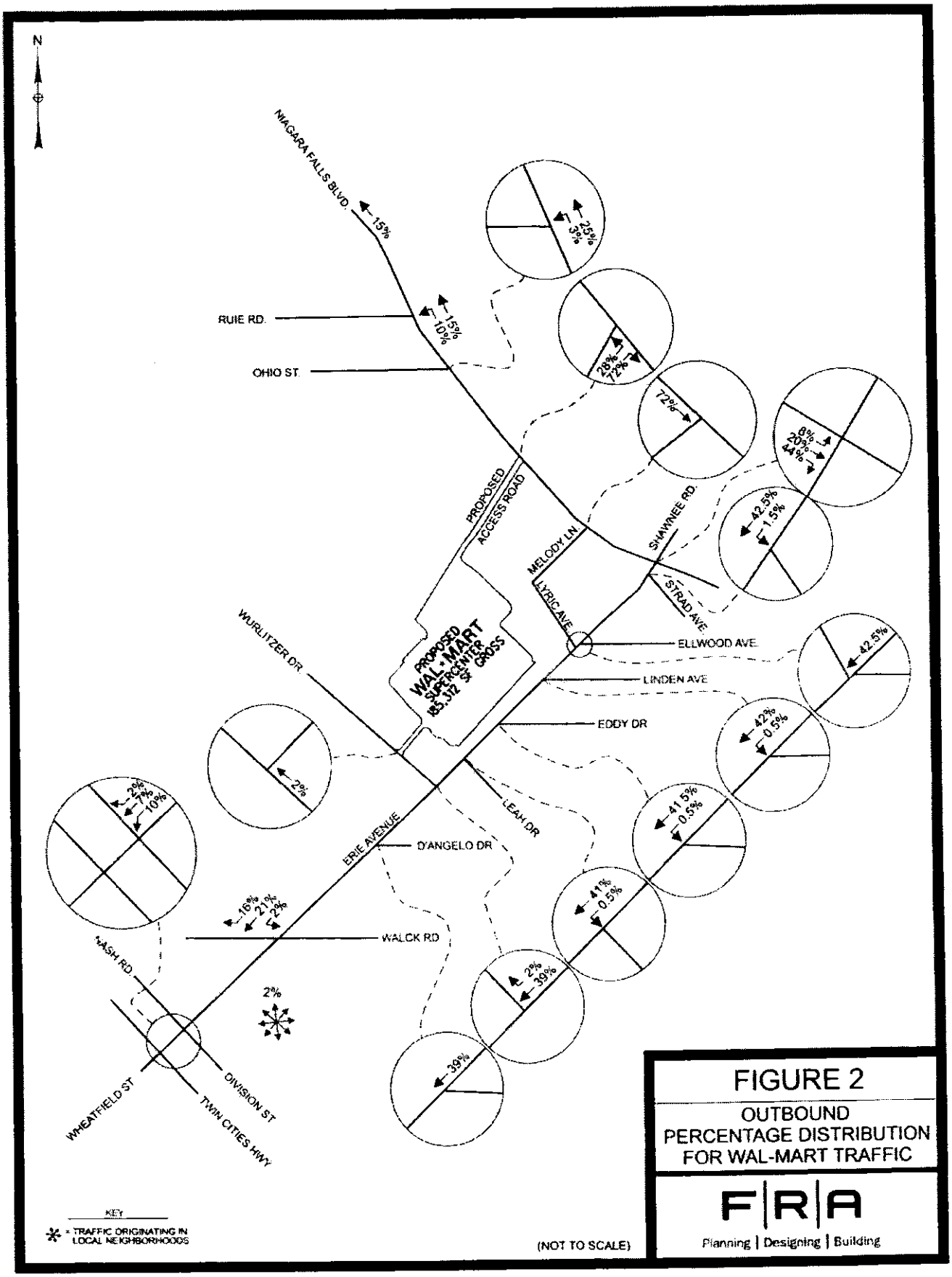
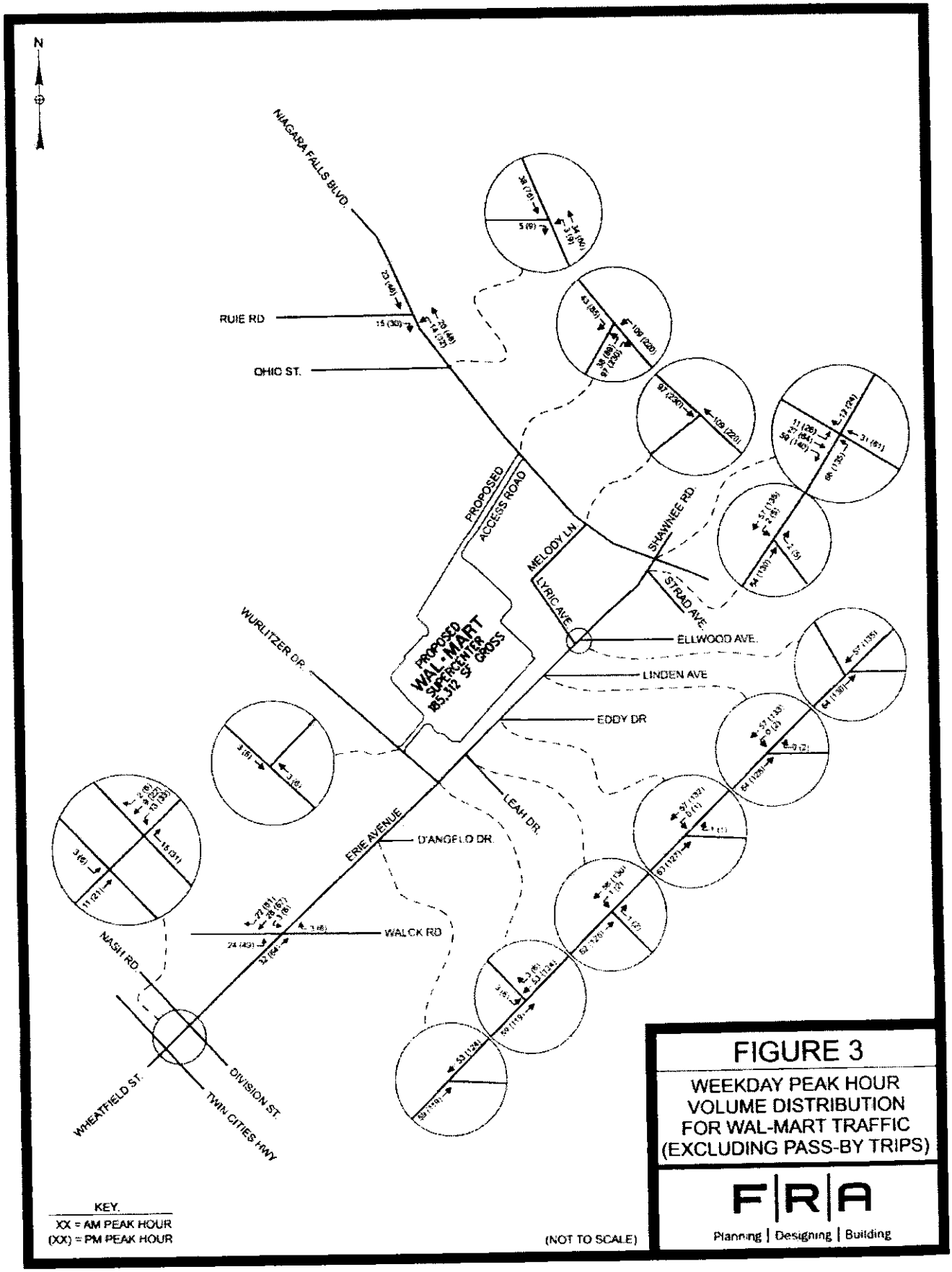


FIGURE 2

OUTBOUND PERCENTAGE DISTRIBUTION FOR WAL-MART TRAFFIC

F|R|A

Planning | Designing | Building


N
NIAGARA FALLS BLVD.
RUIE RD
OHIO ST.
PROPOSED ACCESS ROAD
MELODY LN
LYRIC AVE.
SHAWNEE RD.
STRAD AVE.
ELLWOOD AVE.
LINDEN AVE
EDDY DR
LEAH DR.
D'ANGELO DR.
ERIE AVENUE
WURLITZER DR.
PROPOSED WAL-MART SUPERCENTER 185,312 SF GROSS
WALCK RD
NASH RD
WHEATFIELD ST.
DIVISION ST.
TWIN CITIES HWY
KEY.
XX = AM PEAK HOUR
(XX) = PM PEAK HOUR
(NOT TO SCALE)
FIGURE 3
WEEKDAY PEAK HOUR VOLUME DISTRIBUTION FOR WAL-MART TRAFFIC (EXCLUDING PASS-BY TRIPS)
F|R|A
Planning | Designing | Building

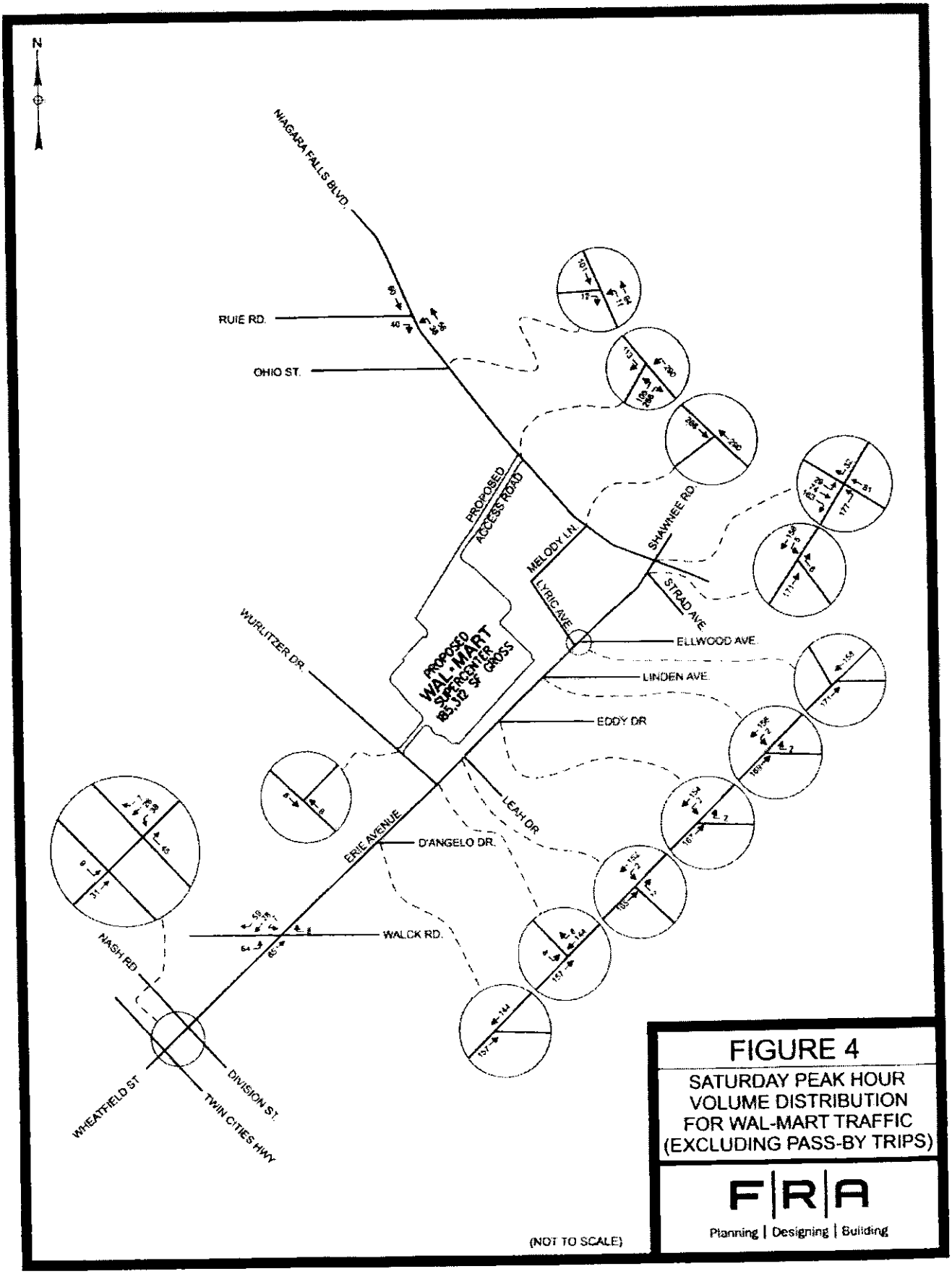
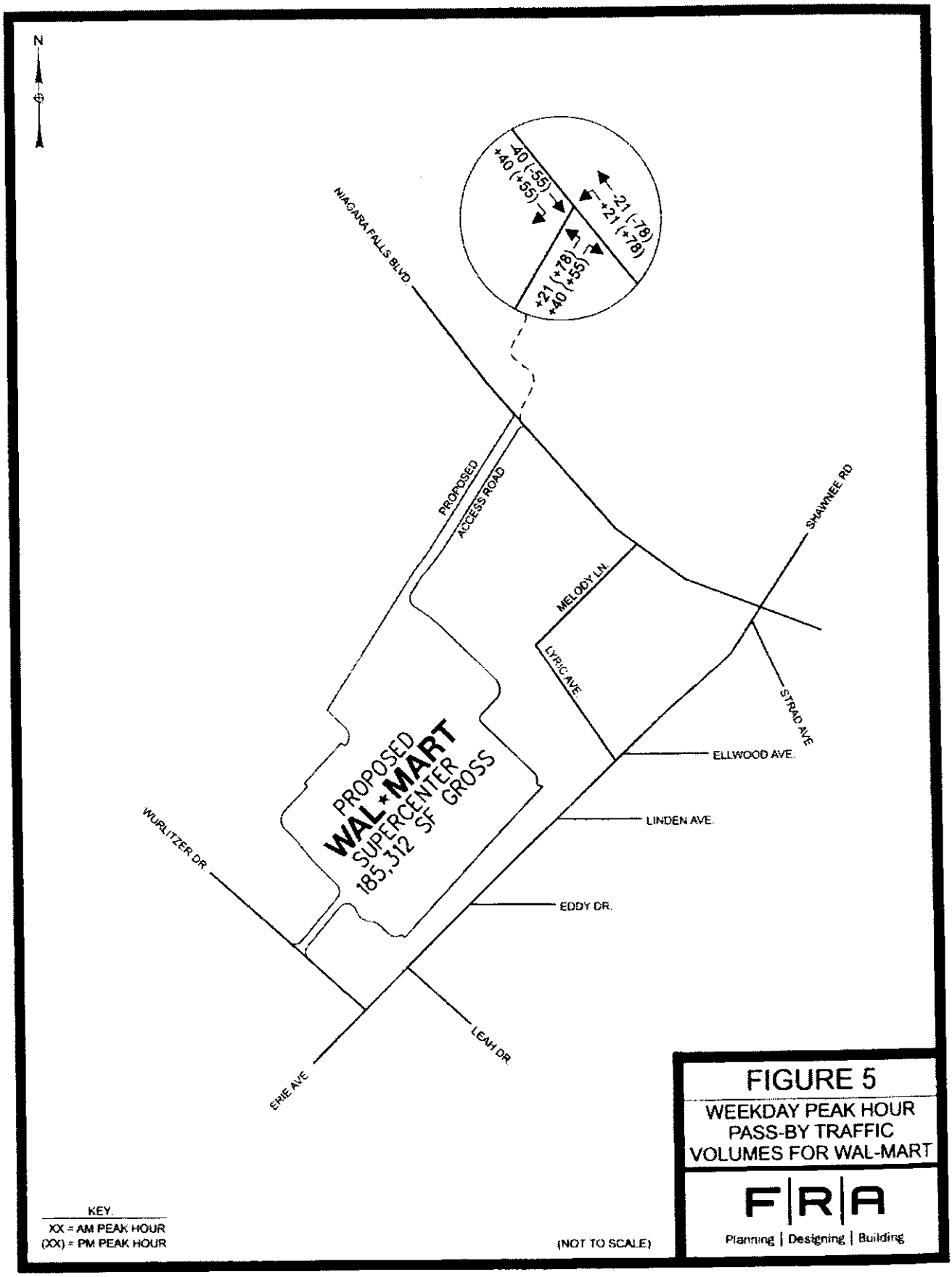


FIGURE 4

SATURDAY PEAK HOUR VOLUME DISTRIBUTION FOR WAL-MART TRAFFIC (EXCLUDING PASS-BY TRIPS)

F|R|A

Planning | Designing | Building


N
40 (-55)
+40 (+55)
21 (-78)
+21 (+78)
+21 (+78)
+40 (+55)
NIAGARA FALLS BLVD
PROPOSED ACCESS ROAD
SHAWNEE RD
MELODY LN.
LYRIC AVE.
STRAD AVE
ELLWOOD AVE.
LINDEN AVE.
EDDY DR.
WURLITZER DR
LEAH DR
ERIE AVE
PROPOSED WAL*MART SUPERCENTER 185,312 SF GROSS
KEY:
XX = AM PEAK HOUR
(XX) = PM PEAK HOUR
(NOT TO SCALE)
FIGURE 5
WEEKDAY PEAK HOUR PASS-BY TRAFFIC VOLUMES FOR WAL-MART
F|R|A
Planning | Designing | Building

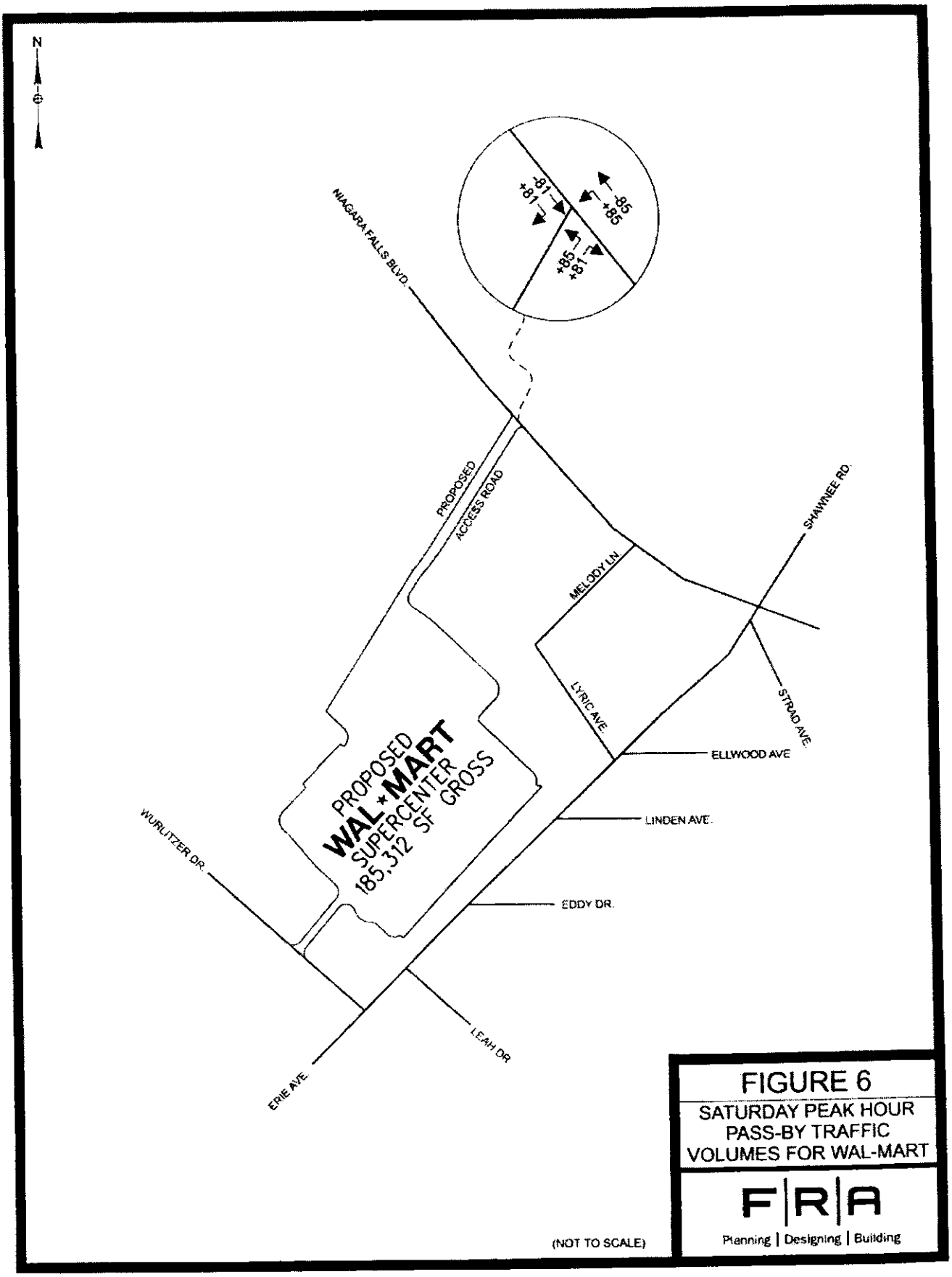
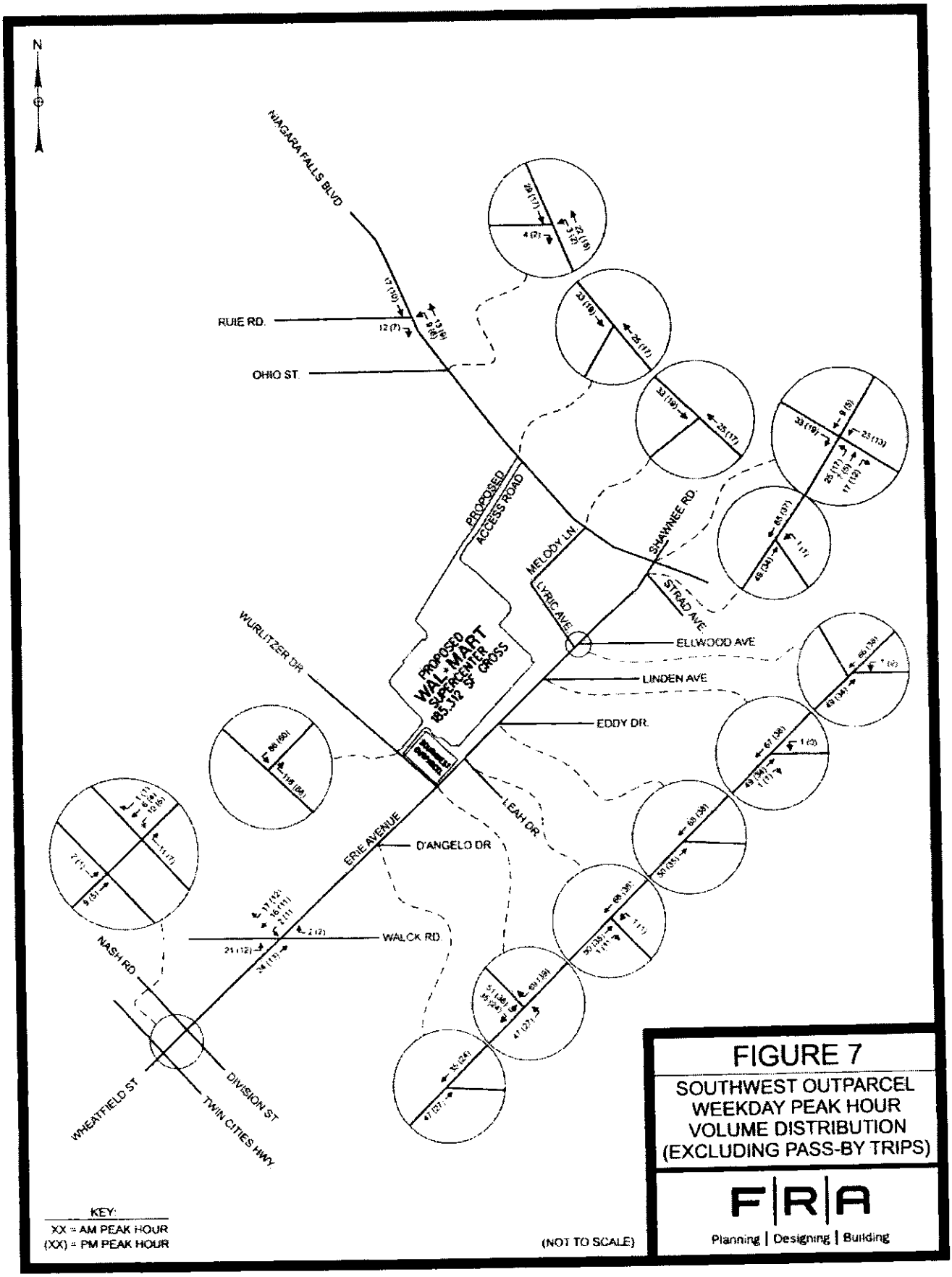


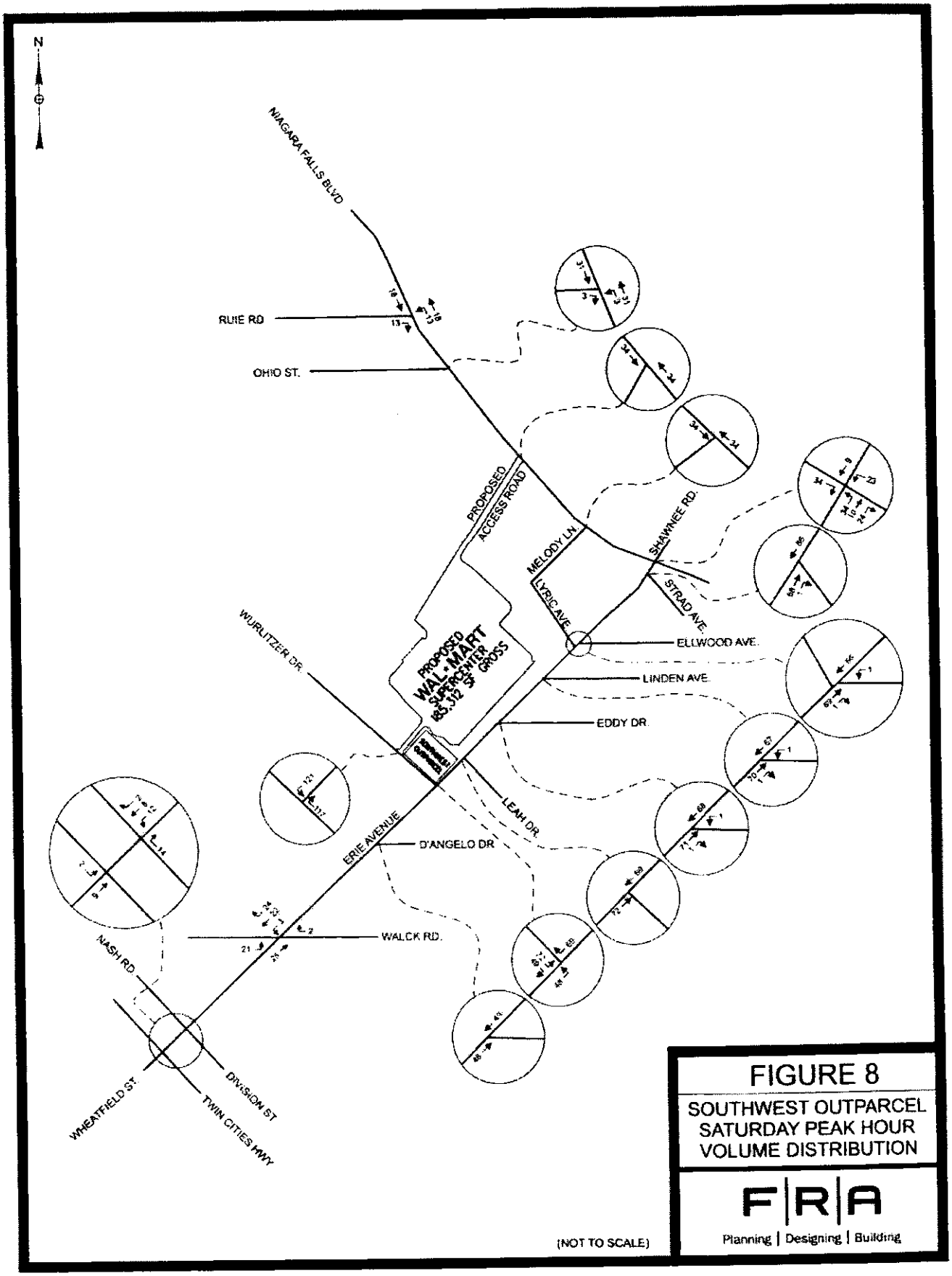
FIGURE 6

SATURDAY PEAK HOUR
PASS-BY TRAFFIC
VOLUMES FOR WAL-MART

F|R|A

Planning | Designing | Building


N
NIAGARA FALLS BLVD
RUIE RD.
OHIO ST.
PROPOSED ACCESS ROAD
MELODY LN.
LYRIC AVE.
SHAWNEE RD.
STRAD AVE.
WURLITZER DR.
PROPOSED WAL-MART SUPERCENTER 185,312 SF GROSS
ELLWOOD AVE
LINDEN AVE
EDDY DR.
LEAH DR.
ERIE AVENUE
D'ANGELO DR
WALCK RD.
NASH RD.
WHEATFIELD ST
DIVISION ST
TWIN CITIES HWY
KEY:
XX = AM PEAK HOUR
(XX) = PM PEAK HOUR
(NOT TO SCALE)
FIGURE 7
SOUTHWEST OUTPARCEL
WEEKDAY PEAK HOUR
VOLUME DISTRIBUTION
(EXCLUDING PASS-BY TRIPS)
F|R|A
Planning | Designing | Building


N
NIAGARA FALLS BLVD
RUIE RD
OHIO ST.
PROPOSED ACCESS ROAD
MELODY LN.
SHAWNEE RD.
LYRIC AVE.
STRAD AVE.
ELLWOOD AVE.
LINDEN AVE.
EDDY DR.
LEAH DR.
WURLITZER DR.
PROPOSED WAL*MART SUPERCENTER 185,312 SF GROSS
ERIE AVENUE
D'ANGELO DR.
WALCK RD.
NASH RD.
WHEATFIELD ST.
DIVISION ST.
TWIN CITIES HWY.
(NOT TO SCALE)
FIGURE 8
SOUTHWEST OUTPARCEL
SATURDAY PEAK HOUR
VOLUME DISTRIBUTION
F|R|A
Planning | Designing | Building

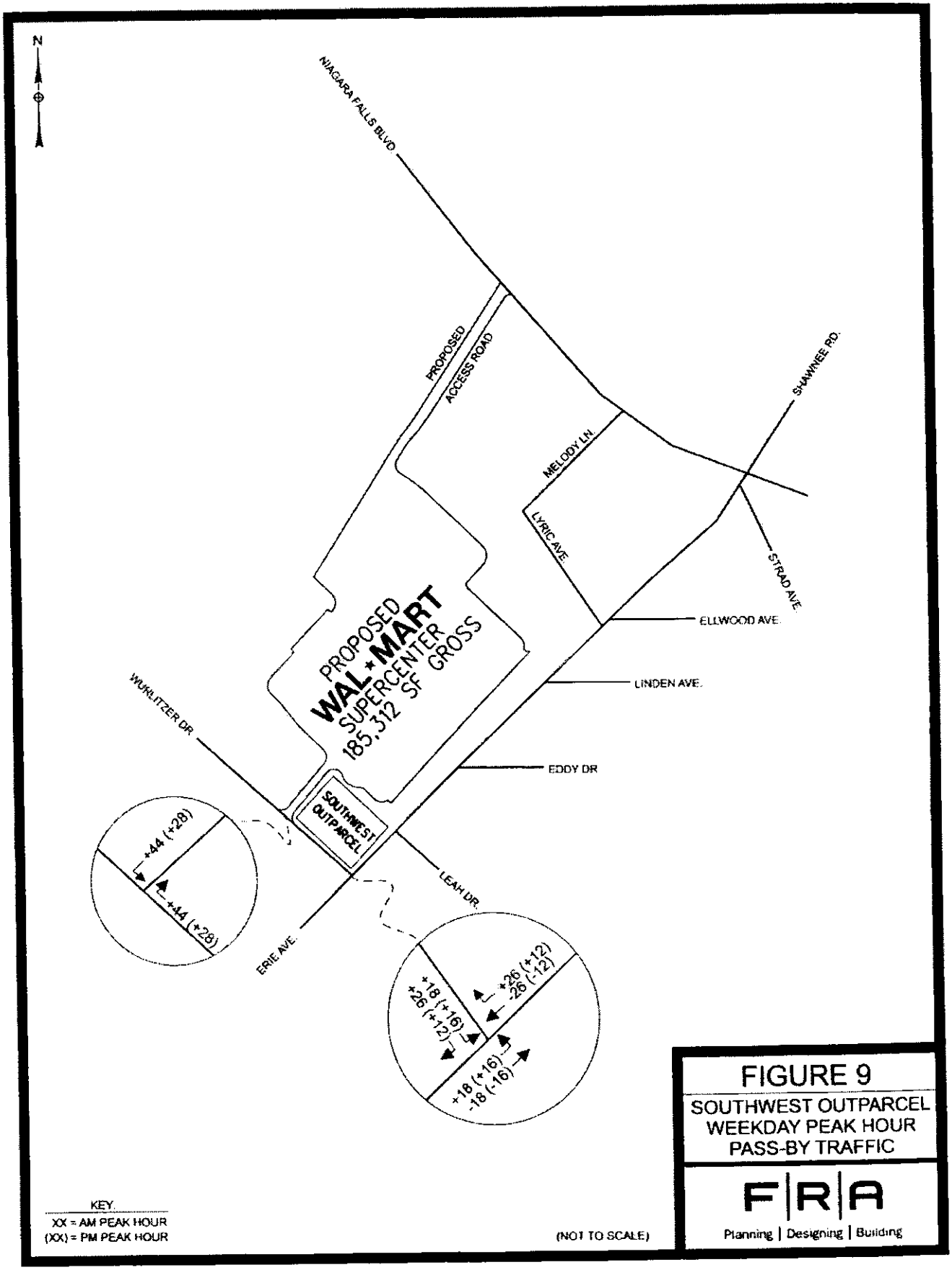


FIGURE 9

SOUTHWEST OUTPARCEL
WEEKDAY PEAK HOUR
PASS-BY TRAFFIC

F|R|A
Planning | Designing | Building

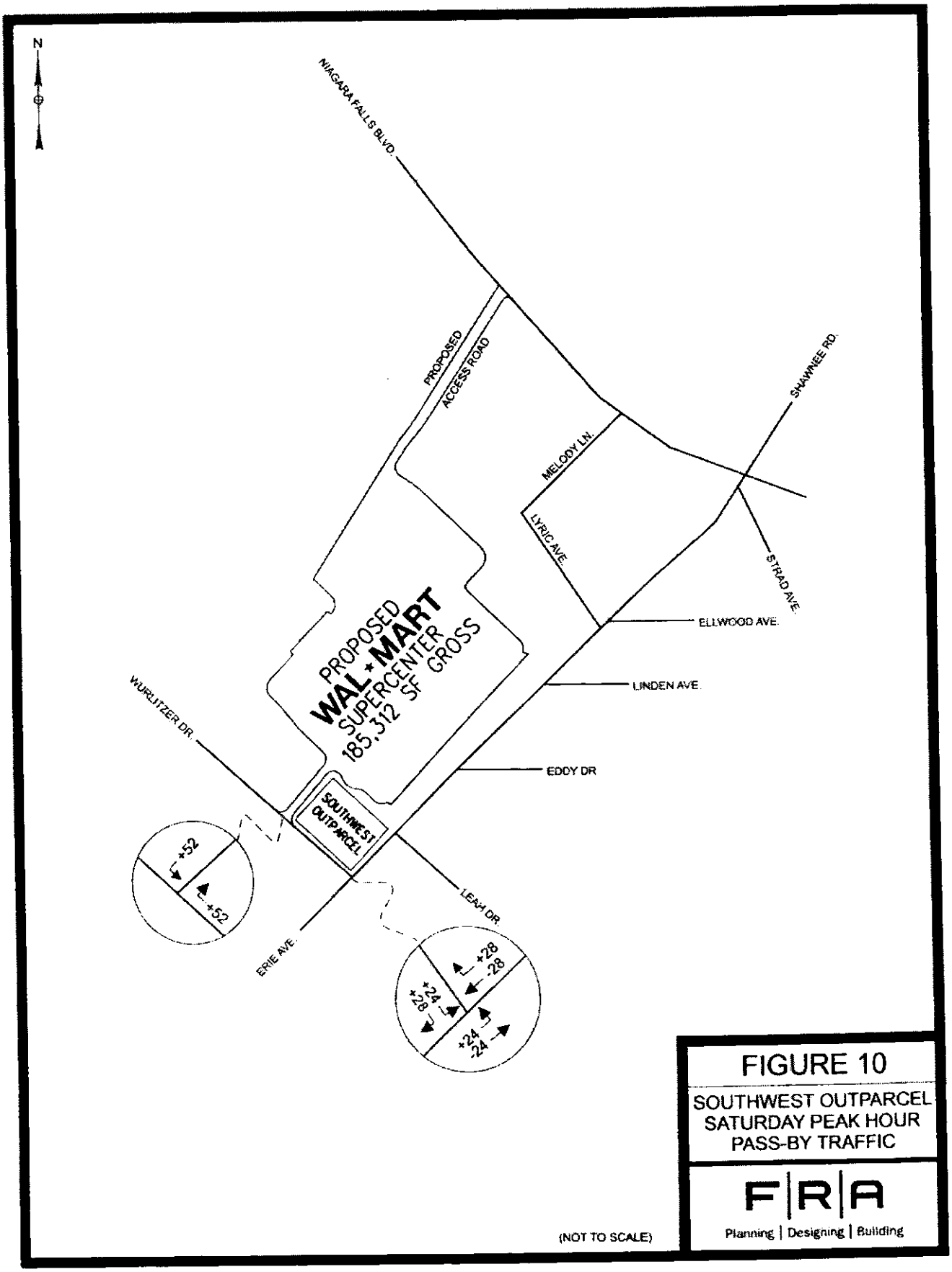


FIGURE 10

SOUTHWEST OUTPARCEL
SATURDAY PEAK HOUR
PASS-BY TRAFFIC

F|R|A
Planning | Designing | Building

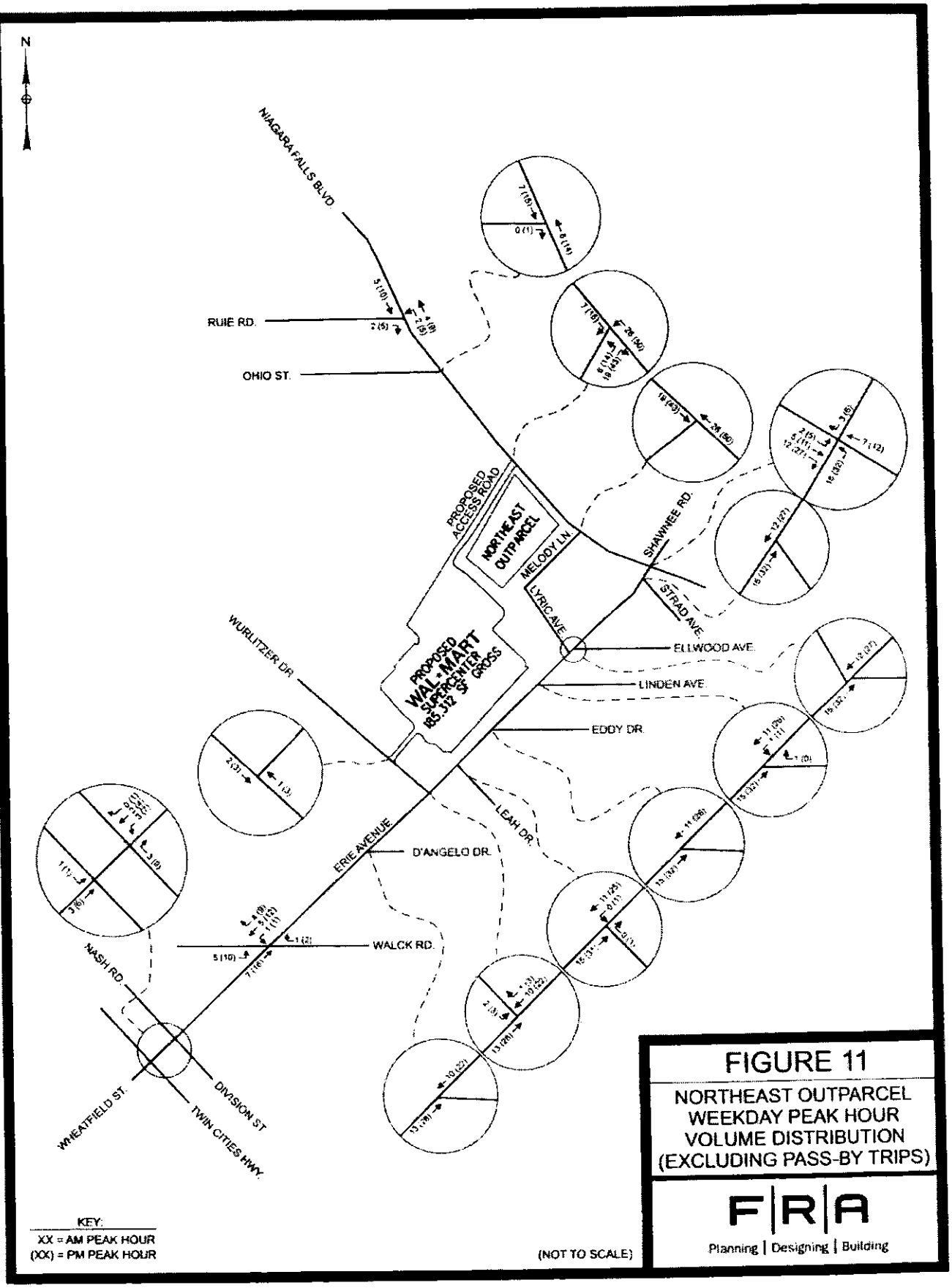


FIGURE 11

NORTHEAST OUTPARCEL WEEKDAY PEAK HOUR VOLUME DISTRIBUTION (EXCLUDING PASS-BY TRIPS)

F|R|A

Planning | Designing | Building

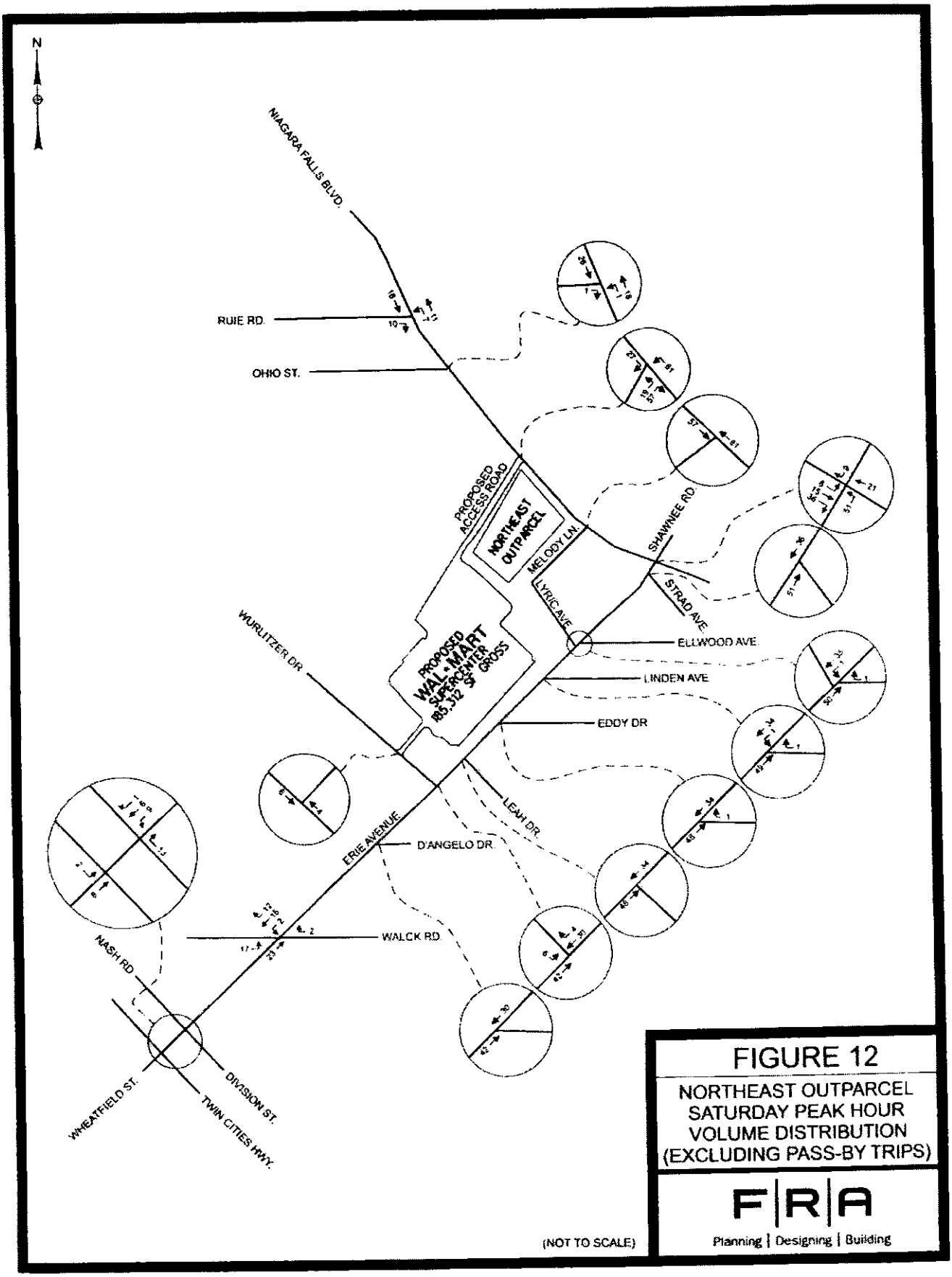
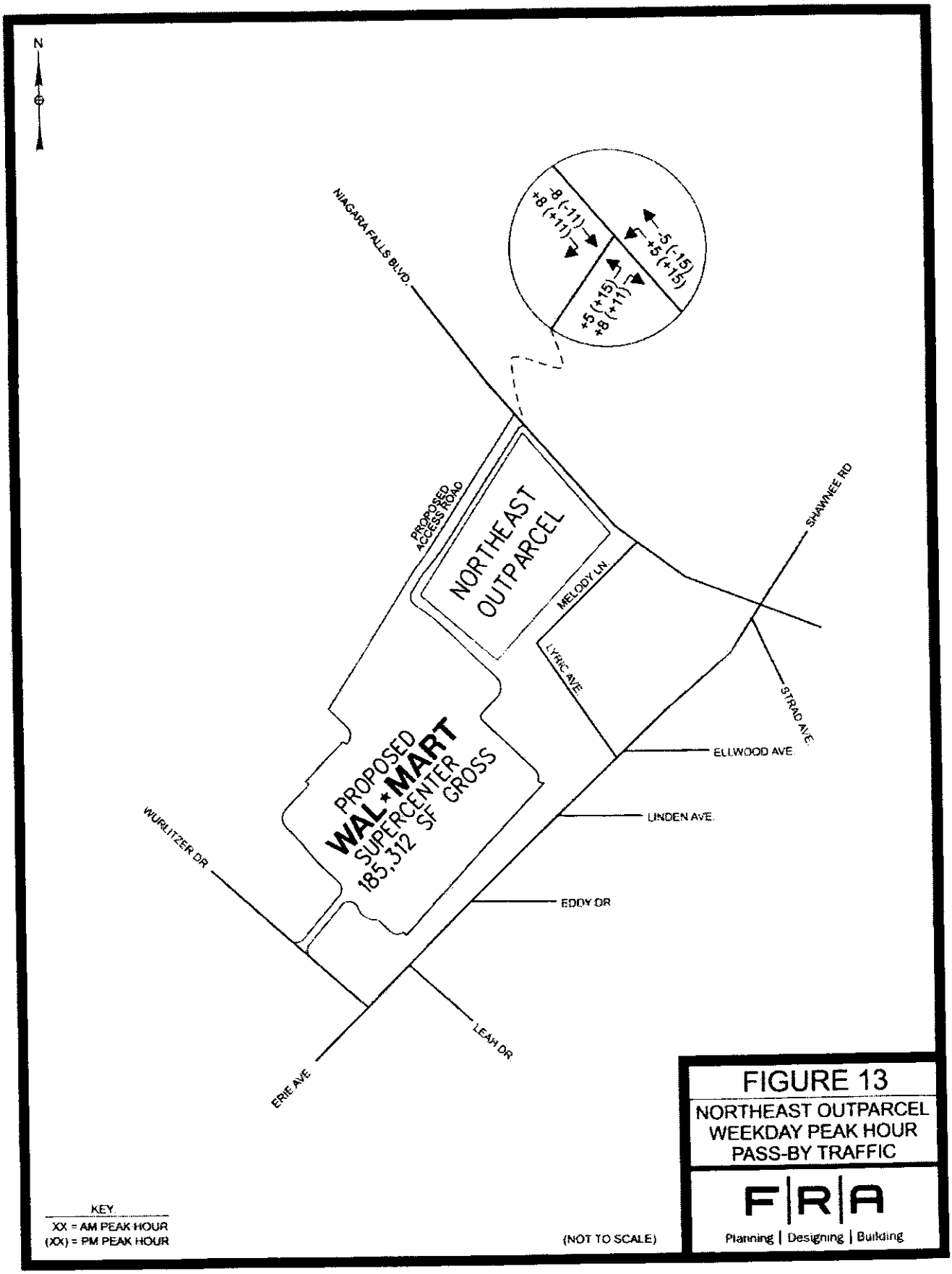


FIGURE 12

NORTHEAST OUTPARCEL
SATURDAY PEAK HOUR
VOLUME DISTRIBUTION
(EXCLUDING PASS-BY TRIPS)

F|R|A

Planning | Designing | Building


N
NIAGARA FALLS BLVD.
-8 (-11)
+8 (+11)
-5 (-15)
+5 (+15)
+5 (+15)
+8 (+11)
PROPOSED ACCESS ROAD
NORTHEAST OUTPARCEL
MELODY LN.
LYRIC AVE.
SHAWNEE RD
STRAD AVE.
ELLWOOD AVE.
UNDEN AVE.
PROPOSED WAL*MART SUPERCENTER 185,312 SF GROSS
WURLITZER DR
EDDY DR
LEAH DR
ERIE AVE.
KEY
XX = AM PEAK HOUR
(XX) = PM PEAK HOUR
(NOT TO SCALE)
FIGURE 13
NORTHEAST OUTPARCEL
WEEKDAY PEAK HOUR
PASS-BY TRAFFIC
F|R|A
Planning | Designing | Building

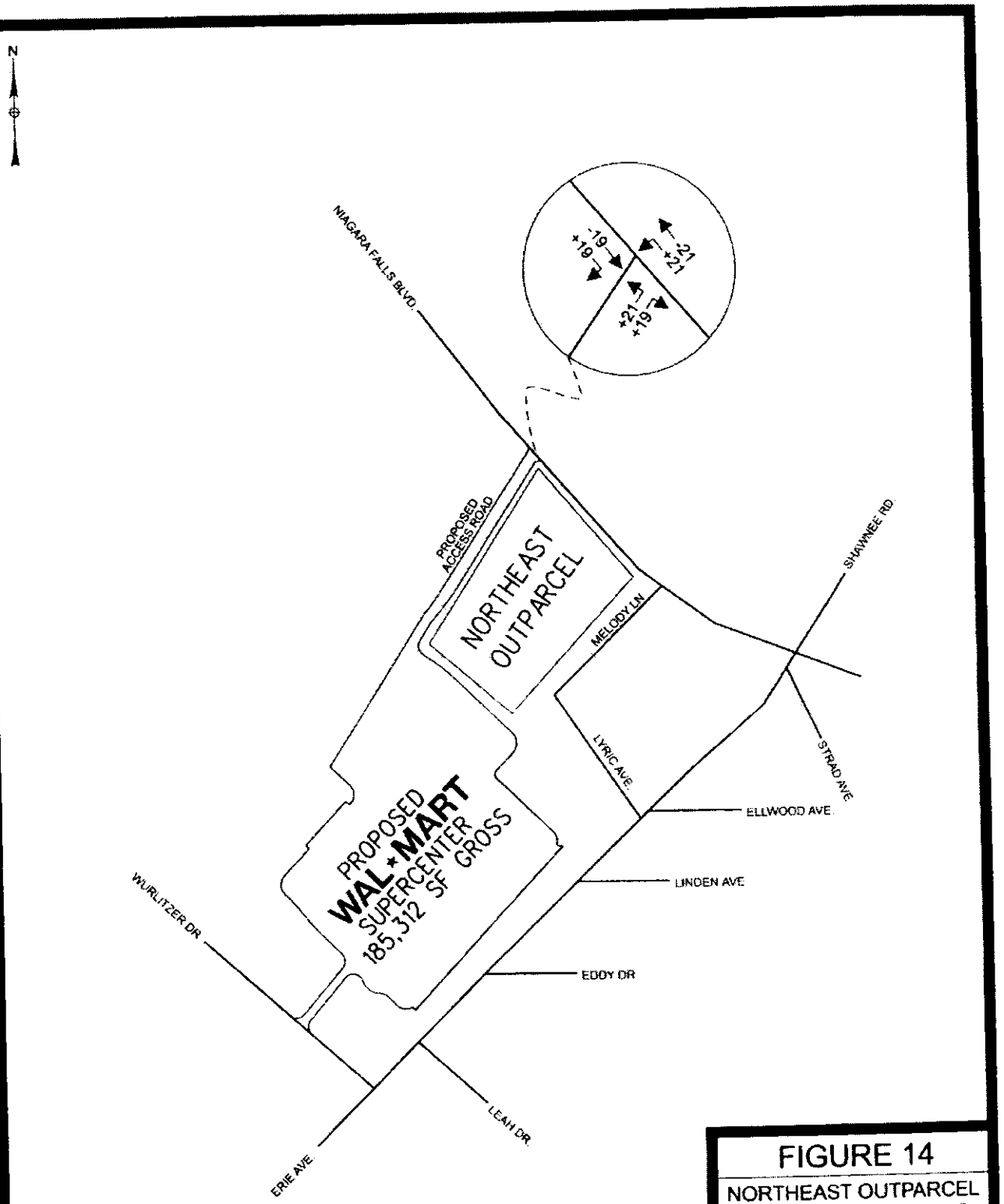
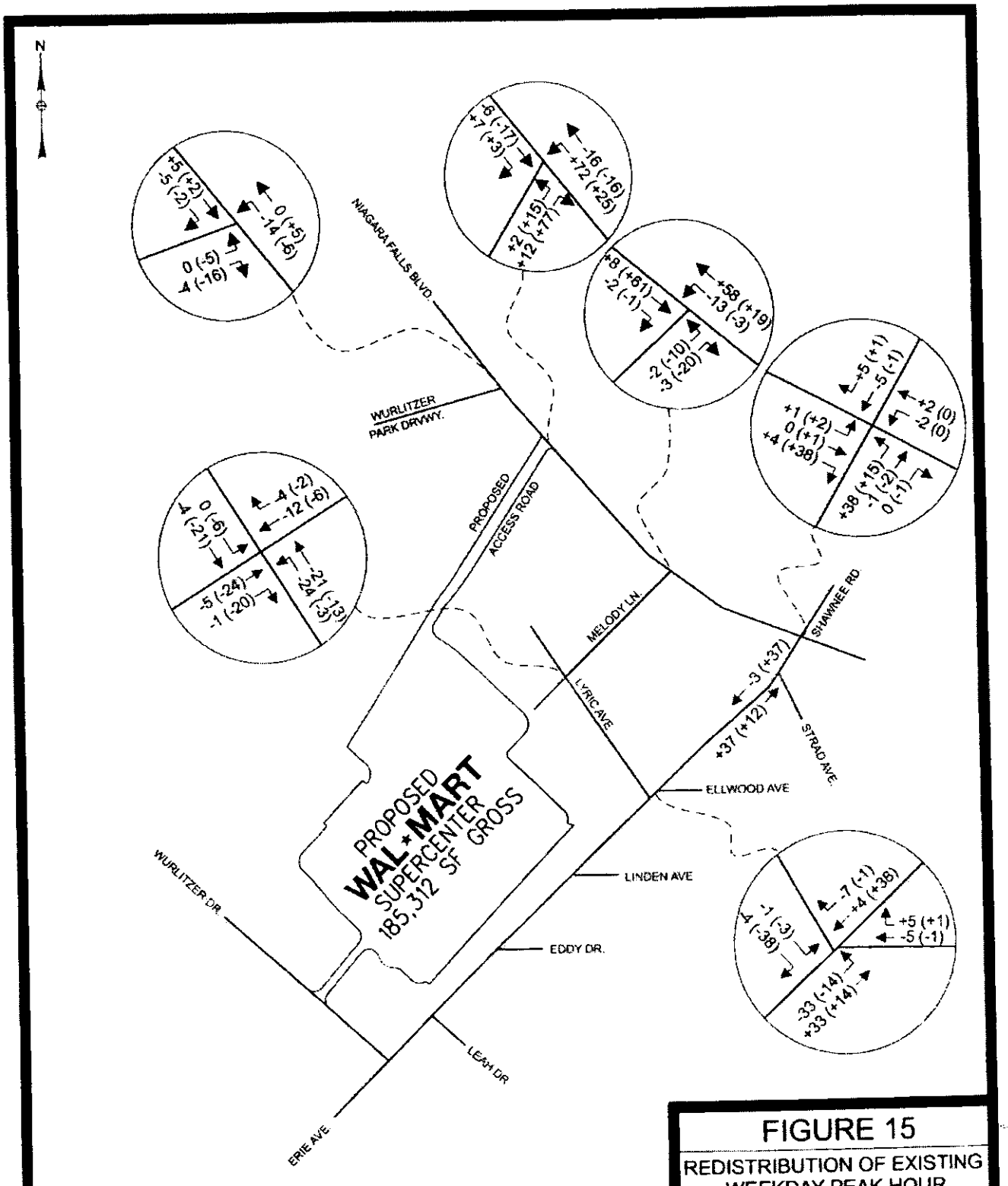


FIGURE 14

NORTHEAST OUTPARCEL
SATURDAY PEAK HOUR
PASS-BY TRAFFIC

F|R|A
Planning | Designing | Building



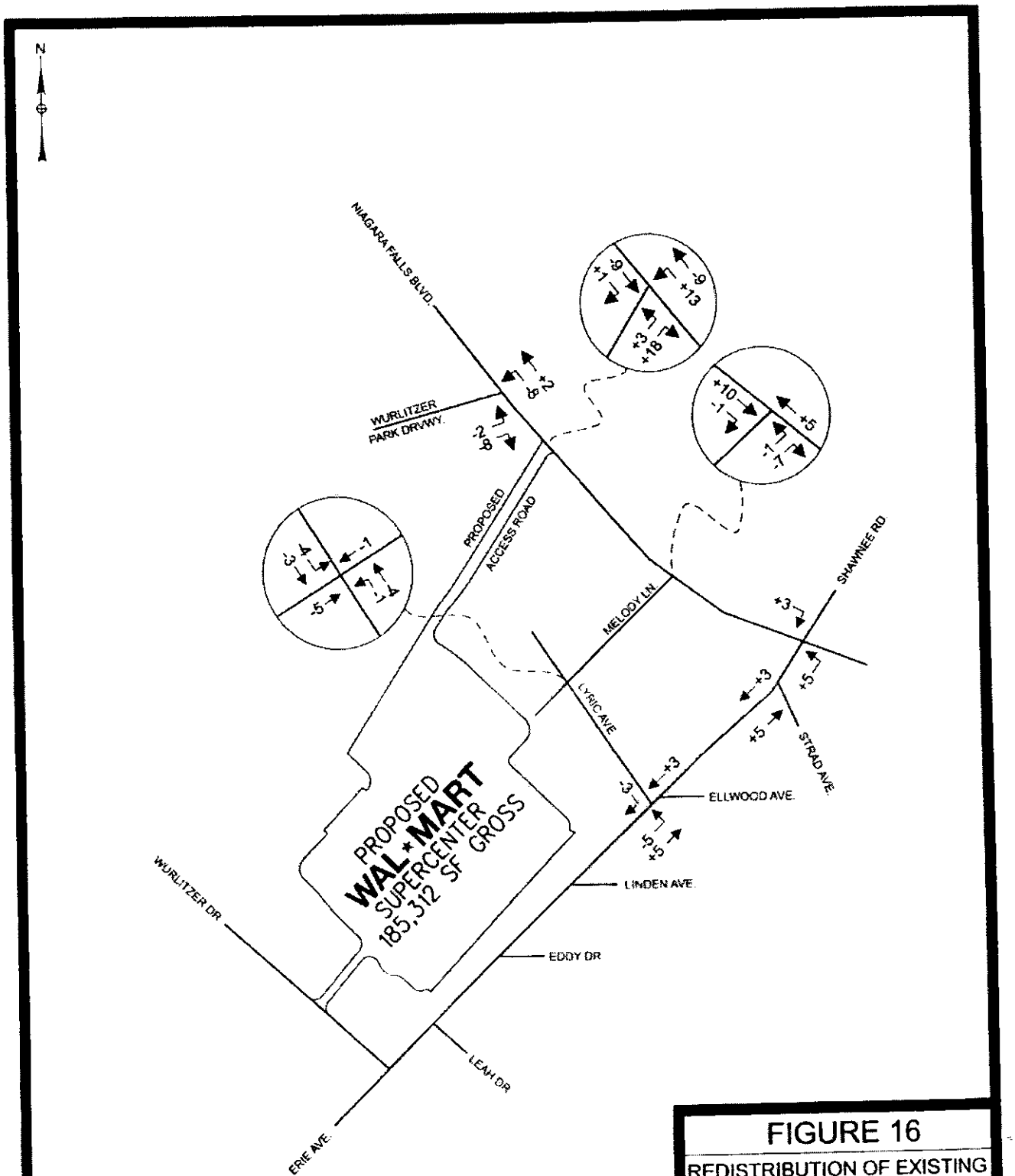
KEY.
XX = AM PEAK HOUR
(XX) = PM PEAK HOUR

(NOT TO SCALE)

FIGURE 15

REDISTRIBUTION OF EXISTING WEEKDAY PEAK HOUR WURLITZER PARK TRAFFIC

F|R|A
Planning | Designing | Building



(NOT TO SCALE)

FIGURE 16

REDISTRIBUTION OF EXISTING SATURDAY PEAK HOUR WURLITZER PARK TRAFFIC

F|R|A

Planning | Designing | Building

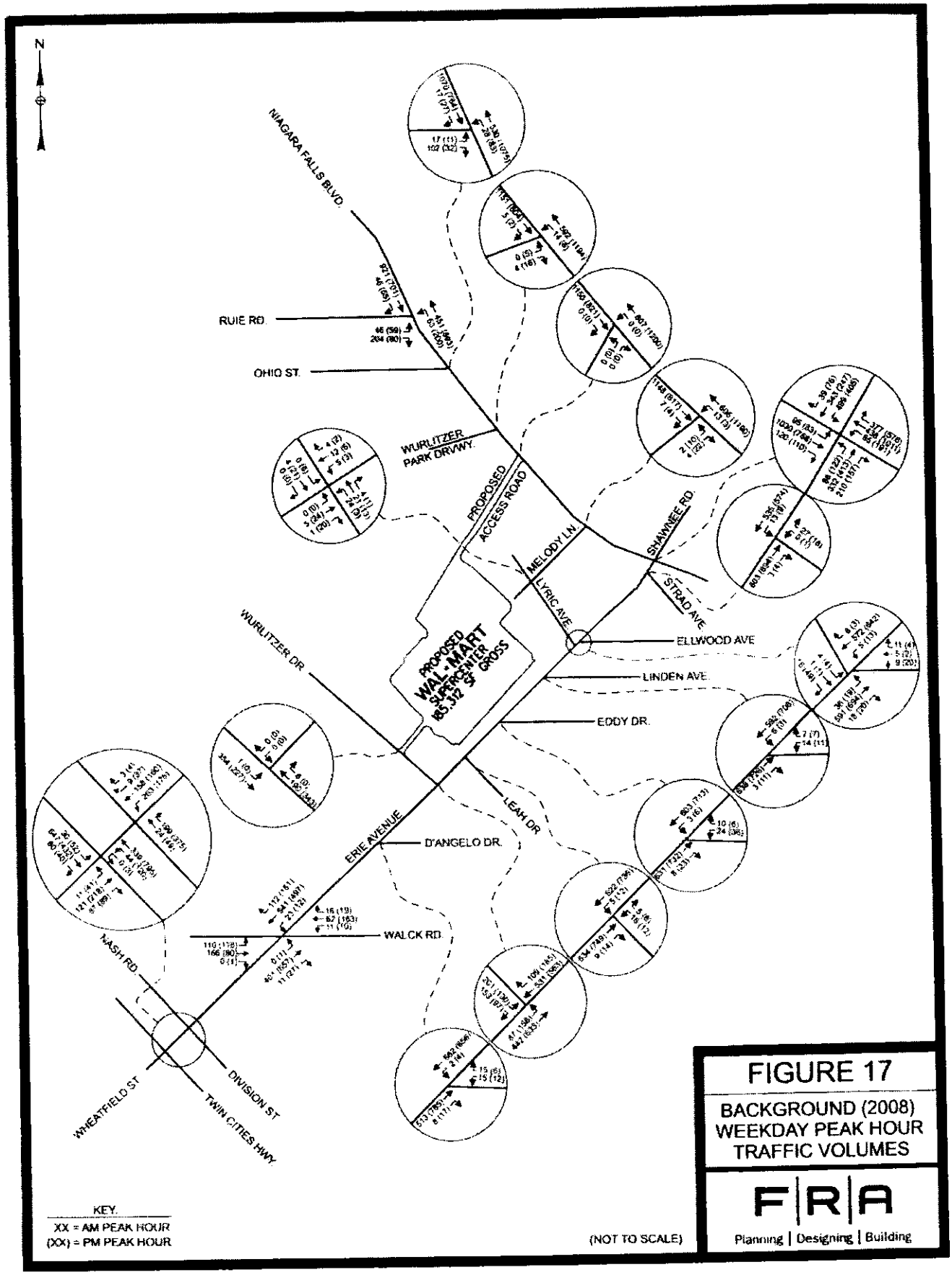


FIGURE 17

BACKGROUND (2008) WEEKDAY PEAK HOUR TRAFFIC VOLUMES

F|R|A

Planning | Designing | Building

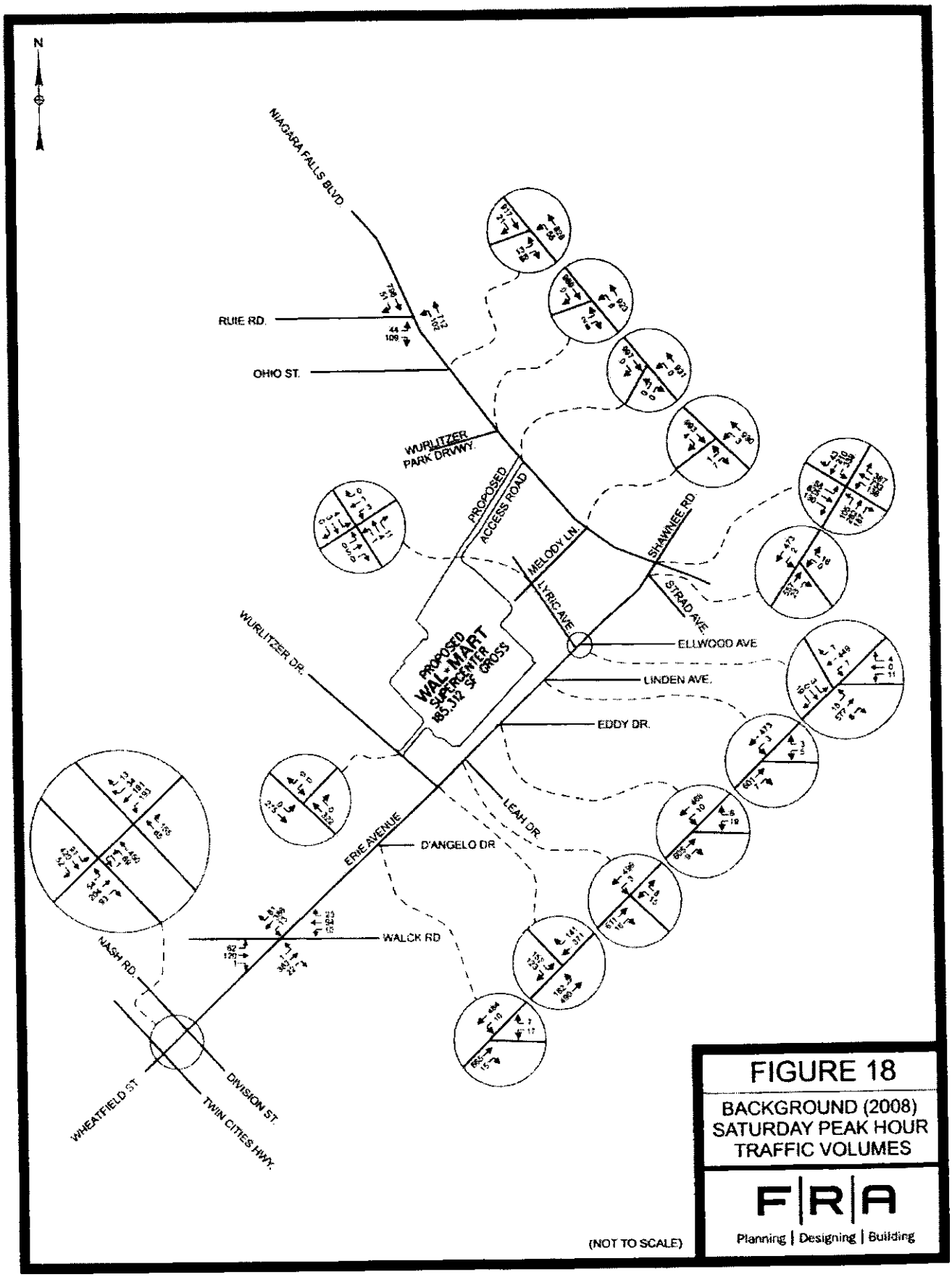
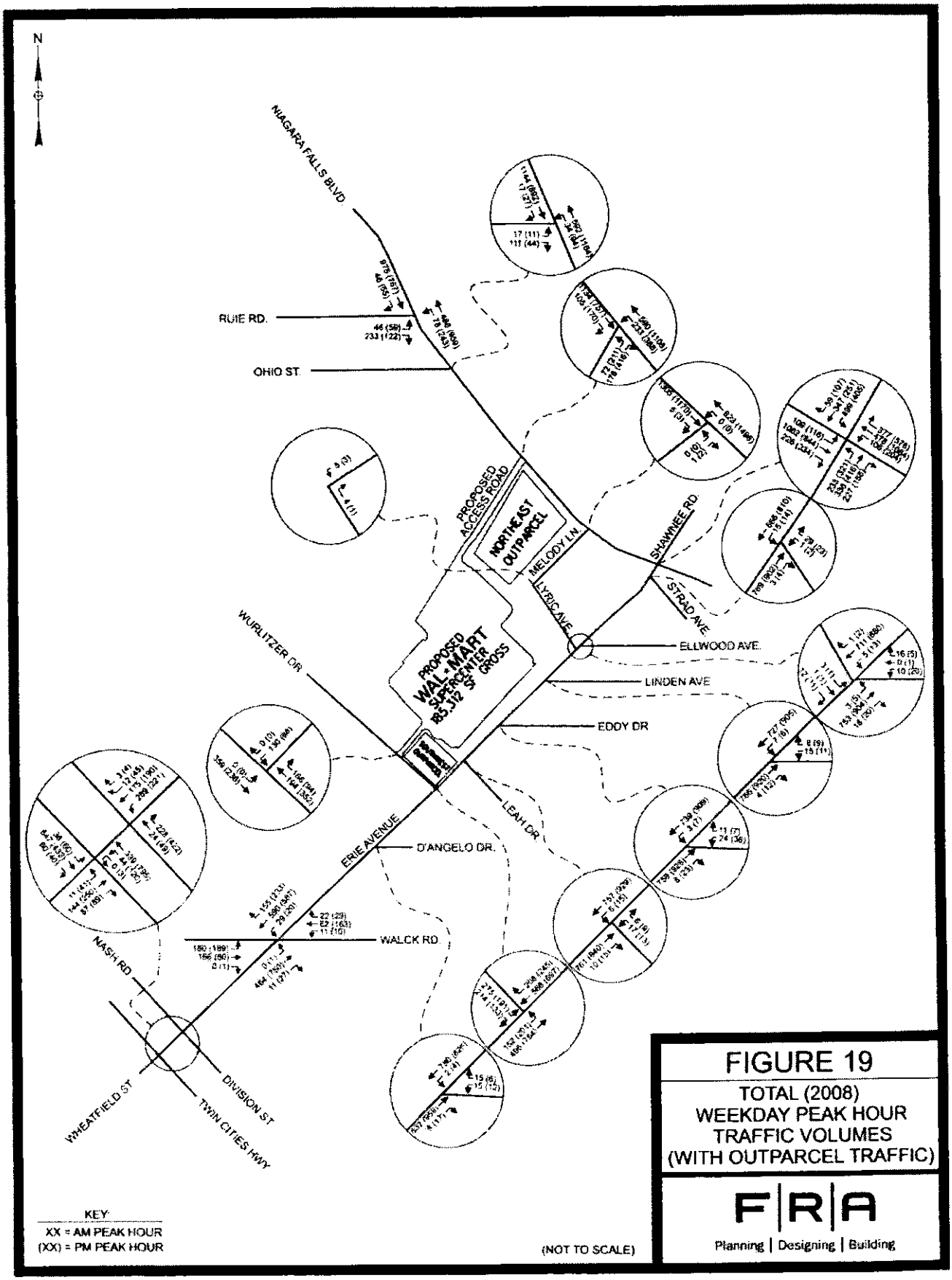


FIGURE 18

BACKGROUND (2008) SATURDAY PEAK HOUR TRAFFIC VOLUMES

F|R|A

Planning | Designing | Building


N
NIAGARA FALLS BLVD.
RUIE RD.
OHIO ST.
PROPOSED ACCESS ROAD
NORTHEAST OUTPARCEL
MELODY LN.
LYRIC AVE.
SHAWNEE RD.
STRAD AVE.
ELLWOOD AVE.
LINDEN AVE.
EDDY DR.
WURLITZER DR.
PROPOSED WAL*MART SUPERCENTER 185,312 SF GROSS
LEAH DR.
ERIE AVENUE
D'ANGELO DR.
WALCK RD.
NASH RD.
WHEATFIELD ST.
DIVISION ST.
TWIN CITIES HWY.
KEY:
XX = AM PEAK HOUR
(XX) = PM PEAK HOUR
(NOT TO SCALE)
FIGURE 19
TOTAL (2008)
WEEKDAY PEAK HOUR
TRAFFIC VOLUMES
(WITH OUTPARCEL TRAFFIC)
F|R|A
Planning | Designing | Building

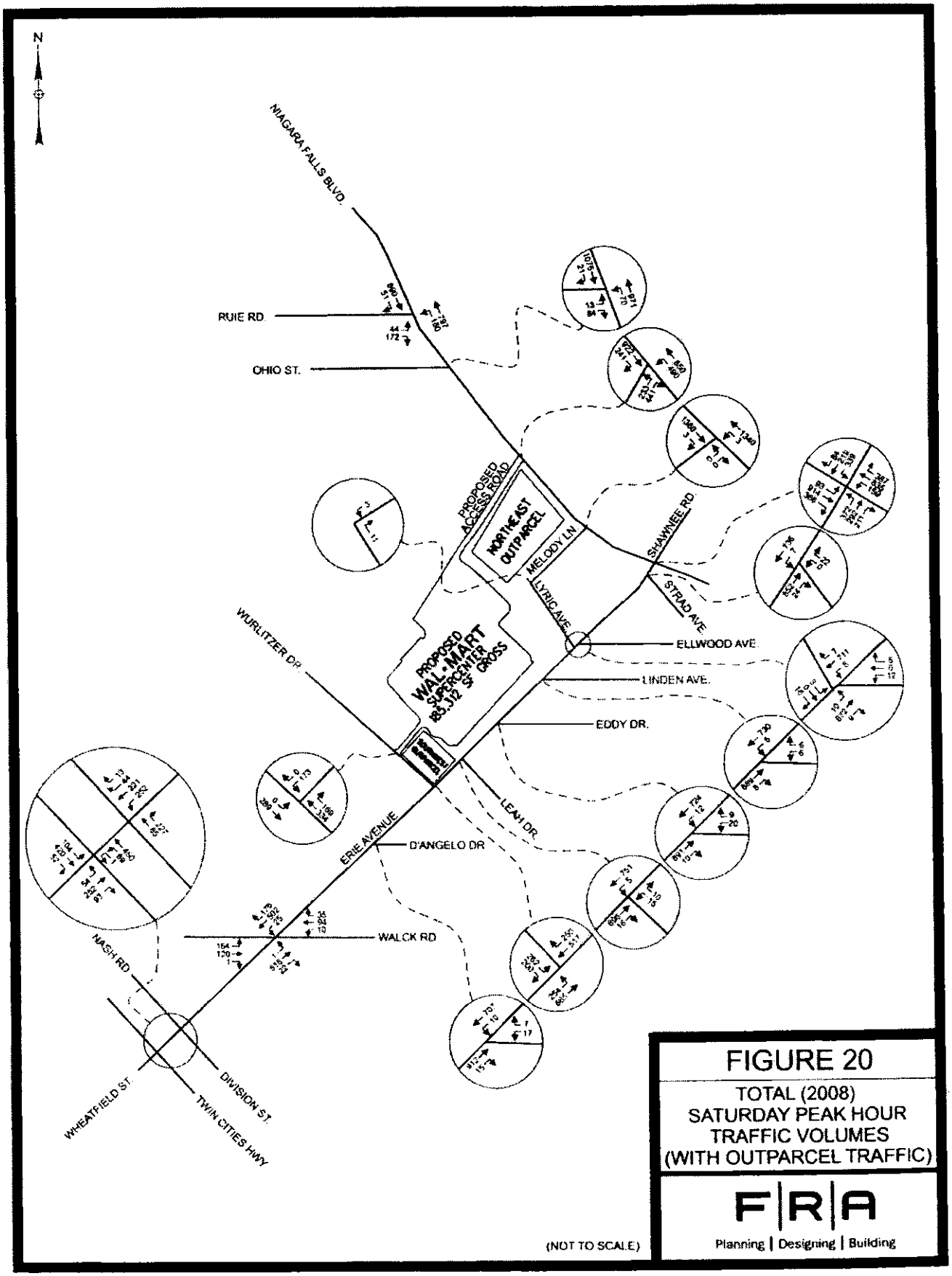


FIGURE 20

TOTAL (2008)
SATURDAY PEAK HOUR
TRAFFIC VOLUMES
(WITH OUTPARCEL TRAFFIC)

F|R|A

Planning | Designing | Building

MEMORANDUM

TO: North Tonawanda City Planning Commission
c/o Tom Jaccarino, City Clerk

FROM: Tim Gawenus, FRA Engineering

CC: Dale Marshall, PE, City Engineer
Heather Langdon, NYSDOT Region 5
Fred Frank, Wendel Duchscherer
Marc Romanowski, Harter, Secrest & Emery
Yelann Yu, Bergmann Associates
File

RE: Proposed Wal-mart Supercenter
866 Niagara Falls Boulevard
City of North Tonawanda, New York

Supplemental Traffic Analysis #3 for Proposed Wal-Mart Project

DATE: February 4, 2008

This supplemental traffic analysis has been prepared by FRA Engineering to address comments received by the City of North Tonawanda and NYSDOT Region 5. This memorandum is intended to become part of the Final Environmental Impact Statement for the Project. This document will resend to the comments provided by the involved agencies and follow with a conclusion section.

NYSDOT REGION 5 LETTER DATED JANUARY 9, 2008

The NYSDOT sent a letter to the City of North Tonawanda on the above noted date. Responses to their comments are addressed below:

Traffic Impact Study included in the Draft Environmental Impact Statement

- *Comment: The table included in the study summarizing the capacity analysis for the intersection of Niagara Falls Blvd and Ruie Road shows some movements will have a drop in Level of Service (LOS). The study states that "reductions could theoretically be mitigated by adding a green left turn arrow" but that it is not warranted based on project left turn volumes. This alternative should be analyzed along with any other improvements that may eliminate the LOS drops at this intersection*
- **Response:** FRA investigated the alternative of providing an advance green left turn arrow for northbound lefts to Ruie. The finding in terms of total delay and LOS are summarized in the table below:

Niagara Falls Boulevard at Rule Road (advance green arrow)

Approach	Total Traffic with NBL Turn Arrow		
	AM Peak	PM Peak	SAT Peak
Ruie Road			
Eastbound			
Left + Right Turns	C (33)	C (28)	C (31)
Niagara Falls Boulevard			
Northbound			
Left Turns	A (9)	B (11)	A (9)
Throughs	A (7)	A (7)	A (6)
Southbound			
Through + Right Turns	B (14)	B (17)	B (14)
Intersection Overall	B (15)	B (13)	B (13)

This can be compared to the analysis completed for the DEIS Traffic Study in July of 2007 as attached below:

Niagara Falls Boulevard at Rule Road (original proposal)

Approach	Total Traffic with NBL Turn Arrow		
	AM Peak	PM Peak	SAT Peak
Ruie Road			
Eastbound			
Left + Right Turns	D (48)	C (35)	C (34)
Niagara Falls Boulevard			
Northbound			
Left Turns	B (11)	c (27)	C (24)
Throughs	A (4)	A (4)	A (5)
Southbound			
Through + Right Turns	B (10)	B (12)	B (11)
Intersection Overall	B (15)	B (12)	B (12)

As shown above, the overall operations are better without the advance left turn phase included. This is primarily because the volumes using the left turn lane are very small compared to the volumes using Niagara Falls Blvd. As such, it is recommended that the current signal phasing remain in place.

Comment: We were advised that CSX will not allow a crossing necessary for Wal-mart to have access on Erie Ave. Without the Erie Avenue access, projected traffic at intersections along Niagara Falls Boulevard will change except at Ruie Ave. Therefore, conclusions of the study in the DEIS are not valid for the affected intersections.

Response: FRA has completed additional studies and addendums subsequent to the August DEIS traffic 2007 study. This Addendum provides additional analysis and supporting figures for NYSDOT review and concurrence. Complete LOS Tables are included Appendix B of this Study.

Supplemental Traffic analysis for proposed Wal-mart project (No CSX/Erie Ave entrance driveway)

Comment: At the intersection of Niagara Falls Blvd and the proposed access road, we concur with the recommendation in the study to install a traffic signal, converting the two-way center turn lane on Niagara Falls Boulevard into an exclusive northbound left turn lane and constructing an exclusive southbound right turn lane on Niagara Falls Boulevard.

Response: Duly noted.

Comment: This supplemental Traffic Analysis recommends coordinating the proposed signal on Niagara Falls Blvd at the Proposed Access Road with the existing signal at Ruie Road and at Erie Avenue/Shawnee Road. However, this supplemental did not include a LOS analysis or summary associated with the proposal to coordinate the signals.

Response: FRA has recommended the coordination of the proposed signal at the proposed access road with Niagara Falls Blvd. /Erie Ave. All the results presented to date have included this coordination. We recommend a hard wire coordination between the proposed driveway and Niagara Falls Boulevard /Shawnee Road.

We have subsequently have noted that the LOS for the Ruie/ Niagara Falls Blvd intersection is greater than ¼ mile and operates at an excellent LOS for the proposed conditions. As such, we recommend that this signal operate as a stand alone signal.

Comment: The supplemental states that there are LOS drops at the intersection of Niagara Falls Boulevard with Shawnee Road and Erie Avenue. It also states that Geometric improvements are not practical due to right of way constraints, close proximity of the CSX railroad and Sawyer Creek. While we agree that geometric improvements are not practical, the analysis does not explore other alternatives in an attempt to improve the LOS. For example, an option to consider is converting the through lane on Erie Avenue and /or Shawnee Road into a shared through left lane and split the signal phasing.

Response: FRA investigated the alternative of providing a through left for existing through lanes and a split signal phasing for the Shawnee /Erie Avenue approaches. The results of that analysis are provided below in a comparison table with the original analysis:

Niagara Falls Boulevard at Erie Avenue/Shawnee Road

Approach	Total Traffic Coordinated with Wal-Mart Driveway (existing phasing & lane config.)			Total Traffic Coordinated with Wal-Mart Driveway (split phasing & new lane config.)		
	AM Peak	PM Peak	SAT Peak	AM Peak	PM Peak	SAT Peak
Niagara Falls Boulevard						
Eastbound						
Left Turns	C (23)	F (132)	C (32)	C (25)	F (175)	C (34)
Throughs	C (89)	D (43)	D (37)	E (76)	C (32)	C (31)
Right Turns	B (14)	B (18)	A (8)	C (23)	C (23)	B (16)
Westbound						
Left Turns	F (104)	F (86)	E (60)	F (142)	E (65)	E (73)
Throughs	D (37)	E (69)	D (35)	C (32)	D (49)	C (35)
Right Turns	B (18)	C (21)	B (15)	D (54)	F (104)	D (40)
Erie Avenue						
Northbound						
Left Turns	C (26)	C (24)	C (28)	D (49)	D (45)	D (51)
Throughs	F (122)	F (102)	E (73)	F (164)	F (136)	F (89)
Right Turns	D (37)	C (21)	C (28)	D (40)	C (24)	C (30)
Shawnee Road						
Southbound						
Left Turns	F (132)	F (100)	E (68)	F (146)	F (156)	F (87)
Throughs	D (40)	C (34)	D (41)	F (156)	F (149)	F (85)
Right Turns	B (10)	A (6)	A (8)	B (20)	C (20)	B (15)
Intersection Overall	E (68)	E (57)	D (38)	F (86)	E (78)	D (46)

As can be clearly seen in the table above, the intersection LOS is worse with the split phasing alternative. As such, it is recommended that the current phasing be maintained. The existing phasing plan coupled with signal timing optimizations will maximize Level of Service and minimize delay at the intersection.

Comment: We identified some errors for values entered in the Synchro capacity model. The eastbound Niagara Falls Left turn storage length is 70' not the 125', the northbound Erie Avenue right turn storage lane length is 75' not 0' and the southbound Shawnee Road right turn lane storage length is 100 feet not 200'.

Response: The Eastbound Niagara Falls left turn storage length of 125' includes the defined 70' white storage lane delineation and 55' of storage length that is a transition area to the dual use left turn lane further to the west. This was confirmed with field observations of actual vehicles using this area for storage at the left turn bay.

The northbound Erie Avenue right turn lane storage length was revised to 75'.

The Southbound Shawnee Road right turn lane storage length was reinvestigated. The findings show that the white line storage lane delineation actual length in the field is 150'. This storage length was used in the latest analysis.

Supplemental Traffic Analysis for the proposed Wal-mart project, Niagara Falls entrance only access.

Comment: We concur with this supplemental statements that providing dual left turn lanes on Erie Avenue at Niagara Falls Blvd would improve the left turn lane delay and understand that it would not be practical to construct due to constraints at this intersection. However, without the dual left turn lanes, the analysis show excessive queue length during the Saturday peak hour that would be greater than 300 feet for vehicles turning left from Erie Avenue.

The Synchro analysis shows that the queue length for vehicles turning left from Niagara Falls Boulevard to the proposed Access Driveway would be in excess of 500 feet. Dual left turn lanes would be required on Niagara Falls Boulevard to mitigate this impact. Due to Right -of way constraints, this mitigation does not appear to be practical either.

We do no support this option to have only one access to Wal-mart since it does not appear feasible to mitigate the traffic impacts.

Response: FRA, as outlined in the supplemental analysis of November 2007, does not support the single access at Niagara Falls Blvd for 2 primary reasons: Better operational characteristics and site access safety reasons.

CITY ENGINEER AND PUBLIC WORKS DIRECTOR COMMENTS

Wendel Duchscherer Architects & Engineers (WD) met with Dale Marshall, the City of North Tonawanda Engineer, and Gary Franklin, City of North Tonawanda Highway Superintendent, on January 18, 2008 regarding the traffic impact study (TIS) for the proposed Wal-Mart Supercenter. At that meeting, Mr. Marshall and Mr. Franklin outlined their outstanding traffic concerns and requested that FRA Engineering revise the TIS to address the following items.

Comment: *The City would like the Bluebird Drive access to be a full access with Wurlitzer Drive, sitting that the low traffic volume predicted for westbound Wurlitzer Drive does not warrant the unusual geometry of a right-in, left-out access, and would put further undo traffic volumes onto non-collector streets such as Ohio Street. This access would include:*

- *Restriping of the Bluebird Drive access to include two outbound lanes – a right turn lane and a left turn lane, and one inbound lane;*
- *Restriping of westbound Wurlitzer Drive to include a thru lane and a right turn lane into the Bluebird Drive access; and,*
- *Restriping of eastbound Wurlitzer Drive to include a thru lane and a left turn lane into the Bluebird Drive access.*

There is approximately 40 feet of pavement on Wurlitzer Drive and 30 feet of pavement on Bluebird Drive that the City indicated should be sufficient to handle said restriping without pavement widening.

In addition to the intersection configuration, the City would like FRA to conduct a LOS analysis ***without*** *a stop control on Wurlitzer Drive and only a stop control on the outbound Bluebird Drive access. The City does not want to worsen the LOS on Wurlitzer Drive.*

Response: FRA analyzed the conditions requested by City Officials as requested above. The revised lane configurations utilized 10' approach lanes and were encompassed within the existing pavement limits. A summary of the LOS and delay is shown below:

Wurlitzer Drive at Wal-Mart Driveway

Approach	Total Traffic All Way Stop Control (two EB lanes)			Total Traffic One way Stop Control (one EB lane)			Total Traffic One way stop control (two EB lanes)		
	AM Peak	PM Peak	SAT Peak	AM Peak	PM Peak	SAT Peak	AM Peak	PM Peak	SAT Peak
Wurlitzer Drive									
Eastbound									
Left Turns	A (9)	A (9)	B (10)	-	-	-	A (9)	A (9)	A (9)
Throughs	D (27)	C (17)	C (21)	-	-	-	-	-	-
Through + Left Turns	-	-	-	A (1)	A (1)	A (1)	-	-	-
Westbound									
Throughs	B (12)	C (23)	C (22)	-	-	-	-	-	-
Right Turns	B (11)	B (13)	C (22)	-	-	-	-	-	-
Wal-Mart Driveway									
Southbound									
Left Turns	C (16)	C (21)	E (45)	D (26)	E (45)	F (90)	D (26)	E (45)	F (90)
Right Turns	A (8)	A (8)	A (9)	A (10)	B (11)	B (10)	A (10)	B (11)	B (10)
Intersection Overall	C (18)	C (18)	D (28)	-	-	-	-	-	-

This table can be compared to the table below from the September of 2007 analysis for the Wurlitzer / Bluebird Drive intersection:

Wurlitzer Drive at Blue Bird Drive

Approach	Total with Outparcels								
	Stop sign on Blue Bird only			Stop Sign on Blue Bird w/ WB right turn lane			All-Way Stop w/ WB right turn lane		
	AM	PM	SAT	AM	PM	SAT	AM	PM	SAT
Blue Bird Drive									
Outbound									
Left Turns	E (38)	F (95)	F (220)	C (25)	E (43)	F (80)	B (14)	C (18)	D (31)
Wurlitzer Drive									
Eastbound									
Throughs	-	-	-	-	-	-	C (21)	C (15)	C (18)
Westbound									
Through	-	-	-	-	-	-	B (12)	C (22)	C (21)
Right Turns	-	-	-	-	-	-	B (11)	B (13)	C (23)
Intersection Overall	-	-	-	-	-	-	C (16)	C (17)	C (24)

* With an exclusive westbound right turn lane.

The comparison of the all-way stop controlled with the exclusive right in - left out vs. the "free flow" conditions show that the intersection operates slightly better with the right-in-left-out alternative.

With the inclusion of a single stop sign for the outbound traffic on Bluebird Drive, the LOS drops considerably for this approach. Since there would be no delay for the Wurlitzer through traffic, total delay analysis is not possible. However, there is a substantial decrease in LOS for the Bluebird Drive approach. Of particular note, is the fact that during the peak hours of operation, the volumes approaching this intersection are relatively "balanced." With this condition, it is preferable to balance every vehicles "needs". As such, FRA is of the opinion that the all way stop control be implemented to maximize total intersection LOS.

Although the right in-left alternative does push some vehicles to the Ruie/Ohio street corridors, the amount of traffic is very minor (less that 30 Vehicles in the peak hour). This is a minor condition

Wurlitzer Drive/ Erie Avenue

Comment: *The City would like FRA to provide a diagram of the Wurlitzer Drive/ Erie Avenue intersection showing the following:*

Response: A figure has been included in Appendix D for this alternative

Comment: *The extension of Wurlitzer Drive, to consist of a 4-legged intersection, with one westbound lane and one eastbound lane;*

Response: A figure has been included in Appendix D for this alternative.

Comment: *The existing right turn lane on southbound Erie Avenue to Wurlitzer Drive should be lengthened to accommodate the additional traffic queues and for the anticipated railroad pre-emption*

Response: This has been addressed in the FEIS, which states that the current right turn lane for the southbound Erie Avenue approach to Wurlitzer Drive is a 110 foot storage lane with a 110 foot bay taper. Based on the latest Synchro analysis, the 95% queue length for the PM peak hour traffic is 57 feet, therefore, no additional lengthening is proposed.

Comment: *The existing left turn lane on northbound Erie Avenue to Wurlitzer Drive should be lengthened to accommodate the additional traffic queues and anticipated train pre-emption. In addition, this turn lane will require a dedicated left turn arrow.*

Response: This has been addressed in the FEIS, which states that Wal-Mart is proposing an exclusive left turn phase for the traffic signal. Based on the Synchro analysis, the 95% queue length for the left turn approach in the critical peak hour (PM Peak) is 360 feet. The current left turn storage is 270 feet, therefore, the left turn lane will be extended 90 feet to accommodate the 95% queue.)

Comment: *Restriping of eastbound Wurlitzer Drive to include a shared left and thru lane and a right turn lane onto southbound Erie Avenue, with a right turn arrow phase.*

Response: The recommended alternative was analyzed by FRA. The results are shown below. In addition, the elements have been conceptually incorporated into the Bluebird/Wurlitzer detailed figure in Appendix D.

Comment: *Revised LOS analysis for the Erie Avenue/ Wurlitzer Drive intersection.*

Response: See the attached table below for the LOS summary.

Erie Avenue at Wurlitzer Drive

Approach	Four legged intersection		
	AM Peak	PM Peak	SAT Peak
Wurlitzer Drive			
Eastbound			
Left Turns	C (33)	C (33)	C (33)
Through + Right Turns	A (5)	A (6)	A (5)
Westbound			
Left + Thru + Rights	C (26)	C (32)	C (32)
Erie Avenue			
Northbound			
Left Turns	C (33)	D (43)	C (28)
Through + Right Turns	B (12)	B (14)	B (14)
Southbound			
Left Turns + Through	C (34)	D (50)	C (34)
Right Turns	A (4)	A (5)	A (6)
Intersection Overall	C (21)	C (27)	B (20)

Comment: With the reconfiguration of the intersections, as requested by the City, FRA should show a revised traffic distribution.

Response: Revised traffic distribution tables have been included in Appendix A.

Comment: Address why there is a 220 second delay proposed for the outbound Bluebird Drive access to Wurlitzer Drive during the Saturday PM peak under the scenario of no stop controls on Wurlitzer Drive and no westbound right turn lane on Wurlitzer Drive; and,

Response: The 200 second delay is the result of providing stop only control with for the outbound Bluebird Drive. As previously noted, this makes the large volumes approaching this intersection unduly wait to gain access to the intersection. This is improved some with the additon of a right turn lane and Full access. However, as previously noted, FRA recommends 3 way stop control to balance the approaching vehicles needs.

Comment: Provide WD with the Synchro files.

Response: FRA shall provide NYSDOT and Wendel Duscherer (WD) the Synchro files in electronic format.

CONCLUSIONS

FRA has completed this supplemental Traffic study based on comments from the City of North Tonawanda officials and NYSDOT. The Applicant has spent a substantial amount of time and effort producing 2 traffic studies (November 2006 and DEIS Study July 2007). In addition, 3 additional addendums, including this one have been prepared for the City Planning Commission and NYSDOT's use.

Based on the previous analysis and findings in Addendum #3, FRA recommends the following items for implementation:

- Optimize signal timing at Ruie /Niagara Falls Blvd, but do not include an advance left turn phase.
- Niagara Falls Blvd. /Erie Ave: Do not use split phasing cycle; however, optimize signal timing for maximum efficiency.
- Incorporate "full access" at the Wurlitzer/Bluebird Drive intersection. However, to maximize overall LOS, incorporate all way stop control.
- Erie/Wurlitzer intersection: Incorporate 4th leg to D'Angelo Drive including a 12' approach lane. Restripe the Wurlitzer approach leg to include a through-left and exclusive right storage lane.

APPENDIX A

TRAFFIC FIGURES

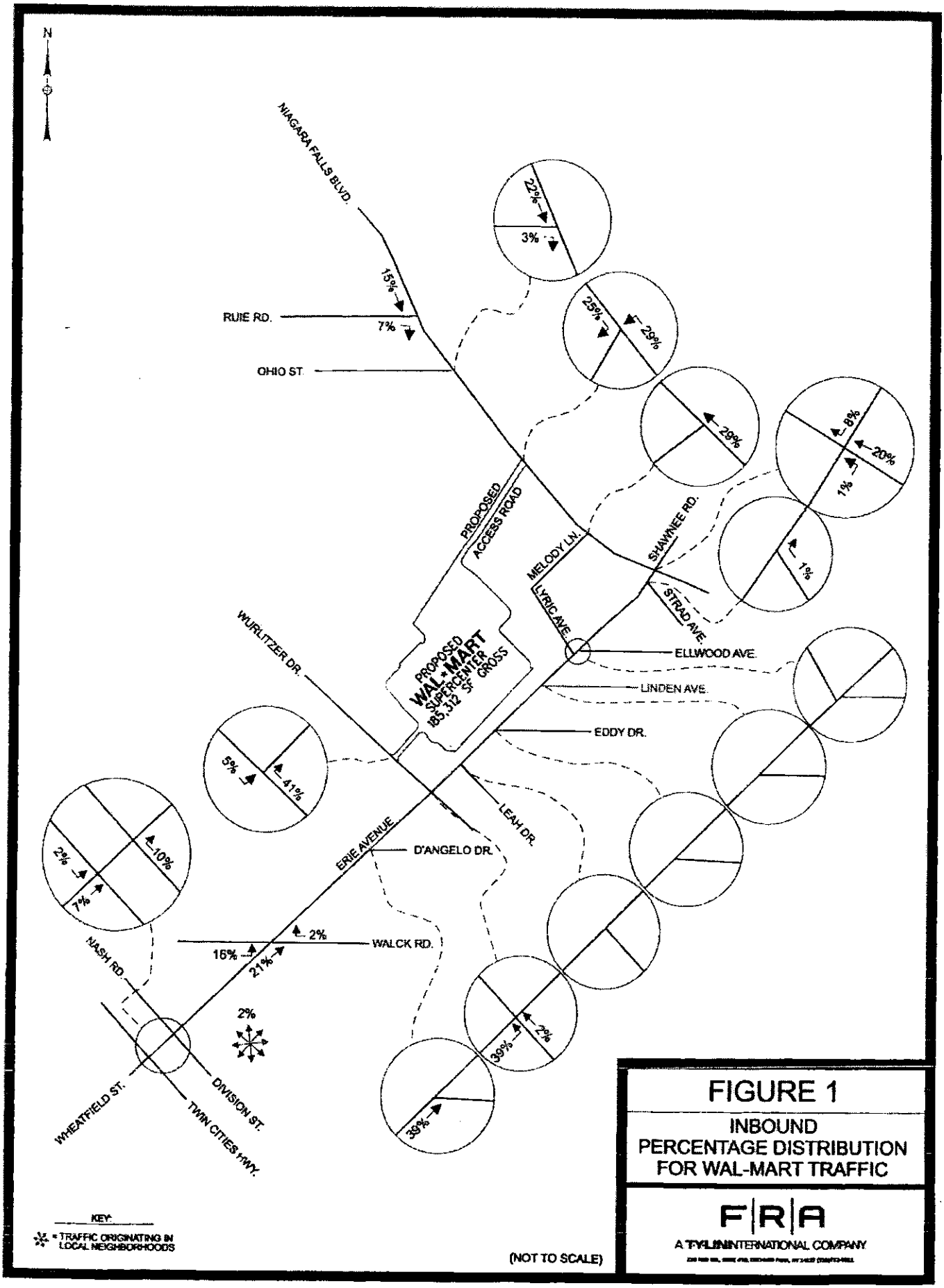


FIGURE 1

INBOUND PERCENTAGE DISTRIBUTION FOR WAL-MART TRAFFIC

F|R|A

A TYLIN INTERNATIONAL COMPANY

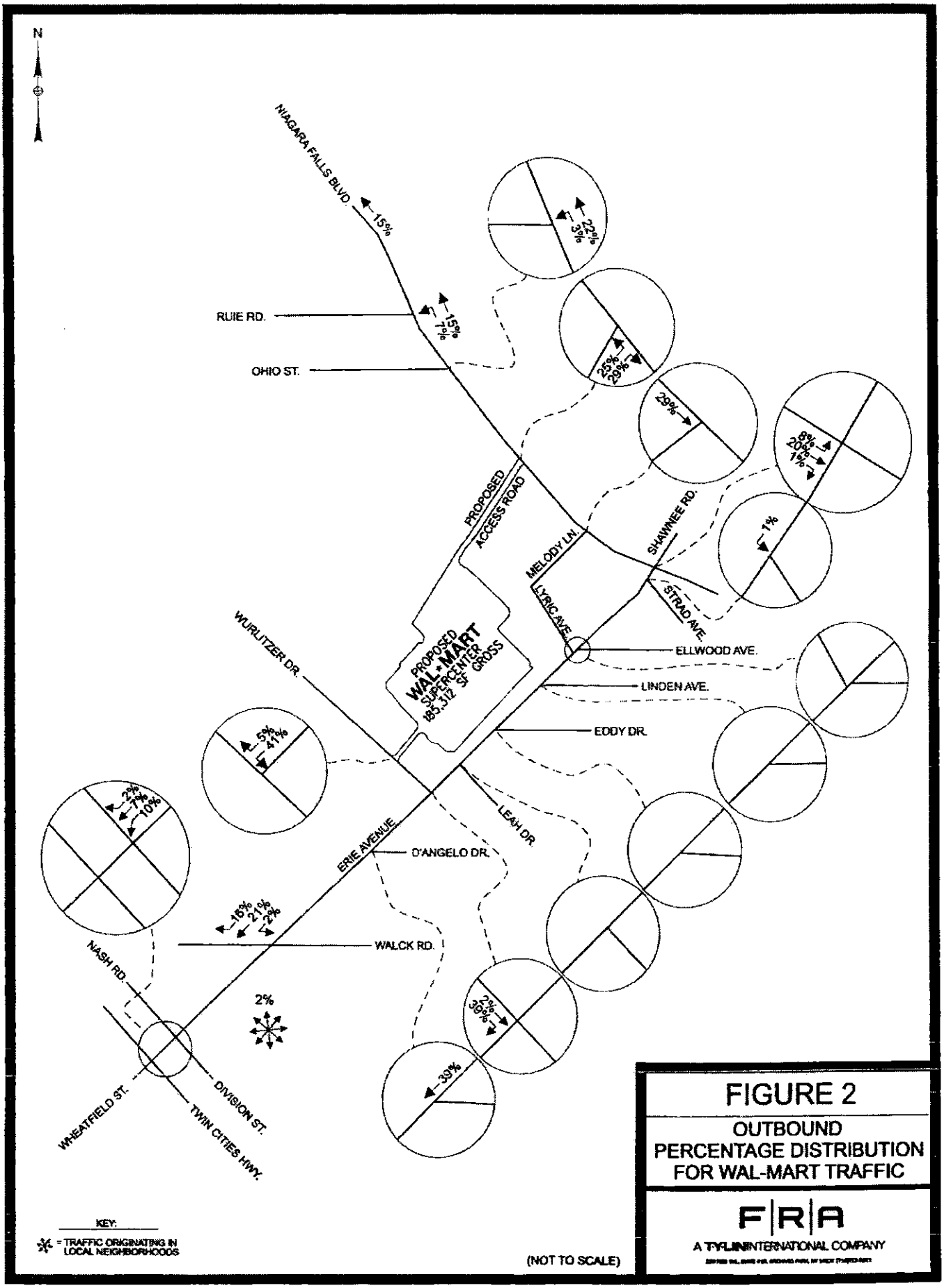
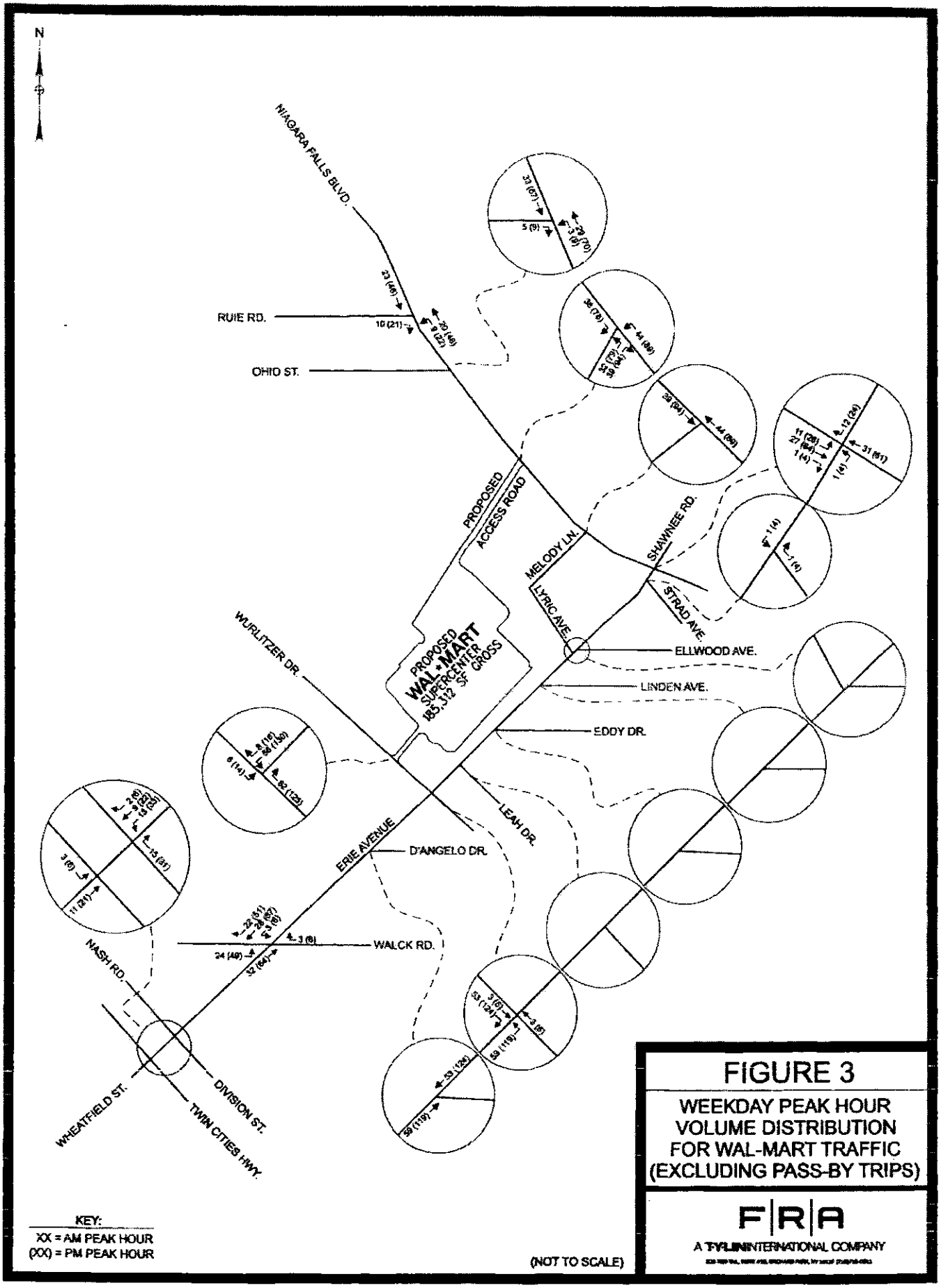


FIGURE 2

OUTBOUND PERCENTAGE DISTRIBUTION FOR WAL-MART TRAFFIC

F|R|A

A TYLIN INTERNATIONAL COMPANY


N
NIAGARA FALLS BLVD.
RUIE RD.
OHIO ST.
PROPOSED ACCESS ROAD
MELODY LN.
LYRIC AVE.
SHAWNEE RD.
STRAD AVE.
ELLWOOD AVE.
LINDEN AVE.
EDDY DR.
LEAH DR.
WURLITZER DR.
PROPOSED WAL*MART SUPERCENTER 185,312 SF GROSS
ERIE AVENUE
D'ANGELO DR.
WALCK RD.
NASH RD.
WHEATFIELD ST.
DIVISION ST.
TWIN CITIES HWY.
KEY:
XX = AM PEAK HOUR
(XX) = PM PEAK HOUR
(NOT TO SCALE)
FIGURE 3
WEEKDAY PEAK HOUR VOLUME DISTRIBUTION FOR WAL-MART TRAFFIC (EXCLUDING PASS-BY TRIPS)
F|R|A
A TYLIN INTERNATIONAL COMPANY

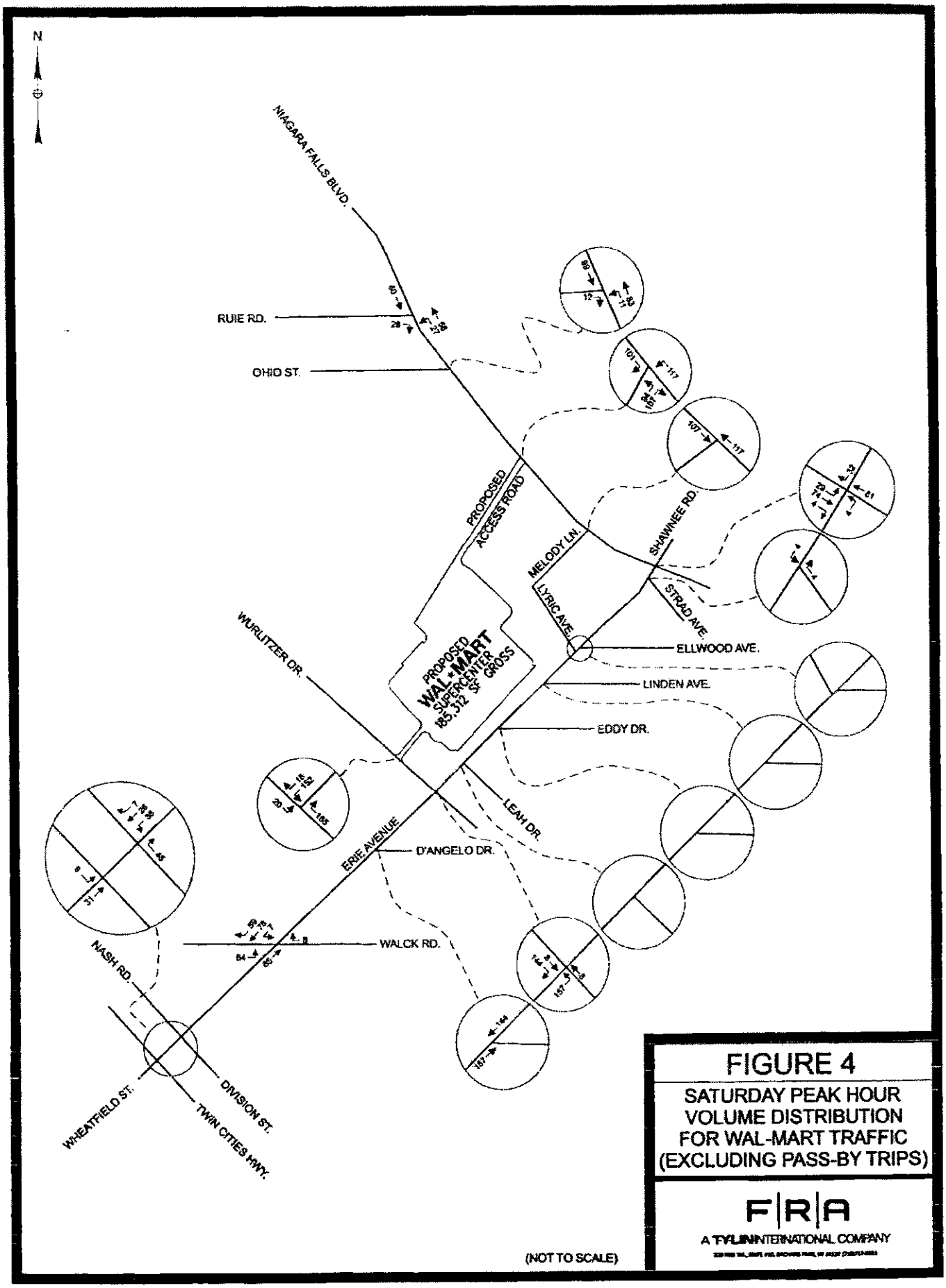
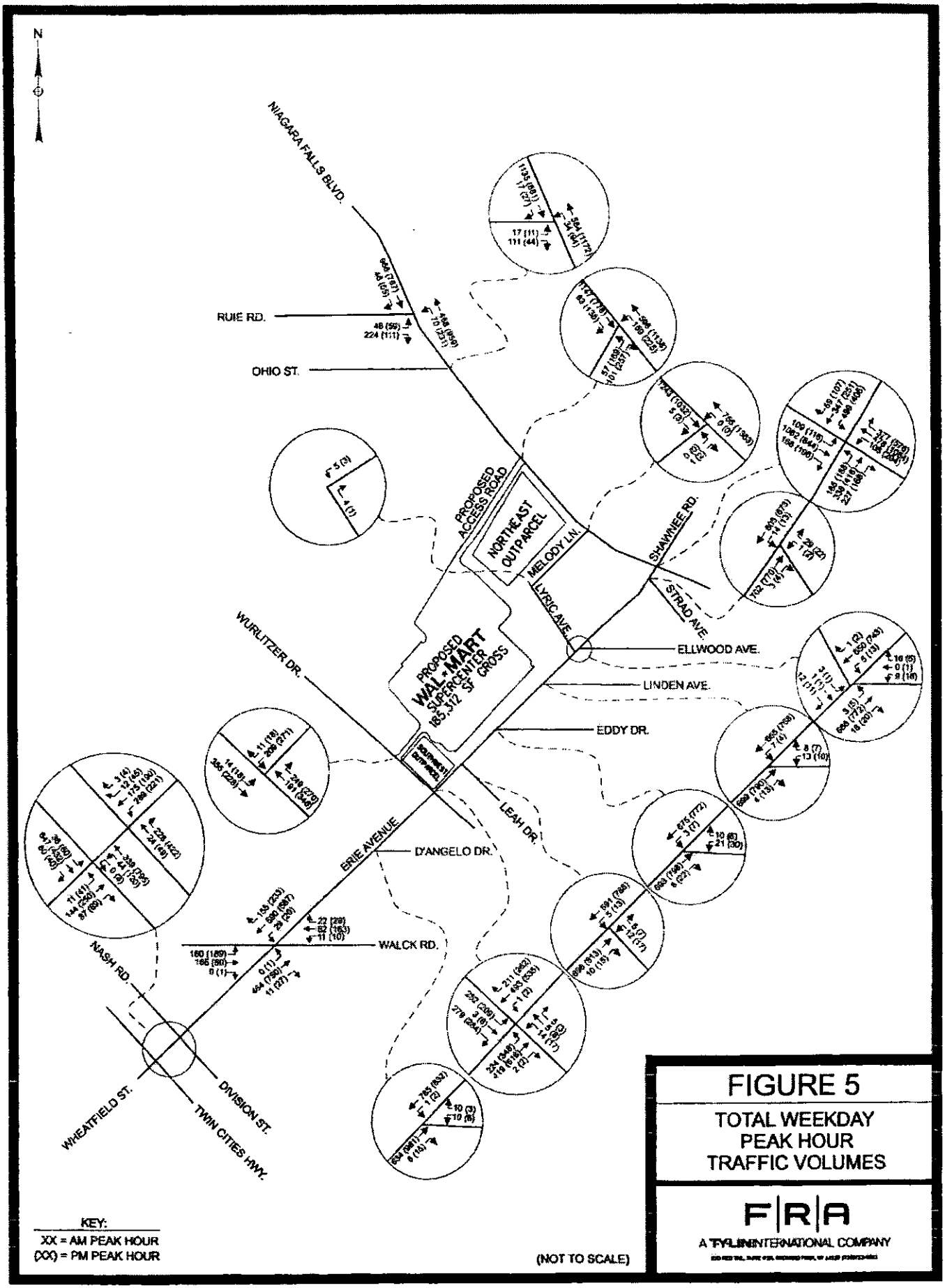


FIGURE 4

SATURDAY PEAK HOUR VOLUME DISTRIBUTION FOR WAL-MART TRAFFIC (EXCLUDING PASS-BY TRIPS)

F|R|A

A TYLIN INTERNATIONAL COMPANY


N
NIAGARA FALLS BLVD.
RUIE RD.
OHIO ST.
PROPOSED ACCESS ROAD
NORTHEAST OUTPARCEL
MELODY LN.
LYRIC AVE.
SHAWNEE RD.
STRAD AVE.
ELLWOOD AVE.
LINDEN AVE.
EDDY DR.
LEAH DR.
D'ANGELO DR.
WURLITZER DR.
PROPOSED WAL*MART SUPERCENTER 185,312 SF GROSS
ERIE AVENUE
WALCK RD.
NASH RD.
WHEATFIELD ST.
DIVISION ST.
TWIN CITIES HWY.
KEY:
XX = AM PEAK HOUR
(XX) = PM PEAK HOUR
(NOT TO SCALE)
FIGURE 5
TOTAL WEEKDAY
PEAK HOUR
TRAFFIC VOLUMES
F|R|A
A TYLIN INTERNATIONAL COMPANY

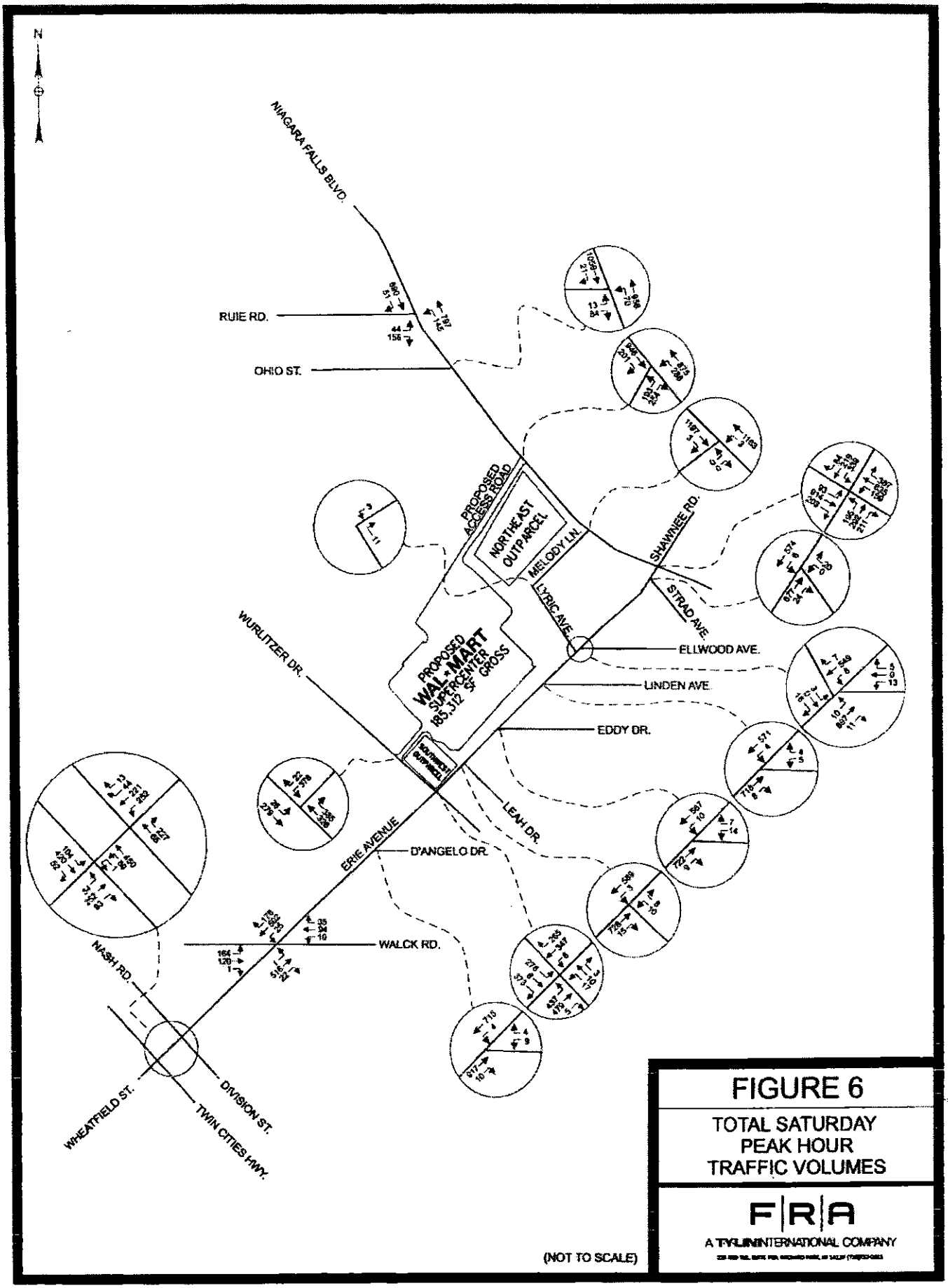


FIGURE 6

TOTAL SATURDAY PEAK HOUR TRAFFIC VOLUMES

F|R|A

A TYLIN INTERNATIONAL COMPANY

APPENDIX B

LEVEL OF SERVICE TABLES

Assumptions

- No NB Left Turn Arrow on NFB at Ruie Road
- No Split phasing at NFB/Erie/Shawnee
- Exclusive Left In & exclusive Right In at Wurlitzer/Blue Bird (plus one EB & one WB through lane)
- EB Wurlitzer config. of (1) LT & (1) R at Erie Avenue with RTO phase
- Wurlitzer Drive Extension config of (1) LTR at Erie Avenue
- Some traffic shifted from side streets to Wurlitzer Dr Ext
- Signals on NFB at Erie/Shawnee and Site Driveway coordinated together
- All Way Stop Control at Wurlitzer & Blue Bird
- Two Outbound Lanes on Blue Bird to Wurlitzer
- NB Right Turn lane on Erie Avenue at NFB has storage length of 75 feet

Niagara Falls Boulevard at Ruie Road

Approach	AM Peak	PM Peak	SAT Peak
Ruie Road			
Eastbound			
Left + Right Turns	C (29)	C (30)	C (31)
Niagara Falls Boulevard			
Northbound			
Left Turns	B (14)	C (22)	B (18)
Throughs	A (7)	A (7)	A (6)
Southbound			
Through + Right Turns	A (9)	A (6)	A (7)
Intersection Overall	**B (12)**	**B (10)**	**B (10)**

Niagara Falls Boulevard at Wal-Mart Driveway

Approach	AM Peak	PM Peak	SAT Peak
Wal-Mart Driveway			
Eastbound			
Left Turns	E (62)	E (62)	E (63)
Right Turns	B (17)	B (10)	A (10)
Niagara Falls Boulevard			
Northbound			
Left Turns	B (14)	A (10)	C (28)
Throughs	A (1)	A (2)	A (8)
Southbound			
Throughs	A (7)	B (10)	B (17)
Right Turns	A (1)	A (2)	A (3)
Intersection Overall	A (7)	A (10)	B (17)

Wurlitzer Drive at Wal-Mart Driveway

Approach	AM Peak	PM Peak	SAT Peak
Wurlitzer Drive			
Eastbound			
Left Turns	A (9)	A (9)	B (10)
Throughs	D (27)	C (17)	C (21)
Westbound			
Throughs	B (12)	C (23)	C (22)
Right Turns	B (11)	B (13)	C (22)
Wal-Mart Driveway			
Southbound			
Left Turns	C (16)	C (21)	E (45)
Right Turns	A (8)	A (8)	A (9)
Intersection Overall	**C (18)**	**C (18)**	**D (28)**

Erie Avenue at Wurlitzer Drive

Approach	AM Peak	PM Peak	SAT Peak
Wurlitzer Drive			
Eastbound			
Left Turns + Throughs	D (53)	D (55)	D (48)
Right Turns	A (8)	B (10)	A (7)
Westbound			
Left + Thru + Rights	B (18)	C (23)	B (19)
Erie Avenue			
Northbound			
Left Turns	C (21)	C (33)	C (23)
Through + Right Turns	B (12)	B (12)	B (13)
Southbound			
Left Turns + Through	C (26)	C (26)	C (29)
Right Turns	A (3)	A (3)	A (5)
Intersection Overall	**C (21)**	**C (21)**	**C (20)**

Niagara Falls Boulevard at Erie Avenue/Shawnee Road

Approach	AM Peak	PM Peak	SAT Peak
Niagara Falls Boulevard			
Eastbound			
Left Turns	C (23)	F (132)	C (32)
Throughs	F (89)	D (43)	D (37)
Right Turns	B (14)	B (18)	A (8)
Westbound			
Left Turns	F (104)	F (86)	E (60)
Throughs	D (37)	E (69)	D (35)
Right Turns	B (18)	C (21)	B (15)
Erie Avenue			
Northbound			
Left Turns	C (26)	C (24)	C (28)
Throughs	F (122)	F (102)	E (73)
Right Turns	D (37)	C (21)	C (28)
Shawnee Road			
Southbound			
Left Turns	F (132)	F (100)	E (68)
Throughs	D (40)	C (34)	D (41)
Right Turns	B (10)	A (6)	A (8)
Intersection Overall	**E (68)**	**E (57)**	**D (38)**

Niagara Falls Boulevard at Melody Lane

Approach	AM Peak	PM Peak	SAT Peak
Melody Lane			
Eastbound			
Left Turns	C (21)	C (16)	C (22)
Right Turns	B (12)	B (11)	B (11)
Niagara Falls Blvd.			
Northbound			
Left Turns	B (12)	B (10)	B (12)

Erie Avenue at Martinsville Neighborhood side streets

Approach	AM Peak	PM Peak	SAT Peak
Strad Avenue			
Westbound			
Left + Right Turns	C (20)	C (19)	C (16)
Lyric Avenue			
Eastbound			
Left + Thru + Right	D (34)	D (26)	C (19)
Ellwood Avenue			
Westbound			
Left + Thru + Right	C (24)	F (127)	F (50)
Linden Avenue			
Westbound			
Left + Right Turns	F (51)	F (57)	D (28)
Eddy Drive			
Westbound			
Left + Right Turns	F (61)	F (108)	E (38)
Leah Drive			
Westbound			
Left + Right Turns	E (47)	F (65)	D (27)
D'Angelo Drive			
Westbound			
Left + Right Turns	E (43)	F (116)	E (47)

Niagara Falls Boulevard at Ohio Street

Approach	AM Peak	PM Peak	SAT Peak
Ohio Street			
Eastbound			
Left + Right Turns	B (13)	B (13)	B (14)
Niagara Falls Blvd.			
Northbound			
Left Turns	B (11)	B (10)	B (11)

Erie Avenue at Walck Road

Approach	AM Peak	PM Peak	SAT Peak
Walck Road			
Eastbound			
Left + Thru + Right	E (70)	F (92)	D (41)
Westbound			
Left + Thru + Right	B (13)	B (19)	B (15)
Erie Avenue			
Northbound			
Left Turns	A (7)	A (7)	A (7)
Through + Right Turns	B (13)	C (28)	B (13)
Southbound			
Left Turns	A (8)	B (13)	A (8)
Through + Right Turns	C (35)	C (35)	B (18)
Intersection Overall	**C (35)**	**D (39)**	**B (20)**

Twin Cities Highway & Division Street at Erie Avenue & Wheatfield Street

Approach	AM Peak	PM Peak	SAT Peak
Wheatfield Street			
Eastbound			
Left Turns	D (44)	D (48)	E (56)
Through + Right Turns	D (54)	E (63)	E (78)
Erie Avenue			
Westbound			
Left Turns	F (348)	F (405)	F (938)
Through + Right Turns	D (51)	D (53)	E (57)
Division Street / Twin Cities Highway			
Northbound			
Left Turns	E (71)	F (115)	E (79)
Through + Right Turns	C (23)	C (31)	C (26)
Twin Cities Highway			
Southbound			
Left Turns	D (51)	D (53)	E (56)
Throughs	C (22)	B (20)	B (20)
Right Turns	A (4)	A (5)	A (4)
Intersection Overall	**E (76)**	**E (69)**	**F (139)**

APPENDIX C

CORRESPONDENCE

STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION
125 MAIN STREET
BUFFALO, NY 14203
WWW.NYSDOT.GOV

ALAN E. TAYLOR, P.E.
REGIONAL DIRECTOR

ASTRID C. GLYNN
COMMISSIONER

RECEIVED
JAN 16 2008

January 9, 2008

Thomas Jaccarino, City Clerk
City of North Tonawanda
216 Payne Avenue
North Tonawanda, New York 14120

RE: SEQR/SITE PLAN REVIEW
Wal-Mart Supercenter
Niagara Falls Boulevard/ Erie Avenue
City of North Tonawanda

Dear Mr. Jaccarino:

This is in response to information regarding the subject project that was submitted by FRA Engineering to this office for review. We reviewed the submissions relative to elements involving the State Highway System and have the following comments:

Traffic Impact Study included in the Draft Environmental Impact Statement

- The table included in the study summarizing the capacity analysis for the intersection of Niagara Falls Boulevard and Ruie Road shows some movements will have a drop in Level of Service (LOS). The study states that "reductions could theoretically be mitigated by adding a green left turn arrow" but that it is not warranted based on projected left turn volumes. This alternative should be analyzed along with any other improvements that may eliminate the LOS drops at this intersection.

- We were advised that CSX will not allow a crossing necessary for Wal-Mart to have access on Erie Avenue. Without the Erie Avenue access, projected traffic at the intersections along Niagara Falls Boulevard will change except at Ruie Road. Therefore, the conclusions of the study in the DEIS are not valid for the affected intersections.

Supplemental Traffic Analysis for Proposed Wal-Mart Project (No CSX/Erie Ave. entrance driveway)

- At the intersection of Niagara Falls Boulevard and the proposed Access Road, we concur with the recommendation in the study to install a traffic signal, converting the two-way center turn lane on Niagara Falls Boulevard into an exclusive northbound left turn lane and constructing an exclusive southbound right turn lane on Niagara Falls Boulevard.

- This Supplemental Traffic Analysis recommends coordinating the proposed signal on Niagara Falls Boulevard at the Proposed Access Road with the existing signals at Ruie Road and at Erie Avenue/Shawnee Road. However, this supplemental did not include a LOS analysis or summary associated with the proposal to coordinate the signals.

- The supplemental states that there are LOS drops at the intersection of Niagara Falls Boulevard with Shawnee Road and Erie Avenue. It also states that geometric improvements are not practical due to Right-of-Way constraints, close proximity of the CSX Railroad and Sawyer Creek. While we agree that geometric improvements are not practical, the analysis does not explore other alternatives in an attempt to improve the LOS. For example, an option to consider is converting the through lane on Erie Avenue and/or Shawnee Road into a shared through/left lane and split the signal phasing.

- We identified some errors for values entered in the Synchro capacity model. The eastbound Niagara Falls Boulevard left turn storage length is 70 feet not 125, the northbound Erie Avenue right turn storage length is 75 feet not 0 and the southbound Shawnee Road right turn lane storage length is 100 feet not 200.

<u>Supplemental Traffic Analysis for Proposed Wal-Mart Project , Niagara Falls Blvd Entrance Only access</u>

- We concur with this supplemental's statements that providing dual left turn lanes on Erie Avenue at Niagara Falls Boulevard would improve the left turn lane delay and understand that it would not be practical to construct due to constraints at this intersection. However, without the dual left turn lanes, the analysis shows an excessive queue length during the Saturday peak hour that would be greater than 300 feet for vehicles turning left from Erie Avenue.

  The Synchro analysis shows that the queue length for vehicles turning left from Niagara Falls Boulevard to the Proposed Access Driveway would be in excess of 500 feet. Dual left turn lanes would be required on Niagara Falls Boulevard to mitigate this impact. Due to Right-of-Way constraints, this mitigation does not appear to be practical either.

  We do not support this option to have only one access to Wal-Mart since it does not appear feasible to mitigate the traffic impacts.

A NYSDOT Highway Work Permit will be required for any work within the State Highway Right-of-Way. Additional site engineering review will be done as part of the Highway Work Permit process. This letter does not constitute approval for the purposes of a Highway Work Permit.

If you have any questions or comments, please contact me at 847-3575.

Very truly yours,

Original Signed by
E. S. Rutkowski

EDWARD S. RUTKOWSKI, P.E.
SEQR/Site Plan Review Coordinator

ESR/HAL/lk

cc: Wendel Duchscherer
FRA Engineering

WENDEL DUCHSCHERER
ARCHITECTS & ENGINEERS
140 John James Audubon Parkway, Suite 201, Amherst, New York 14228
P 716.688.0766 F 716.625.6825

MEMORANDUM

TO: **Timothy C. Gawenus, PE, FRA Engineering**

CC: **Marc A. Romanowski, Esq., Harter, Secrest & Emery LLP**

FROM: **Frederick A. Frank**

DATE: **January 23, 2008**

SUBJECT: **Wal-Mart Supercenter Traffic Impact Study Amendment**

Wendel Duchscherer Architects & Engineers (WD) met with Dale Marshall, the City of North Tonawanda Engineer, and Gary Franklin, City of North Tonawanda Highway Superintendent, on January 18, 2008 regarding the traffic impact study (TIS) for the proposed Wal-Mart Supercenter. At that meeting Mr. Marshall and Mr. Franklin outlined their outstanding traffic concerns of the project and requested that FRA Engineering revise the TIS to address the following items.

Site Access

The City would like the Bluebird Drive access to be a full access with Wurlitzer Drive, siting that the low traffic volume predicted for westbound Wurlitzer Drive does not warrant the unusual geometry of a right-in, left-out access, and would put further undo traffic volumes onto non-collector streets such as Ohio Street. This access would include:

- Restriping of the Bluebird Drive access to include two outbound lanes – a right turn lane and a left turn lane, and one inbound lane;
- Restriping of westbound Wurlitzer Drive to include a thru lane and a right turn lane into the Bluebird Drive access; and,
- Restriping of eastbound Wurlitzer Drive to include a thru lane and a left turn lane into the Bluebird Drive access.

There is approximately 40 feet of pavement on Wurlitzer Drive and 30 feet of pavement on Bluebird Drive that the City indicated should be sufficient to handle said restripings without pavement widening.

In addition to the intersection configuration, the City would like FRA to conduct a LOS analysis **without** a stop control on Wurlitzer Drive and only a stop control on the outbound Bluebird Drive access. The City does not want to worsen the LOS on Wurlitzer Drive.

Wurlitzer Drive/ Erie Avenue

The City would like FRA to provide a diagram of the Wurlitzer Drive/ Erie Avenue intersection showing the following:

- The extension of Wurlitzer Drive, to consist of a 4-legged intersection, with one westbound lane and one eastbound lane;
- The existing right turn lane on southbound Erie Avenue to Wurlitzer Drive should be lengthened to accommodate the additional traffic queues and for the anticipated railroad pre-emption **(This has already been addressed in the FEIS,**

DRAFT

which states that the current right turn lane for the southbound Erie Avenue approach to Wurlitzer Drive is a 110 foot storage lane with a 110 foot bay taper. Based on the latest Synchro analysis, the 95% queue length for the PM peak hour traffic is 57 feet, therefore, no additional widening is proposed.);

- The existing left turn lane on northbound Erie Avenue to Wurlitzer Drive should be lengthened to accommodate the additional traffic queues and anticipated train pre-emption. In addition, this turn lane will require a dedicated left turn arrow. **(This has already been addressed in the FEIS, which states that Wal-Mart is proposing an exclusive left turn phase for the traffic signal. Based on the Synchro analysis, the 95% queue length for the left turn approach in the critical peak hour (PM Peak) is 360 feet. The current left turn storage is 270 feet, therefore, the left turn lane will be extended 90 feet to accommodate the 95% queue.)**;
- Restriping of eastbound Wurlitzer Drive to include a shared left and thru lane and a right turn lane onto southbound Erie Avenue, with a right turn arrow phase; and,
- Revised LOS analysis for the Erie Avenue/ Wurlitzer Drive intersection.

General

In addition to the above items, the City has requested the following of FRA:

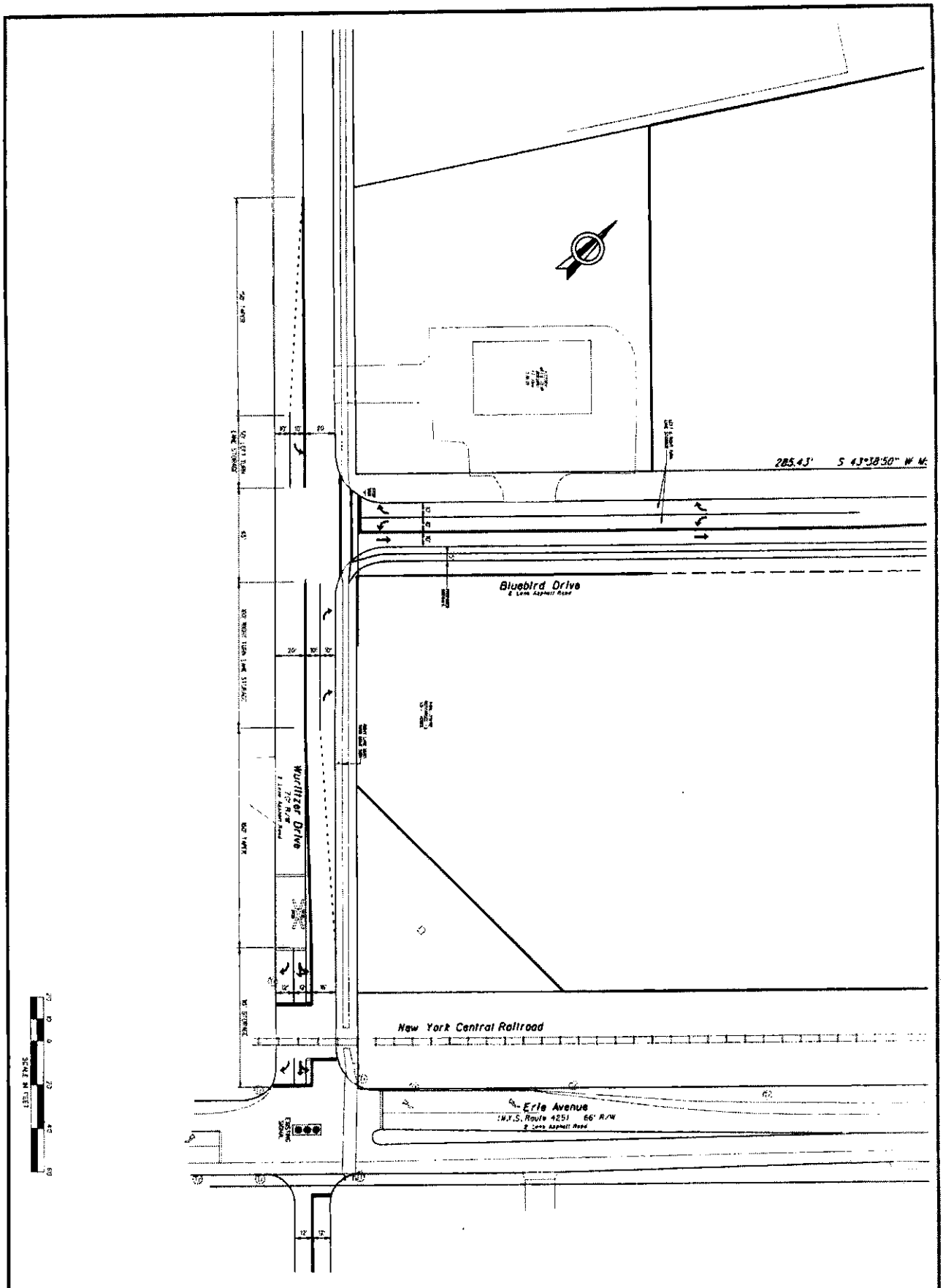
- With the reconfiguration of the intersections as requested by the City, FRA should show a revised traffic distribution;
- Address why there is a 220 second delay proposed for the outbound Bluebird Drive access to Wurlitzer Drive during the Saturday PM peak under the scenario of no stop controls on Wurlitzer Drive and no westbound right turn lane on Wurlitzer Drive; and,
- Provide WD with the Synchro files.

The City is insistent that Wal-Mart carry on with their plans to build the extension of Wurlitzer Drive, as proposed under previous scenarios.

It would be desirable that FRA complete the revisions requested by the City simultaneously with the revisions required by NYSDOT so that one final TIS amendment can be incorporated into the FEIS. Please contact me if you have any questions.

APPENDIX D

WURLITZER/BLUEBIRD DETAIL



PROJECT NO. 06-4159	DRAWN BY TCG		
DATE 1/31/08	CHKD BY NER		
SCALE 1"=30'	CHKD BY TCG		
DRAWING NO. RP-2	SHEET NO. 1 of 1		

ROADWAY PLAN - 2

PROJECT TITLE: WAL-MART SUPERCENTER #4597-00

WAL-MART STORES, INC.

FRA

Planning | Designing | Building

530 SUMMIT POINT DR. HENRIETTA, NY 14467 (585)359-0100

UNAUTHORIZED ALTERATION OR ADDITION TO THIS DRAWING IS A VIOLATION OF NEW YORK STATE EDUCATION LAW ARTICLE 145 SECTION 7209

NO.	DATE	DESCRIPTION
1		
2		
3		

Lanes, Volumes, Timings 1: Niagara Falls Blvd & Erie Avenue

Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations	1	2	1	1	2	1	1	1	1	1	1	1
Volume (vph)	109	1062	166	106	478	377	165	338	227	499	347	59
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Lane Width (ft)	11	11	15	11	11	11	12	12	12	12	12	12
Storage Length (ft)	125		175	125		125	125		75	225		150
Storage Lanes	1		1	1		1	1		1	1		1
Taper Length (ft)	25		25	25		25	25		25	25		25
Lane Util. Factor	1.00	0.95	1.00	1.00	0.95	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Ped Bike Factor			0.97									
Frt			0.850			0.850			0.850			0.850
Flt Protected	0.950			0.950			0.950			0.950		
Satd. Flow (prot)	1572	3388	1676	1662	3388	1473	1703	1827	1583	1719	1759	1568
Flt Permitted	0.270			0.110			0.513			0.129		
Satd. Flow (perm)	447	3388	1618	192	3388	1473	920	1827	1583	233	1759	1568
Right Turn on Red			No			No			Yes			Yes
Satd. Flow (RTOR)									33			53
Link Speed (mph)		40			40			40			40	
Link Distance (ft)		632			1321			202			585	
Travel Time (s)		10.8			22.5			3.4			10.0	
Confl. Peds. (#/hr)			4	4								
Peak Hour Factor	0.84	0.84	0.84	0.85	0.85	0.85	0.77	0.77	0.77	0.92	0.92	0.92
Heavy Vehicles (%)	11%	3%	6%	5%	3%	6%	6%	4%	2%	5%	8%	3%
Adj. Flow (vph)	130	1264	198	125	562	444	214	439	295	542	377	64
Shared Lane Traffic (%)												
Lane Group Flow (vph)	130	1264	198	125	562	444	214	439	295	542	377	64
Enter Blocked Intersection		No	No	No	No	No	No	No	No	No	No	No
No												
Lane Alignment	Left	Left	Right	Left	Left	Right	Left	Left	Right	Left	Left	Right
Median Width(ft)		11			11			12			12	
Link Offset(ft)		0			0			0			0	
Crosswalk Width(ft)		16			16			16			16	
Two way Left Turn Lane		Yes			Yes							
Headway Factor	1.04	1.04	0.88	1.04	1.04	1.04	1.00	1.00	1.00	1.00	1.00	1.00
Turning Speed (mph)	15		9	15		9	15		9	15		9
Turn Type	pm+pt		pm+ov	pm+pt		pm+ov	pm+pt		pm+ov	pm+pt		Perm
Protected Phases	5	2	3	1	6	7	3	8	1	7	4	
Permitted Phases	2		2	6		6	8		8	4		4
Detector Phase	5	2	3	1	6	7	3	8	1	7	4	4

Switch Phase												
Minimum Initial (s)	4.0	4.0	6.0	4.0	4.0	6.0	6.0	12.0	4.0	6.0	7.0	7.0
Minimum Split (s)	9.0	21.0	11.0	9.0	20.0	11.0	11.0	20.0	9.0	11.0	21.0	21.0
Total Split (s)	15.0	46.0	20.0	10.0	41.0	33.0	20.0	31.0	10.0	33.0	44.0	44.0
Total Split (%)	12.5%	38.3%	16.7%	8.3%	34.2%	27.5%	16.7%	25.8%	8.3%	27.5%	36.7%	36.7%
Maximum Green (s)	10.0	41.0	15.0	5.0	36.0	28.0	15.0	26.0	5.0	28.0	39.0	39.0
Yellow Time (s)	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0
All-Red Time (s)	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0
Lost Time Adjust (s)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total Lost Time (s)	5.0	5.0	5.0	5.0	5.0	5.0	5.0	5.0	5.0	5.0	5.0	5.0
Lead/Lag	Lead	Lag	Lead	Lead	Lag	Lead	Lead	Lag	Lead	Lead	Lag	Lag
Lead-Lag Optimize?	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Vehicle Extension (s)	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0
Recall Mode	None	C-Max	None	None	C-Max	None	None	Max	None	None	Max	Max
Walk Time (s)		5.0									5.0	5.0
Flash Dont Walk (s)		11.0									11.0	11.0
Pedestrian Calls (#/hr)		0									0	0
Act Effct Green (s)	50.5	41.0	54.2	41.5	36.5	69.5	39.2	26.0	36.0	59.0	40.8	40.8
Actuated g/C Ratio	0.42	0.34	0.45	0.35	0.30	0.58	0.33	0.22	0.30	0.49	0.34	0.34
v/c Ratio	0.47	1.09	0.27	0.98	0.55	0.52	0.55	1.11	0.59	1.18	0.63	0.11
Control Delay	22.6	88.8	13.9	104.3	37.4	18.1	25.7	121.7	37.3	132.2	39.5	10.3
Queue Delay	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total Delay	22.6	88.8	13.9	104.3	37.4	18.1	25.7	121.7	37.3	132.2	39.5	10.3
LOS	C	F	B	F	D	B	C	F	D	F	D	B
Approach Delay		74.1			37.2			73.7			88.7	
Approach LOS		E			D			E			F	
Queue Length 50th (ft)	55	~582	84	59	192	199	94	~389	173	~454	247	6
Queue Length 95th (ft)	69	#641	109	#161	233	266	120	#461	216	#675	361	38
Internal Link Dist (ft)		552			1241			122			505	
Turn Bay Length (ft)	125		175	125		125	125		75	225		150
Base Capacity (vph)	284	1158	762	128	1029	853	412	396	498	461	597	567
Starvation Cap Reductn	0	0	0	0	0	0	0	0	0	0	0	0
Spillback Cap Reductn	0	0	0	0	0	0	0	0	0	0	0	0
Storage Cap Reductn	0	0	0	0	0	0	0	0	0	0	0	0
Reduced v/c Ratio	0.46	1.09	0.26	0.98	0.55	0.52	0.52	1.11	0.59	1.18	0.63	0.11

Intersection Summary
Area Type: Other
Cycle Length: 120
Actuated Cycle Length: 120
Offset: 0 (0%), Referenced to phase 2:EBTL and 6:WBTL, Start of Yellow, Master Intersection
Natural Cycle: 110

Control Type: Actuated-Coordinated
Maximum v/c Ratio: 1.18
Intersection Signal Delay: 68.1 Intersection LOS: E
Intersection Capacity Utilization 97.3% ICU Level of Service F
Analysis Period (min) 15
~ Volume exceeds capacity, queue is theoretically infinite.
Queue shown is maximum after two cycles.
95th percentile volume exceeds capacity, queue may be longer.
Queue shown is maximum after two cycles.

Lanes, Volumes, Timings 11: Wal-Mart Driveway & Niagara Falls Blvd

Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations	1		1				1	2			2	1
Volume (vph)	57		101				159	596			1147	83
Ideal Flow (vphpl)	1900		1900				1900	1900			1900	1900
Storage Length (ft)	0		0				300					300
Storage Lanes	1		1				1					1
Taper Length (ft)	25		25				25					25
Lane Util. Factor	1.00		1.00				1.00	0.95			0.95	1.00
Frt			0.850									0.850
Flt Protected	0.950						0.950					
Satd. Flow (prot)	1770		1583				1770	3539			3539	1583
Flt Permitted	0.950						0.184					
Satd. Flow (perm)	1770		1583				343	3539			3539	1583
Right Turn on Red			Yes									Yes
Satd. Flow (RTOR)			110									90
Link Speed (mph)	30							40			40	
Link Distance (ft)	535							582			1131	
Travel Time (s)	12.2							9.9			19.3	
Peak Hour Factor	0.92		0.92				0.92	0.92			0.92	0.92
Adj. Flow (vph)	62		110				173	648			1247	90
Shared Lane Traffic (%)												
Lane Group Flow (vph)	62		110				173	648			1247	90
Enter Blocked Intersection		No		No				No	No			No
No												
Lane Alignment	Left		Right				Left	Left			Left	Right
Median Width(ft)	12							12			12	
Link Offset(ft)	0							0			0	
Crosswalk Width(ft)	16							16			16	
Two way Left Turn Lane								Yes			Yes	
Headway Factor	1.00		1.00				1.00	1.00			1.00	1.00
Turning Speed (mph)	15		9				15					9
Turn Type			Perm				pm+pt					Perm
Protected Phases	4						5	2			6	
Permitted Phases			4				2					6
Detector Phase	4		4				5	2			6	6
Switch Phase												
Minimum Initial (s)	4.0		4.0				4.0	4.0			4.0	4.0
Minimum Split (s)	20.0		20.0				8.0	20.0			20.0	20.0

Total Split (s)	23.0	23.0	21.0	97.0	76.0	76.0
Total Split (%)	19.2%	19.2%	17.5%	80.8%	63.3%	63.3%
Maximum Green (s)	19.0	19.0	17.0	93.0	72.0	72.0
Yellow Time (s)	3.5	3.5	3.5	3.5	3.5	3.5
All-Red Time (s)	0.5	0.5	0.5	0.5	0.5	0.5
Lost Time Adjust (s)	0.0	0.0	0.0	0.0	0.0	0.0
Total Lost Time (s)	4.0	4.0	4.0	4.0	4.0	4.0
Lead/Lag			Lead		Lag	Lag
Lead-Lag Optimize?			Yes		Yes	Yes
Vehicle Extension (s)	3.0	3.0	3.0	3.0	3.0	3.0
Recall Mode	None	None	None	C-Max	C-Max	C-Max
Walk Time (s)	5.0	5.0		5.0	5.0	5.0
Flash Dont Walk (s)	11.0	11.0		11.0	11.0	11.0
Pedestrian Calls (#/hr)	0	0		0	0	0
Act Effct Green (s)	9.6	9.6	102.4	102.4	90.9	90.9
Actuated g/C Ratio	0.08	0.08	0.85	0.85	0.76	0.76
v/c Ratio	0.44	0.48	0.45	0.21	0.46	0.07
Control Delay	61.5	16.7	14.1	1.2	6.5	1.1
Queue Delay	0.0	0.0	0.0	0.0	0.0	0.0
Total Delay	61.5	16.7	14.1	1.2	6.5	1.1
LOS	E	B	B	A	A	A
Approach Delay	32.8			3.9	6.1	
Approach LOS	C			A	A	
Queue Length 50th (ft)	47	0	43	22	162	0
Queue Length 95th (ft)	90	54	110	26	242	14
Internal Link Dist (ft)	455			502	1051	
Turn Bay Length (ft)			300			300
Base Capacity (vph)	280	343	495	3021	2682	1221
Starvation Cap Reductn	0	0	0	0	0	0
Spillback Cap Reductn	0	0	0	0	0	0
Storage Cap Reductn	0	0	0	0	0	0
Reduced v/c Ratio	0.22	0.32	0.35	0.21	0.46	0.07

Intersection Summary
Area Type: Other
Cycle Length: 120
Actuated Cycle Length: 120
Offset: 8 (7%), Referenced to phase 2:NBTL and 6:SBT, Start of Yellow
Natural Cycle: 60
Control Type: Actuated-Coordinated
Maximum v/c Ratio: 0.48
Intersection Signal Delay: 7.3 Intersection LOS: A

Intersection Capacity Utilization 53.8%
Analysis Period (min) 15

ICU Level of Service A

AM Peak Synchro 7 - Report
Final Scenario ATZ

Lanes, Volumes, Timings 1: Niagara Falls Blvd & Erie Avenue

Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations	1	2	1	1	2	1	1	1	1	1	1	1
Volume (vph)	116	844	196	204	1084	576	188	416	168	405	251	107
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Lane Width (ft)	11	11	15	11	11	11	12	12	12	12	12	12
Storage Length (ft)	125		175	125		125	125		75	225		150
Storage Lanes	1		1	1		1	1		1	1		1
Taper Length (ft)	25		25	25		25	25		25	25		25
Lane Util. Factor	1.00	0.95	1.00	1.00	0.95	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Frt			0.850			0.850			0.850			0.850
Flt Protected	0.950			0.950			0.950			0.950		
Satd. Flow (prot)	1466	3455	1742	1728	3421	1531	1787	1881	1599	1752	1845	1302
Flt Permitted	0.114			0.100			0.580			0.125		
Satd. Flow (perm)	176	3455	1742	182	3421	1531	1091	1881	1599	231	1845	1302
Right Turn on Red			No			No			Yes			Yes
Satd. Flow (RTOR)									45			126
Link Speed (mph)		40			40			40			40	
Link Distance (ft)		635			1321			216			585	
Travel Time (s)		10.8			22.5			3.7			10.0	
Peak Hour Factor	0.98	0.98	0.98	0.89	0.89	0.89	0.94	0.94	0.94	0.85	0.85	0.85
Heavy Vehicles (%)	19%	1%	2%	1%	2%	2%	1%	1%	1%	3%	3%	24%
Adj. Flow (vph)	118	861	200	229	1218	647	200	443	179	476	295	126
Shared Lane Traffic (%)												
Lane Group Flow (vph)	118	861	200	229	1218	647	200	443	179	476	295	126
Enter Blocked Intersection		No	No	No	No	No	No	No	No	No	No	No
No												
Lane Alignment	Left	Left	Right	Left	Left	Right	Left	Left	Right	Left	Left	Right
Median Width(ft)		11			11			12			12	
Link Offset(ft)		0			0			0			0	
Crosswalk Width(ft)		16			16			16			16	
Two way Left Turn Lane		Yes			Yes							
Headway Factor	1.04	1.04	0.88	1.04	1.04	1.04	1.00	1.00	1.00	1.00	1.00	1.00
Turning Speed (mph)	15		9	15		9	15		9	15		9
Turn Type	pm+pt		pm+ov	pm+pt		pm+ov	pm+pt		pm+ov	pm+pt		Perm
Protected Phases	5	2	3	1	6	7	3	8	1	7	4	
Permitted Phases	2		2	6		6	8		8	4		4
Detector Phase	5	2	3	1	6	7	3	8	1	7	4	4
Switch Phase												
Minimum Initial (s)	4.0	4.0	6.0	4.0	4.0	6.0	6.0	12.0	4.0	6.0	7.0	7.0

Minimum Split (s)	9.0	21.0	11.0	9.0	20.0	11.0	11.0	20.0	9.0	11.0	21.0	21.0
Total Split (s)	10.0	40.0	17.0	17.0	47.0	31.0	17.0	32.0	17.0	31.0	46.0	46.0
Total Split (%)	8.3%	33.3%	14.2%	14.2%	39.2%	25.8%	14.2%	26.7%	14.2%	25.8%	38.3%	38.3%
Maximum Green (s)	5.0	35.0	12.0	12.0	42.0	26.0	12.0	27.0	12.0	26.0	41.0	41.0
Yellow Time (s)	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0
All-Red Time (s)	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0
Lost Time Adjust (s)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total Lost Time (s)	5.0	5.0	5.0	5.0	5.0	5.0	5.0	5.0	5.0	5.0	5.0	5.0
Lead/Lag	Lead	Lag	Lead	Lead	Lag	Lead	Lead	Lag	Lead	Lead	Lag	Lag
Lead-Lag Optimize?	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Vehicle Extension (s)	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0
Recall Mode	None	C-Max	None	None	C-Max	None	None	Max	None	None	Max	Max
Walk Time (s)		5.0									5.0	5.0
Flash Dont Walk (s)		11.0									11.0	11.0
Pedestrian Calls (#/hr)		0									0	0
Act Effct Green (s)	40.0	35.0	51.3	52.0	42.0	73.0	38.3	27.0	44.0	58.0	41.7	41.7
Actuated g/C Ratio	0.33	0.29	0.43	0.43	0.35	0.61	0.32	0.22	0.37	0.48	0.35	0.35
v/c Ratio	1.05	0.85	0.27	0.98	1.02	0.69	0.48	1.05	0.29	1.08	0.46	0.24
Control Delay	131.7	42.8	17.9	85.8	69.4	20.9	24.4	101.9	21.4	99.6	33.6	5.9
Queue Delay	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total Delay	131.7	42.8	17.9	85.8	69.4	20.9	24.4	101.9	21.4	99.6	33.6	5.9
LOS	F	D	B	F	E	C	C	F	C	F	C	A
Approach Delay		47.5			56.2			65.5			64.7	
Approach LOS		D			E			E			E	
Queue Length 50th (ft)	~59	331	58	129	~511	319	88	~373	71	~361	178	0
Queue Length 95th (ft)	#183	#241	94	#288	#648	454	137	#578	129	#519	245	36
Internal Link Dist (ft)		555			1241			136			505	
Turn Bay Length (ft)	125		175	125		125	125		75	225		150
Base Capacity (vph)	112	1008	755	233	1197	931	424	423	615	441	640	534
Starvation Cap Reductn	0	0	0	0	0	0	0	0	0	0	0	0
Spillback Cap Reductn	0	0	0	0	0	0	0	0	0	0	0	0
Storage Cap Reductn	0	0	0	0	0	0	0	0	0	0	0	0
Reduced v/c Ratio	1.05	0.85	0.26	0.98	1.02	0.69	0.47	1.05	0.29	1.08	0.46	0.24

Intersection Summary
Area Type: Other
Cycle Length: 120
Actuated Cycle Length: 120
Offset: 0 (0%), Referenced to phase 2:EBTL and 6:WBTL, Start of Yellow, Master Intersection
Natural Cycle: 110
Control Type: Actuated-Coordinated
Maximum v/c Ratio: 1.08

Intersection Signal Delay: 57.2 Intersection LOS: E
Intersection Capacity Utilization 97.4% ICU Level of Service F
Analysis Period (min) 15
~ Volume exceeds capacity, queue is theoretically infinite.
Queue shown is maximum after two cycles.
95th percentile volume exceeds capacity, queue may be longer.
Queue shown is maximum after two cycles.

Lanes, Volumes, Timings 11: Wal-Mart Driveway & Niagara Falls Blvd

Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations	1		1				1	2			2	1
Volume (vph)	169		257				225	1138			778	138
Ideal Flow (vphpl)	1900		1900				1900	1900			1900	1900
Storage Length (ft)	0		0				300					300
Storage Lanes	1		1				1					1
Taper Length (ft)	25		25				25					25
Lane Util. Factor	1.00		1.00				1.00	0.95			0.95	1.00
Frt			0.850									0.850
Flt Protected	0.950						0.950					
Satd. Flow (prot)	1770		1583				1770	3539			3539	1583
Flt Permitted	0.950						0.282					
Satd. Flow (perm)	1770		1583				525	3539			3539	1583
Right Turn on Red			Yes									Yes
Satd. Flow (RTOR)			279									150
Link Speed (mph)	30							40			40	
Link Distance (ft)	494							579			1133	
Travel Time (s)	11.2							9.9			19.3	
Peak Hour Factor	0.92		0.92				0.92	0.92			0.92	0.92
Adj. Flow (vph)	184		279				245	1237			846	150
Shared Lane Traffic (%)												
Lane Group Flow (vph)	184		279				245	1237			846	150
Enter Blocked Intersection		No		No				No	No			No
No												
Lane Alignment	Left		Right				Left	Left			Left	Right
Median Width(ft)	12							12			12	
Link Offset(ft)	0							0			0	
Crosswalk Width(ft)	16							16			16	
Two way Left Turn Lane								Yes			Yes	
Headway Factor	1.00		1.00				1.00	1.00			1.00	1.00
Turning Speed (mph)	15		9				15					9
Turn Type			Perm				pm+pt					Perm
Protected Phases	4						5	2			6	
Permitted Phases			4				2					6
Detector Phase	4		4				5	2			6	6
Switch Phase												
Minimum Initial (s)	4.0		4.0				4.0	4.0			4.0	4.0
Minimum Split (s)	20.0		20.0				8.0	20.0			20.0	20.0

Total Split (s)	34.0	34.0	27.0	86.0	59.0	59.0
Total Split (%)	28.3%	28.3%	22.5%	71.7%	49.2%	49.2%
Maximum Green (s)	30.0	30.0	23.0	82.0	55.0	55.0
Yellow Time (s)	3.5	3.5	3.5	3.5	3.5	3.5
All-Red Time (s)	0.5	0.5	0.5	0.5	0.5	0.5
Lost Time Adjust (s)	0.0	0.0	0.0	0.0	0.0	0.0
Total Lost Time (s)	4.0	4.0	4.0	4.0	4.0	4.0
Lead/Lag			Lead		Lag	Lag
Lead-Lag Optimize?			Yes		Yes	Yes
Vehicle Extension (s)	3.0	3.0	3.0	3.0	3.0	3.0
Recall Mode	None	None	None	C-Max	C-Max	C-Max
Walk Time (s)	5.0	5.0		5.0	5.0	5.0
Flash Dont Walk (s)	11.0	11.0		11.0	11.0	11.0
Pedestrian Calls (#/hr)	0	0		0	0	0
Act Effct Green (s)	17.9	17.9	94.1	94.1	80.1	80.1
Actuated g/C Ratio	0.15	0.15	0.78	0.78	0.67	0.67
v/c Ratio	0.69	0.59	0.48	0.45	0.36	0.14
Control Delay	61.7	10.2	9.9	2.4	10.2	1.9
Queue Delay	0.0	0.0	0.0	0.0	0.0	0.0
Total Delay	61.7	10.2	9.9	2.4	10.2	1.9
LOS	E	B	A	A	B	A
Approach Delay	30.7			3.6	8.9	
Approach LOS	C			A	A	
Queue Length 50th (ft)	137	0	18	47	135	0
Queue Length 95th (ft)	201	72	m26	m67	226	28
Internal Link Dist (ft)	414			499	1053	
Turn Bay Length (ft)			300			300
Base Capacity (vph)	443	605	650	2774	2362	1107
Starvation Cap Reductn	0	0	0	0	0	0
Spillback Cap Reductn	0	0	0	0	0	0
Storage Cap Reductn	0	0	0	0	0	0
Reduced v/c Ratio	0.42	0.46	0.38	0.45	0.36	0.14

Intersection Summary
Area Type: Other
Cycle Length: 120
Actuated Cycle Length: 120
Offset: 27 (23%), Referenced to phase 2:NBTL and 6:SBT, Start of Yellow
Natural Cycle: 55
Control Type: Actuated-Coordinated
Maximum v/c Ratio: 0.69
Intersection Signal Delay: 9.7 Intersection LOS: A

Intersection Capacity Utilization 53.3% ICU Level of Service A
Analysis Period (min) 15
m Volume for 95th percentile queue is metered by upstream signal.

Lanes, Volumes, Timings 1: Niagara Falls Blvd & Erie Avenue

Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations	1	2	1	1	2	1	1	1	1	1	1	1
Volume (vph)	93	914	203	159	835	387	195	292	211	339	219	84
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Lane Width (ft)	11	11	15	11	11	11	12	12	12	12	12	12
Storage Length (ft)	125		175	125		125	125		75	225		150
Storage Lanes	1		1	1		1	1		1	1		1
Taper Length (ft)	25		25	25		25	25		25	25		25
Lane Util. Factor	1.00	0.95	1.00	1.00	0.95	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Frt			0.850			0.850			0.850			0.850
Flt Protected	0.950			0.950			0.950			0.950		
Satd. Flow (prot)	1466	3455	1742	1728	3421	1531	1787	1881	1599	1752	1845	1302
Flt Permitted	0.167			0.088			0.609			0.143		
Satd. Flow (perm)	258	3455	1742	160	3421	1531	1146	1881	1599	264	1845	1302
Right Turn on Red			No			No			Yes			Yes
Satd. Flow (RTOR)									47			92
Link Speed (mph)		40			40			40			40	
Link Distance (ft)		635			1321			216			585	
Travel Time (s)		10.8			22.5			3.7			10.0	
Peak Hour Factor	0.80	0.80	0.80	0.92	0.92	0.92	0.90	0.90	0.90	0.91	0.91	0.91
Heavy Vehicles (%)	19%	1%	2%	1%	2%	2%	1%	1%	1%	3%	3%	24%
Adj. Flow (vph)	116	1142	254	173	908	421	217	324	234	373	241	92
Shared Lane Traffic (%)												
Lane Group Flow (vph)	116	1142	254	173	908	421	217	324	234	373	241	92
Enter Blocked Intersection		No	No	No	No	No	No	No	No	No	No	No
No												
Lane Alignment	Left	Left	Right	Left	Left	Right	Left	Left	Right	Left	Left	Right
Median Width(ft)		11			11			12			12	
Link Offset(ft)		0			0			0			0	
Crosswalk Width(ft)		16			16			16			16	
Two way Left Turn Lane		Yes			Yes							
Headway Factor	1.04	1.04	0.88	1.04	1.04	1.04	1.00	1.00	1.00	1.00	1.00	1.00
Turning Speed (mph)	15		9	15		9	15		9	15		9
Turn Type	pm+pt		pm+ov	pm+pt		pm+ov	pm+pt		pm+ov	pm+pt		Perm
Protected Phases	5	2	3	1	6	7	3	8	1	7	4	
Permitted Phases	2		2	6		6	8		8	4		4
Detector Phase	5	2	3	1	6	7	3	8	1	7	4	4
Switch Phase												
Minimum Initial (s)	4.0	4.0	6.0	4.0	4.0	6.0	6.0	12.0	4.0	6.0	7.0	7.0

Minimum Split (s)	9.0	21.0	11.0	9.0	20.0	11.0	11.0	20.0	9.0	11.0	21.0	21.0
Total Split (s)	14.0	49.0	20.0	15.0	50.0	28.0	20.0	28.0	15.0	28.0	36.0	36.0
Total Split (%)	11.7%	40.8%	16.7%	12.5%	41.7%	23.3%	16.7%	23.3%	12.5%	23.3%	30.0%	30.0%
Maximum Green (s)	9.0	44.0	15.0	10.0	45.0	23.0	15.0	23.0	10.0	23.0	31.0	31.0
Yellow Time (s)	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0
All-Red Time (s)	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0
Lost Time Adjust (s)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total Lost Time (s)	5.0	5.0	5.0	5.0	5.0	5.0	5.0	5.0	5.0	5.0	5.0	5.0
Lead/Lag	Lead	Lag	Lead	Lead	Lag	Lead	Lead	Lag	Lead	Lead	Lag	Lag
Lead-Lag Optimize?	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Vehicle Extension (s)	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0
Recall Mode	None	C-Max	None	None	C-Max	None	None	Max	None	None	Max	Max
Walk Time (s)		5.0									5.0	5.0
Flash Dont Walk (s)		11.0									11.0	11.0
Pedestrian Calls (#/hr)		0									0	0
Act Effct Green (s)	52.6	44.0	62.6	55.4	45.4	73.0	37.0	23.4	38.4	51.0	32.4	32.4
Actuated g/C Ratio	0.44	0.37	0.52	0.46	0.38	0.61	0.31	0.20	0.32	0.42	0.27	0.27
v/c Ratio	0.58	0.90	0.28	0.85	0.70	0.45	0.51	0.88	0.43	0.95	0.48	0.22
Control Delay	32.1	36.5	8.2	60.2	35.3	14.7	28.2	72.7	28.4	67.8	41.2	8.3
Queue Delay	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total Delay	32.1	36.5	8.2	60.2	35.3	14.7	28.2	72.7	28.4	67.8	41.2	8.3
LOS	C	D	A	E	D	B	C	E	C	E	D	A
Approach Delay		31.5			32.4			46.9			51.0	
Approach LOS		C			C			D			D	
Queue Length 50th (ft)	25	436	67	83	311	165	108	247	113	234	160	0
Queue Length 95th (ft)	71	205	46	#211	387	241	167	#414	190	#424	243	41
Internal Link Dist (ft)		555			1241			136			505	
Turn Bay Length (ft)	125		175	125		125	125		75	225		150
Base Capacity (vph)	205	1267	929	204	1293	936	447	367	543	397	498	419
Starvation Cap Reductn	0	0	0	0	0	0	0	0	0	0	0	0
Spillback Cap Reductn	0	0	0	0	0	0	0	0	0	0	0	0
Storage Cap Reductn	0	0	0	0	0	0	0	0	0	0	0	0
Reduced v/c Ratio	0.57	0.90	0.27	0.85	0.70	0.45	0.49	0.88	0.43	0.94	0.48	0.22

Intersection Summary
Area Type: Other
Cycle Length: 120
Actuated Cycle Length: 120
Offset: 0 (0%), Referenced to phase 2:EBTL and 6:WBTL, Start of Yellow, Master Intersection
Natural Cycle: 80
Control Type: Actuated-Coordinated
Maximum v/c Ratio: 0.95

Intersection Signal Delay: 37.5 Intersection LOS: D
Intersection Capacity Utilization 84.9% ICU Level of Service E
Analysis Period (min) 15
95th percentile volume exceeds capacity, queue may be longer.
Queue shown is maximum after two cycles.

Lanes, Volumes, Timings 35: Wal-Mart Driveway & Niagara Falls Blvd

Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations	1		1				1	2			2	1
Volume (vph)	193		254				288	875			946	201
Ideal Flow (vphpl)	1900		1900				1900	1900			1900	1900
Lane Width (ft)	10		10				11	11			11	15
Storage Length (ft)	0		0				300					300
Storage Lanes	1		1				1					1
Taper Length (ft)	25		25				25					25
Lane Util. Factor	1.00		1.00				1.00	0.95			0.95	1.00
Frt			0.850									0.850
Flt Protected	0.950						0.950					
Satd. Flow (prot)	1652		1478				1711	3421			3421	1742
Flt Permitted	0.950						0.202					
Satd. Flow (perm)	1652		1478				364	3421			3421	1742
Right Turn on Red			Yes									Yes
Satd. Flow (RTOR)			276									218
Link Speed (mph)	30							40			40	
Link Distance (ft)	423							589			1125	
Travel Time (s)	9.6							10.0			19.2	
Peak Hour Factor	0.92		0.92				0.92	0.92			0.92	0.92
Adj. Flow (vph)	210		276				313	951			1028	218
Shared Lane Traffic (%)												
Lane Group Flow (vph)	210		276				313	951			1028	218
Enter Blocked Intersection		No		No				No	No			No
No												
Lane Alignment	Left		Right				Left	Left			Left	Right
Median Width(ft)	10							12			12	
Link Offset(ft)	0							0			0	
Crosswalk Width(ft)	16							16			16	
Two way Left Turn Lane								Yes			Yes	
Headway Factor	1.09		1.09				1.04	1.04			1.04	0.88
Turning Speed (mph)	15		9				15					9
Turn Type			Perm				pm+pt					Perm
Protected Phases	4						5	2			6	
Permitted Phases			4				2					6
Detector Phase	4		4				5	2			6	6
Switch Phase												
Minimum Initial (s)	4.0		4.0				4.0	4.0			4.0	4.0

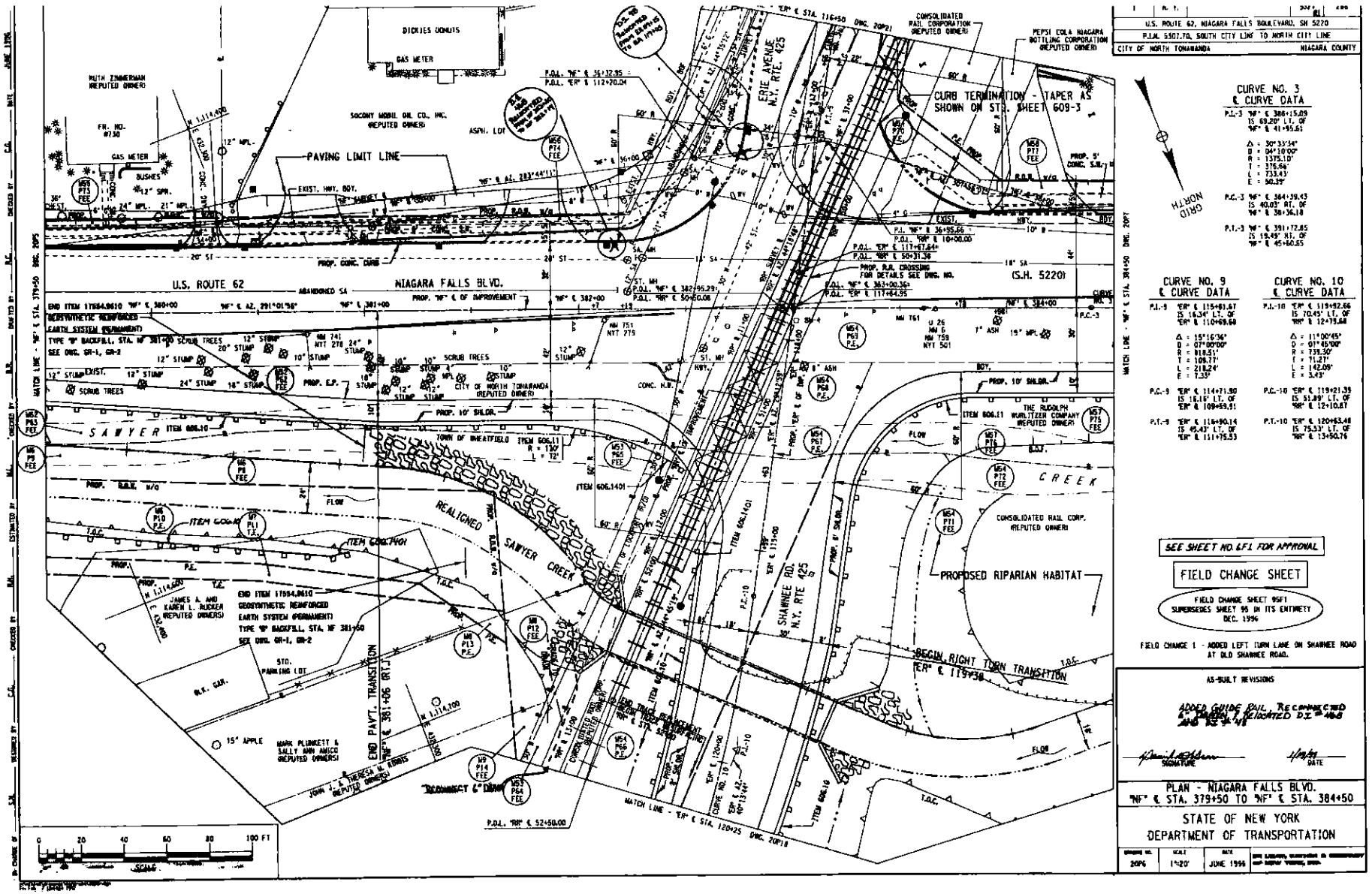
Minimum Split (s)	20.0	20.0	8.0	20.0	20.0	20.0
Total Split (s)	31.0	31.0	32.0	89.0	57.0	57.0
Total Split (%)	25.8%	25.8%	26.7%	74.2%	47.5%	47.5%
Maximum Green (s)	27.0	27.0	28.0	85.0	53.0	53.0
Yellow Time (s)	3.5	3.5	3.5	3.5	3.5	3.5
All-Red Time (s)	0.5	0.5	0.5	0.5	0.5	0.5
Lost Time Adjust (s)	0.0	0.0	0.0	0.0	0.0	0.0
Total Lost Time (s)	4.0	4.0	4.0	4.0	4.0	4.0
Lead/Lag			Lead		Lag	Lag
Lead-Lag Optimize?			Yes		Yes	Yes
Vehicle Extension (s)	3.0	3.0	3.0	3.0	3.0	3.0
Recall Mode	None	None	None	C-Max	C-Max	C-Max
Walk Time (s)	5.0	5.0		5.0	5.0	5.0
Flash Dont Walk (s)	11.0	11.0		11.0	11.0	11.0
Pedestrian Calls (#/hr)	0	0		0	0	0
Act Effct Green (s)	20.3	20.3	91.7	91.7	71.5	71.5
Actuated g/C Ratio	0.17	0.17	0.76	0.76	0.60	0.60
v/c Ratio	0.75	0.58	0.68	0.36	0.50	0.19
Control Delay	63.5	9.8	28.2	7.7	17.3	2.7
Queue Delay	0.0	0.0	0.0	0.0	0.0	0.0
Total Delay	63.5	9.8	28.2	7.7	17.3	2.7
LOS	E	A	C	A	B	A
Approach Delay	33.0			12.8	14.8	
Approach LOS	C			B	B	
Queue Length 50th (ft)	156	0	169	125	225	0
Queue Length 95th (ft)	228	72	258	223	394	43
Internal Link Dist (ft)	343			509	1045	
Turn Bay Length (ft)			300			300
Base Capacity (vph)	372	546	592	2614	2037	1125
Starvation Cap Reductn	0	0	0	0	0	0
Spillback Cap Reductn	0	0	0	0	0	0
Storage Cap Reductn	0	0	0	0	0	0
Reduced v/c Ratio	0.56	0.51	0.53	0.36	0.50	0.19

Intersection Summary
Area Type: Other
Cycle Length: 120
Actuated Cycle Length: 120
Offset: 118 (98%), Referenced to phase 2:NBTL and 6:SBT, Start of Yellow
Natural Cycle: 60
Control Type: Actuated-Coordinated
Maximum v/c Ratio: 0.75

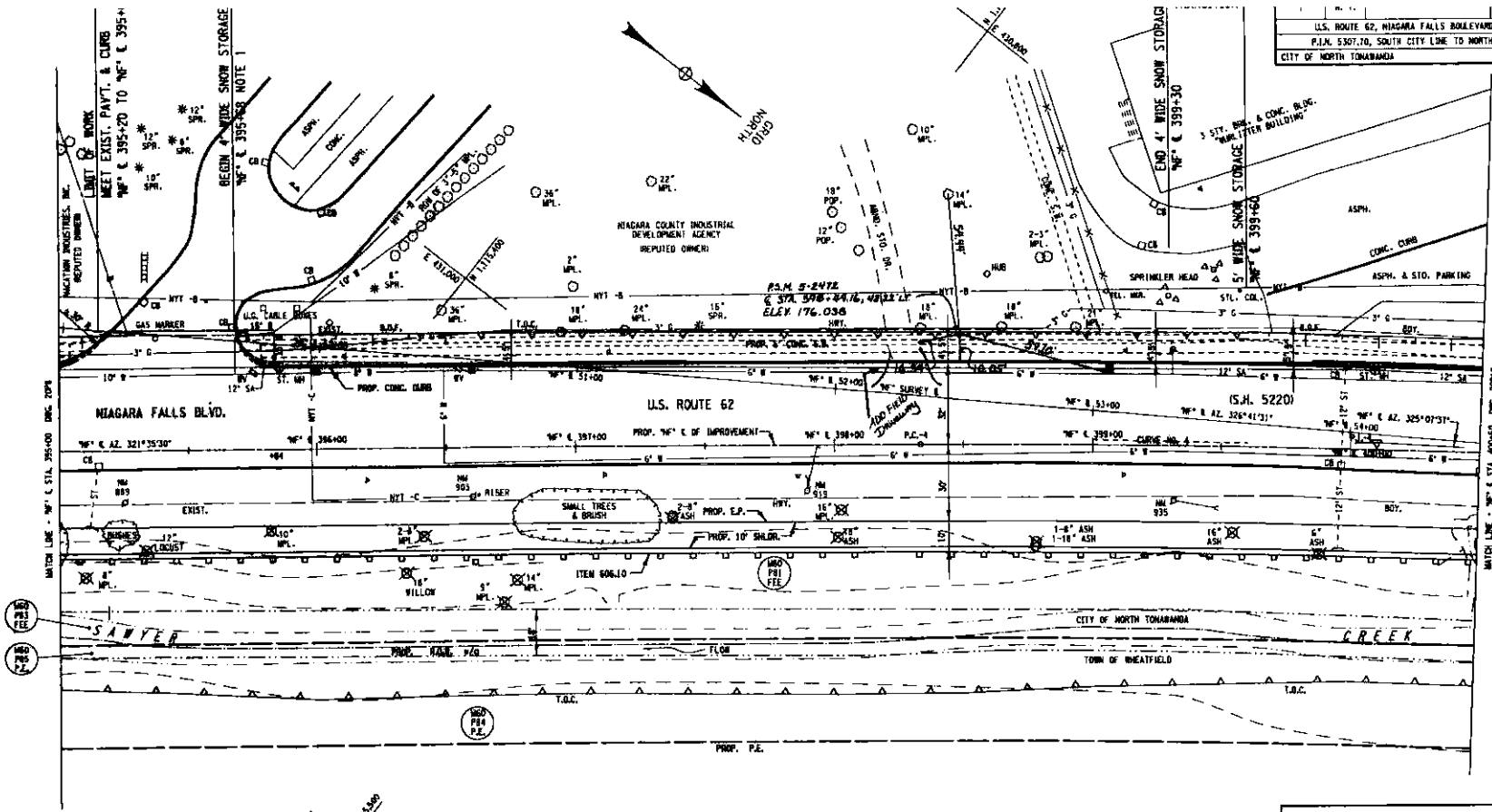
Intersection Signal Delay: 16.9
Intersection Capacity Utilization 62.8%
Analysis Period (min) 15

Intersection LOS: B
ICU Level of Service B

SAT Peak Synchro 7 - Report
Final Scenario ATZ


U.S. ROUTE 62, NIAGARA FALLS BOULEVARD, SH 5220
P.I.N. 5507.70, SOUTH CITY LINE TO NORTH CITY LINE
CITY OF NORTH TONAWANDA
NIAGARA COUNTY
CURVE NO. 3 & CURVE DATA
CURVE NO. 9 & CURVE DATA
CURVE NO. 10 & CURVE DATA
CURB TERMINATION - TAPER AS SHOWN ON ST. SHEET 609-3
ERIE AVENUE N.Y. RTE. 425
NIAGARA FALLS BLVD.
U.S. ROUTE 62
(S.H. 5220)
PAVING LIMIT LINE
REALIGNED SAWYER CREEK
PROPOSED RIPARIAN HABITAT
SHAWNEE RD. N.Y. RTE 425
BEGIN RIGHT TURN TRANSITION
END PAVT. TRANSITION
SEE SHEET NO. 1-F1 FOR APPROVAL
FIELD CHANGE SHEET
FIELD CHANGE SHEET 95F1 SUPERSEDES SHEET 95 IN ITS ENTIRETY DEC. 1996
FIELD CHANGE 1 - ADDED LEFT TURN LANE ON SHAWNEE ROAD AT OLD SHAWNEE ROAD.
AS-BUILT REVISIONS
PLAN - NIAGARA FALLS BLVD.
"NF" & STA. 379+50 TO "NF" & STA. 384+50
STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION
JUNE 1996

U.S. ROUTE 62, NIAGARA FALLS BOULEVARD, SH 5220
P.I.N. 5307.70, SOUTH CITY LINE TO NORTH CITY LINE
CITY OF NORTH TONAWANDA — NIAGARA COUNTY



NOTE 1:
ALL TREES LOCATED ALONG THE WEST SIDE OF NIAGARA FALLS BOULEVARD ON THE FORMER WURLITZER PROPERTY ARE CONSIDERED TO BE PART OF A 1925 LANDSCAPING PLAN AND ARE INCLUDED WITH THE WURLITZER BUILDING AND GROUNDS AS BEING ELIGIBLE FOR INCLUSION ON THE STATE AND NATIONAL REGISTERS OF HISTORIC PLACES. ANY TREES LOCATED ON THIS PROPERTY MUST REMAIN IN PLACE. THE CONTRACTOR WILL TAKE PROVISIONS TO PREVENT DAMAGE TO THESE TREES DURING WATERLINE AND SIDEWALK INSTALLATION. IF NECESSARY THE EIC MAY APPROVE REDUCTIONS ON SNOW STORAGE WIDTH OR CHANGE SLOPE RATES TO REDUCE IMPACTS TO THE ABOVE DESCRIBED TREES.

0 20 40 60 80 100 FT
SCALE

CURVE NO. 4
℄ CURVE DATA

P.I.-4 "NF" ℄ 400+10.23
IS 3.14' RT. OF
"NF" ℄ 54+10.74

Δ = 03°32'07"
D = 01°00'00"
R = 5729.58'
T = 176.82'
L = 353.52'
E = 2.73'

P.C.-4 "NF" ℄ 398+33.41
IS 18.86' RT. OF
"NF" ℄ 52+34.63

P.T.-4 "NF" ℄ 401+86.94
IS 1.89' LT. OF
"NF" ℄ 55+87.50

AS-BUILT REVISIONS

ADDED PERMANENT SURVEY MARKER AT ℄ STA. 398+49.16 & ADDED D.I. ℄ STA. 399+07. ADDED FIELD DRIVEWAY

SIGNATURE — DATE

PLAN - NIAGARA FALLS BLVD.
"NF" ℄ STA. 395+00 TO "NF" ℄ STA. 400+50

STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION

DRAWING NO.	SCALE	DATE
20P9	1"=20'	JUNE 1996

WAL-MART SIGNAGE PACKAGE

Store No. 4597.00: N. Tonawanda, NY

December 19, 2007

Bergmann Associates

200 First Federal Plaza 28 E. Main St.

Rochester, NY 14614

TABLE OF CONTENTS

Project Contacts	2
Purpose and Intent	3
General Provisions & Specifications	4
Construction Specifications & Miscellaneous Requirements	5
Site Plan	6
Building and Site Signage Area Calculations	7
Building Signage Dimensions	8
Site Signage Dimensions	9
Signage Details	10

Signage Architect	Bergmann Associates 200 First Federal Plaza 28 E. Main St. Rochester, NY 14614 Phone: (585) 232-5135 Fax: (585) 325-8303
Civil Engineer:	FRA: Rochester Office 530 Summit Point Drive Henrietta, NY 14467 Phone: (585) 359-0280 Fax: (585) 359-1059

To promote the quality of design desired for this Wal-Mart, this Sign Program establishes criteria for the design, implementation and regulation of Wal-Mart signage, as well as site or thematic graphics for the Wal-Mart located in North Tonawanda, NY. Signage of high quality design and materials using appropriate colors is considered an integral part of the image and success of this Wal-Mart.

The Wal-Mart may utilize any or all of the sign types described herein. All signage shall comply with applicable provisions of the Zoning Ordinance and land use plans of the City of N. Tonawanda. All building and site signage shall be consistent with this Sign Program to provide a consistent and comprehensive design character.

The intent of this Sign Program is to ensure that signage for the Wal-Mart is designed and executed in a manner which will achieve the following objectives while providing desired project identification.

Exterior Signage

The objectives of exterior signage are:

- To provide concise identity and information for shoppers and prospective shoppers while avoiding visual competition with the building's aesthetic or the site landscaping.

- To produce creative signage in good taste that will enhance the Wal-Mart's image while complementing the architectural and landscape design theme.

- To provide functional signage to effectively serve the needs of consumers while providing proper identification of the Wal-Mart.

- To expedite the review and approval of the Wal-Mart's signage by providing guidelines and criteria that explain acceptable standards for the signage.

No sign shall be installed without the approval of this Sign Program by the City of N. Tonawanda.

4 GENERAL PROVISIONS AND SPECIFICATIONS

•Signs shall meet or exceed minimum industry standards for graphic quality and shall be designed to be compatible with and complementary to the surrounding building facades. Sign fabrication work shall meet or exceed minimum industry standards for quality.

•The sign copy, color, size and design shall be consistent with this Sign Program which shall be subject to approval by the City of N. Tonawanda. Letter heights and logos, where specified, shall be determined by measuring the normal capital letter of a font exclusive of swashes, ascenders and descenders.

•Wall signs shall be affixed without visible means of attachment unless attachments make an intentional design statement and are an integral part of the design.

•The Wal-Mart's sign contractor shall repair any damage to the building caused by its work.

•All identification signs and secondary identification signs shall consist of face-illuminated individual dimensional letter forms and/or symbols (or an assembly of dimensional letter forms where the Wal-Mart's logotype is script-style letters). All letter/symbol faces shall be translucent acrylic with integral color.

•The cabinet and/or channel letters shall be constructed of 0.060 - 0.090 aluminum, with 1/8" plastic face and fastened to the wall or fascia in an approved manner. All metal shall receive a minimum of two (2) coats of primer and two (2) coats of finish paint. Metal sheet seam joints shall be joined by pop rivets. Halo lighting, LED and/or neon need secondary ground fault consistent with UL2161. All letters shall have service access to lamps, ballasts and wiring.

•All fascia signs shall be centered left to right on the fascia or building frontage and generally centered top and bottom between fascia reveals. The vertical position will vary depending on the configuration of the sign and the locations of the reveals on the sign fascia.

•Power will be provided from the site and/or building electrical panel to a junction box at all sign locations. Power connection shall be the Wal-Mart's responsibility. A time clock shall be provided by the Wal-Mart to turn off power to its wall signs. All electrical signs shall bear the Underwriters Laboratory "UL" symbol (not visible to the public view), and the installation of all electrical signs shall comply with applicable building and electrical codes. The owner of the Wal-Mart shall pay for electrical service for the signs. All conductors, transformers and other equipment shall be concealed.

•All penetrations of the building structure required for sign installation shall be neatly sealed in a watertight condition. All bolts, fastenings, clips, etc., shall be painted to match the adjacent building surface.

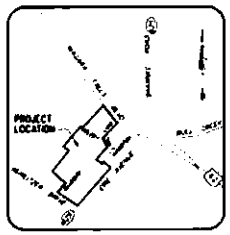
•All lettering shall be restricted to the "net sign area". No projection above or below the "net sign area" shall be permitted, except as otherwise approved in writing.

•Any hole or other building damage resulting from the removal of a sign shall be repaired and painted to match the building surface in the vicinity of the damage.

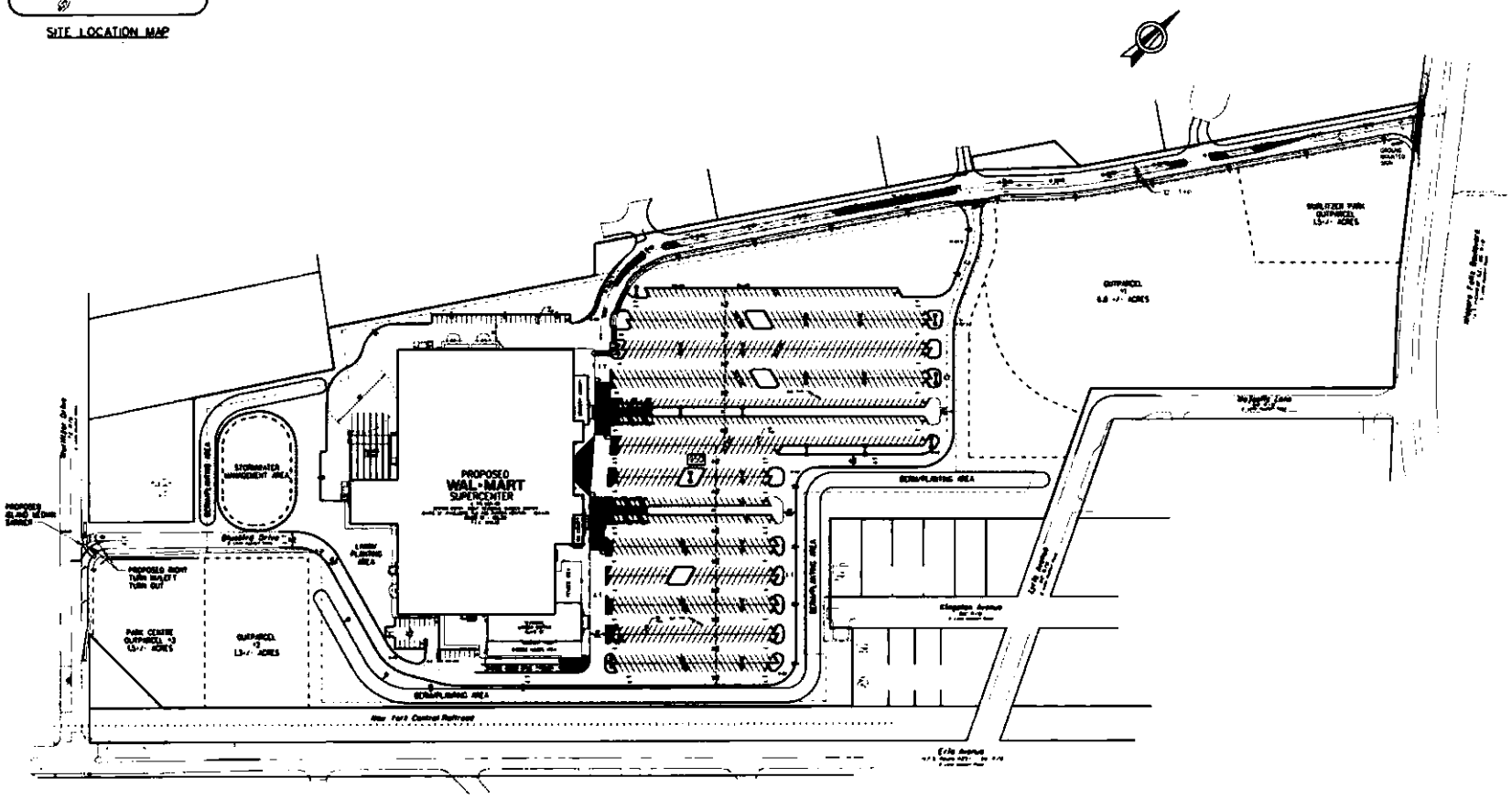
•The owner of the Wal-Mart shall maintain the Wal-Mart signs in accordance with applicable City of N. Tonawanda standards and shall replace defective lights and components in a timely manner.

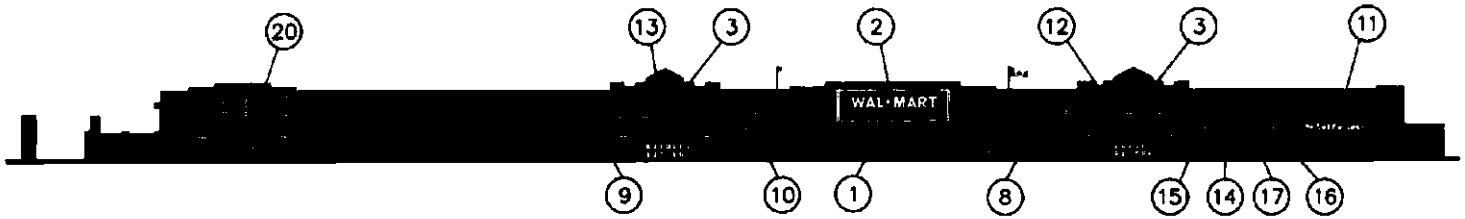
•All sign installers shall comply with applicable State and local statutes, regulations and ordinances, and shall possess a current, valid City of N. Tonawanda business license, and shall provide evidence of a current, valid Workman's Compensation Insurance policy.

6
SITE PLAN



SITE LOCATION MAP





7
BUILDING AND SITE SIGNAGE AREA CALCULATIONS

Building Signage

	SIGNAGE	COLOR	DIMENSION	AREA
1	SUPERCENTER	YELLOW	2'-0" x 19'-6"	39.00
2	WAL*MART	WHITE	5'-0" x 38'-0"	190.00
3	ALWAYS (2 Signs)	RED	8'-11" x 16'-4"	291.28
4	NOT USED			
5	NOT USED			
6	NOT USED			
7	NOT USED			
8	1-HR PHOTO	WHITE	1'-6" x 11'-0"	16.50
9	OPTICAL	WHITE	1'-6" x 6'-10 1/8"	10.26
10	PHARMACY	WHITE	1'-6" x 9'-8 1/2"	14.56
11	WE SELL FOR LESS	BLUE	2'-6" x 27'-3 1/2"	68.23
12	FOOD CENTER	WHITE	2'-6" x 20'-2"	50.42
13	LOW PRICES	WHITE	2'-6" x 17'-9"	44.38
14	PRODUCE	WHITE	1'-6" x 7'-11"	11.88
15	MEAT	WHITE	1'-6" x 4'-6 3/4"	6.84
16	DELI	WHITE	1'-6" x 3'-6 3/8	5.30
17	BAKERY	WHITE	1'-6" x 6'-10"	10.25
18	NOT USED			
19	NOT USED			
20	GARDEN CENTER	WHITE	2'-6" x 22'-9"	59.92
21	NOT USED			
22	NOT USED			

Site Signage

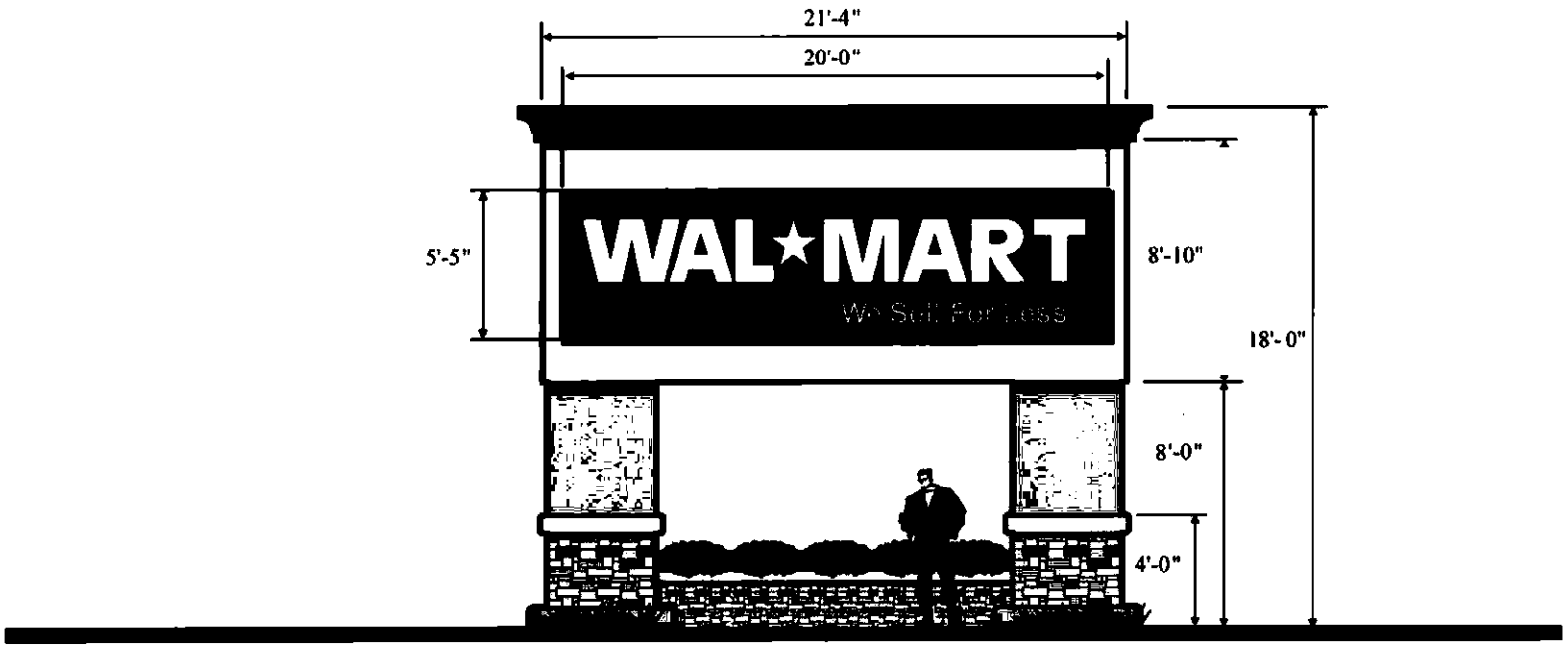
SIGNAGE	COLOR	DIMENSION	AREA
WAL*MART PYLON SIGN	MULTI	SEE DWG	110.00

Building Signage Area	**818.82 SF**
Site Signage Area (Page 9)	**110.00 SF**
TOTAL SIGNAGE	**928.82 SF**

(*TLE sign considered directional signage internal to the property - not included in signage calculations)

SUPERCENTER
WAL★MART
Always.
1
2
3
NOT USED
NOT USED
NOT USED
NOT USED
4
5
6
7
1-Hr. Photo
Optical
Pharmacy
We Sell For Less
Food Center
8
9
10
11
12
Low Prices
Produce
Meat
Deli
Bakery
13
14
15
16
17
Garden Center
NOT USED
NOT USED
20
21
22

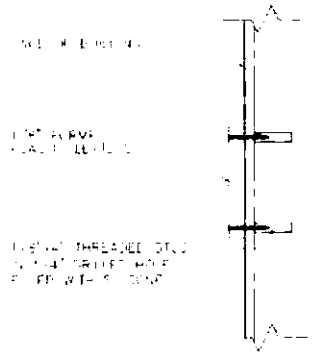
9
SITE SIGNAGE
DIMENSIONS



Sign Area Per Side: 110.00 SF

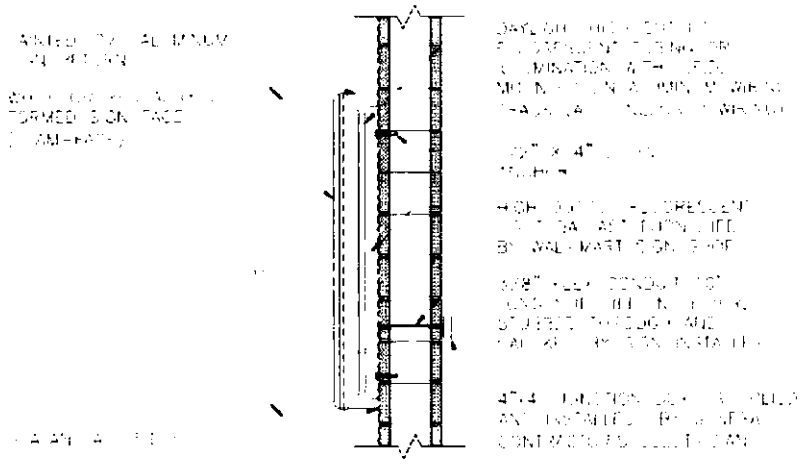
Non-Illuminated Signage Detail

Configuration: Plexiglas formed letters stud mounted to building surface (concrete block or plaster).
Face: Constructed with Sta-Tuf Plastic
Color: White / Red –PMS 193C
Mounting: Threaded stud - size to be submitted to jurisdiction for approval prior to installation. Minimum 3 studs per sign.



Illuminated Signage Detail

Configuration: Channel letters with vacuum formed face (pan-formed) anchored to building surface (concrete block or plaster). Internally illuminated with LED.
Face: Constructed with Sunguard Weatherable Polycarbonate
Color: White / Red – PMS 193C
Mounting: Anchor bolt/bracket - size to be submitted to jurisdiction for approval prior to installation. Minimum 3 anchors per sign.



APPENDIX C

TABLE OF CONTENTS

APPENDIX C

Copy of Substantive Comments to the Draft Environmental Impact Statement

1. Letter from New York State Department of Transportation, dated January 9, 2008
2. Letter from New York State Department of Transportation, dated April 7, 2008
3. Letter from Dale W. Marshall, City Engineer, dated October 22, 2007.
4. Letter from Dale W. Marshall, City Engineer, dated November 2, 2007.
5. Letter from Amy E. Fisk, Niagara County Department of Economic Development, dated September 28, 2007.
6. Letter from Timothy E. Demler, Supervisor, Town of Wheatfield, dated December 28, 2008
7. Letter from George Whittaker, CSX Transportation, dated July 16, 2007.
8. Summary of comments received at the Public Hearing held on September 10, 2007.
9. Letter from David J. Seeger dated September 21, 2007.
10. Letter from David J. Seeger dated September 10, 2007.
11. Printed e-mail from Colleen and Carlos Rodriguez dated September 7, 2007.
12. Letter from Delores Bennett dated September 11, 2007.
13. Printed e-mail from Karen McKernan dated September 12, 2007.
14. Printed e-mail from John and Chris Hahn dated September 12, 2007.
15. Printed e-mail from Anthony Rotolo, Sr. dated September 12, 2007.
16. Printed e-mail from Rodney Currier dated September 12, 2007.
17. Printed e-mail from Alfred and Esther Kinbaum dated September 12, 2007.
18. Printed e-mail from Rev. Donald L. Mohr dated September 12, 2007.
19. Printed e-mail from anonymous dated September 12, 2007.
20. Printed e-mail from Rosemary Leistner dated September 12, 2007.
21. Printed e-mail from Val Lewandowski dated September 12, 2007.
22. Printed e-mail from Natalie Fiala dated September 13, 2007.
23. Letter from Larry and Deborah Newberry dated September 17, 2007.
24. Letter from Susan R. Wilke dated September 17, 2007.
25. Printed e-mail from Kathy A. Kovacs dated September 18, 2007.
26. Letter from Catherine A. Kern dated September 19, 2007.
27. Letter from Deborah Q. Gondek dated September 20, 2007.

28. Letter from Frank S. Budwey dated September 21, 2007.
29. Letter from Patricia Culp, Lumber City Liaisons for Wal-Mart.
30. Letter from Amanda Smith.
31. Letter from Lee J. Garaczkowski.
32. Printed e-mail from Ellen Staniszewski.
33. Printed e-mail from Constance Winters.
34. Letter from Kim Jakopac.
35. Letter from David J. Seeger, dated December 21, 2007
36. Printed e-mail from Wendy J. Brinkley, dated December 31, 2007
37. Letter from Cathy Kern, North Tonawanda First, dated February 25, 2008
38. Summary of comments received at the Public Hearing held on March 11, 2008.
39. Letter from Frank S. Budwey, dated March 11, 2008.
40. Letter from Kimberly Jakopac, dated March 11, 2008.
41. Letter from Judith & Ernest Curto, dated March 12, 2008.
42. Letter from Virginia That, dated March 13, 2008.
43. Letter from Bob Confer.
44. Letter from Donald L. March.
45. Letter from William Straccamore.
46. Letter from John Lukasik.
47. Letter from Norma Besser.
48. Letter from North Tonawanda First, dated March 20, 2008.

STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION
125 MAIN STREET
BUFFALO, NY 14203
WWW.NYSDOT.GOV

ALAN E. TAYLOR, P.E.
REGIONAL DIRECTOR

ASTRID C. GLYNN
COMMISSIONER

January 9, 2008

Thomas Jaccarino, City Clerk
City of North Tonawanda
216 Payne Avenue
North Tonawanda, New York 14120

RE: SEQR/SITE PLAN REVIEW
Wal-Mart Supercenter
Niagara Falls Boulevard/ Erie Avenue
City of North Tonawanda

Dear Mr. Jaccarino:

This is in response to information regarding the subject project that was submitted by FRA Engineering to this office for review. We reviewed the submissions relative to elements involving the State Highway System and have the following comments:

Traffic Impact Study included in the Draft Environmental Impact Statement

- The table included in the study summarizing the capacity analysis for the intersection of Niagara Falls Boulevard and Ruie Road shows some movements will have a drop in Level of Service (LOS). The study states that "reductions could theoretically be mitigated by adding a green left turn arrow" but that it is not warranted based on projected left turn volumes. This alternative should be analyzed along with any other improvements that may eliminate the LOS drops at this intersection.

- We were advised that CSX will not allow a crossing necessary for Wal-Mart to have access on Erie Avenue. Without the Erie Avenue access, projected traffic at the intersections along Niagara Falls Boulevard will change except at Ruie Road. Therefore, the conclusions of the study in the DEIS are not valid for the affected intersections.

Supplemental Traffic Analysis for Proposed Wal-Mart Project (No CSX/Erie Ave. entrance driveway)

- At the intersection of Niagara Falls Boulevard and the proposed Access Road, we concur with the recommendation in the study to install a traffic signal, converting the two-way center turn lane on Niagara Falls Boulevard into an exclusive northbound left turn lane and constructing an exclusive southbound right turn lane on Niagara Falls Boulevard.

- This Supplemental Traffic Analysis recommends coordinating the proposed signal on Niagara Falls Boulevard at the Proposed Access Road with the existing signals at Ruie Road and at Erie Avenue/Shawnee Road. However, this supplemental did not include a LOS analysis or summary associated with the proposal to coordinate the signals.

January 9, 2008

- The supplemental states that there are LOS drops at the intersection of Niagara Falls Boulevard with Shawnee Road and Erie Avenue. It also states that geometric improvements are not practical due to Right-of-Way constraints, close proximity of the CSX Railroad and Sawyer Creek. While we agree that geometric improvements are not practical, the analysis does not explore other alternatives in an attempt to improve the LOS. For example, an option to consider is converting the through lane on Erie Avenue and/or Shawnee Road into a shared through/left lane and split the signal phasing.

- We identified some errors for values entered in the Synchro capacity model. The eastbound Niagara Falls Boulevard left turn storage length is 70 feet not 125, the northbound Erie Avenue right turn storage length is 75 feet not 0 and the southbound Shawnee Road right turn lane storage length is 100 feet not 200.

<u>Supplemental Traffic Analysis for Proposed Wal-Mart Project , Niagara Falls Blvd Entrance Only access</u>

- We concur with this supplemental's statements that providing dual left turn lanes on Erie Avenue at Niagara Falls Boulevard would improve the left turn lane delay and understand that it would not be practical to construct due to constraints at this intersection. However, without the dual left turn lanes, the analysis shows an excessive queue length during the Saturday peak hour that would be greater than 300 feet for vehicles turning left from Erie Avenue.

  The Synchro analysis shows that the queue length for vehicles turning left from Niagara Falls Boulevard to the Proposed Access Driveway would be in excess of 500 feet. Dual left turn lanes would be required on Niagara Falls Boulevard to mitigate this impact. Due to Right-of-Way constraints, this mitigation does not appear to be practical either.

  We do not support this option to have only one access to Wal-Mart since it does not appear feasible to mitigate the traffic impacts.

A NYSDOT Highway Work Permit will be required for any work within the State Highway Right-of-Way. Additional site engineering review will be done as part of the Highway Work Permit process. This letter does not constitute approval for the purposes of a Highway Work Permit.

If you have any questions or comments, please contact me at 847-3575.

Very truly yours,

Original Signed by
E. S. Rutkowski

EDWARD S. RUTKOWSKI, P.E.
SEQR/Site Plan Review Coordinator

ESR/HAL/lk

cc: Wendel Duchscherer
FRA Engineering

Post-it® Fax Note 7671	Date 1-10-08	# of pages ▶ 2
To FRED FRANK	From ED RUTKOWSKI	
Co./Dept. WENDEL D.	Co. NYSDOT	
Phone #	Phone # 847-3575	
Fax #	Fax #	

STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION
125 MAIN STREET
BUFFALO, NY 14203
WWW.NYSDOT.GOV

ALAN E. TAYLOR, P.E.
REGIONAL DIRECTOR

ASTRID C. GLYNN
COMMISSIONER

April 7, 2008

Thomas Jaccarino, City Clerk
City of North Tonawanda
216 Payne Avenue
North Tonawanda, New York 14120

RE: SEQR/SITE PLAN REVIEW
Wal-Mart Supercenter
Niagara Falls Boulevard & Erie Avenue
City of North Tonawanda

Dear Mr. Jaccarino:

This is in response to FRA Engineering letter dated February 4, 2008 regarding the subject project that New York State Department of Transportation received as a copy recipient. Their letter and analysis included responses to our comments addressed in our letter to you on January 9, 2008. We reviewed the responses and have the following comments:

- FRA Engineering recommended that the current signal phasing should remain in place at the Niagara Falls Boulevard at Ruie Road. They state that the overall operations are better without the left turn arrow. The overall intersection delay does increase by just a few seconds with the left turn arrow but, there is a significant improvement to the left turn movement for northbound Niagara Falls Boulevard with the arrow. Therefore, the Department will require the developer to install a left turn arrow as mitigation.

- In our January 9, 2008 letter we recommended that FRA Engineering explore other options to improve the level of service at the intersection of Niagara Falls Boulevard with Erie Avenue and Shawnee Road. FRA Engineering investigated split phasing and concluded in their February 4, 2008 letter that the original phasing should remain. We concur that the level of service would decrease if the signal phasing was split. Also, as previously identified, there are no practical geometric improvements due to the right-of-way constraints. Therefore, this intersection would experience increased delays with the additional Wal-Mart traffic, most notably in the afternoon peak for the left turn movement from Niagara Falls Boulevard to Shawnee Road and for the Erie Avenue through movement.

- An additional item that the Department will need to know is whether the proposed signalized access road connecting Wal-Mart with Niagara Falls Boulevard will be a private driveway or a city road.

A NYSDOT Highway Work Permit will be required for any work within the State Highway Right-of-Way. Additional site engineering review will be done as part of the Highway Work Permit process. This letter does not constitute approval for the purposes of a Highway Work Permit.

If you have any questions or comments, please contact me at 847-3575.

Very truly yours,

Original Signed by
E. S. Rutkowski

EDWARD S. RUTKOWSKI, P.E.
SEQR/Site Plan Review Coordinator

ESR/HAL/lk

cc: Dennis Kennelly, FRA Engineering
Dale Marshall, North Tonawanda City Engineer
Fred Frank, Wendel Duchscherer
Marc Romanowski, Harter, Secrest & Emery
Yelann Yu, Bergmann Associates

City of North Tonawanda
Department of Engineering
City Hall, 216 Payne Avenue
North Tonawanda, NY 14120-5493
www.northtonawanda.org

Dale W. Marshall, P. E.
City Engineer
Phone: **(716) 695-8565**
Fax: **(716) 695-8568**

October 22, 2007

Gary Przewozny, Chairman
And Planning Commission Members
216 Payne Avenue
North Tonawanda, NY 14120

Re: Proposed Wal-Mart Super Center
Draft Environmental Impact Statement Comments on Traffic

Honorable Body,

The Engineering Department, in conjunction with the Department of Public Works, have reviewed the Draft Environmental Impact Statement and offer our comments specifically on traffic in regards to a proposed Erie Avenue entrance/exit from at the City's 30' right-of-way driveway to the former Melody Fair/Bluebird Bus properties.

It is our understanding that in a letter from CSX Railroad, CSX has denied a new at-grade crossing to Walmart at the City's driveway on Erie Avenue. This is not a new crossing at this location. The City pays tens of thousands of dollars in rent annually to CSX for all City driveways and roads which cross their rail lines throughout the City. The CSX billing is itemized for each location and the Bluebird/ Melody Fair crossing is included in their bill. Therefore it is either an existing crossing, or the City has been overcharged significantly by CSX over the past decades for this location.

It is important to point out that a second entrance to Walmart is imperative because the traffic study prepared by the FRA Engineers predicts that approximately 45% of the trips generated due to Walmart will be coming northbound on Erie Avenue. It would be imprudent to allow this many vehicles to make a left hand turn onto Niagara Falls Boulevard, at this already poor intersection, if the Boulevard was the only Walmart entrance.

The following is a list of our comments:

1. The plan calls for an unsignalized intersection at the Erie Avenue Walmart entrance. An evaluation of signalization must be considered here for a protected left hand turn lane, as well as an additional dedicated right hand turn lane, as is the case at Wurlitzer Drive. A right lane is necessary for vehicle storage when rail traffic interrupts access to the west. This queue must be independent and not block through traffic to the southwest direction on Erie Avenue.

2. We recommend removing the pedestrian crossing of Erie Avenue and the CSX rail line at the Bluebird/Melody Fair driveway. There is no room at this location to fit two 14' lanes and a sidewalk within the existing 30' right-of-way as proposed.

3. Advance signalization of other controls is necessary on the Bluebird/Melody exit lane at Erie Avenue to provide vehicular clearance during railroad pre-emption, similar to the Wurlitzer Drive intersection. This is necessary to prevent vehicles from standing over the rail line itself.

4. It has come to our attention that Walmart is proposing to construct the section of Wurlitzer Drive from the Erie Avenue intersection to the existing dead end of Wurlitzer Drive at its intersection with D'Angelo Drive. This is consistent with the City's master plan to construct Wurlitzer drive from the Water Tower at Erie Avenue through to its proposed terminus at Walck Road, immediately west of Ramsay Field. The benefits are that a portion of a City planned roadway, within an existing City right-of-way, would be constructed not at City expense, and that this roadway would benefit residents in the Martinsville section of the City by providing controlled access to both Erie Avenue and Wurlitzer Drive west of Erie Avenue for destinations such as the central business district, high school, public library, etc. in the Nash Road/Meadow Drive area. Improvements to the intersection are therefore warranted with the addition of opposing left hand turn lanes southbound on Erie and east and west bound on Wurlitzer. In addition a permissive/protected lead phase left arrow is also recommended for the northbound Erie Avenue approach.

5. The plan shows the entrance driveway (road) from Niagara Falls Boulevard to be dedicated to the City. It is recommended that the City should not accept dedication of this right-of-way for obvious reasons such as snow plowing priorities throughout the entire city and future operation and maintenance costs to the City for a road predominately used for the benefit of the Walmart commercial area.

If you have any questions, please do not hesitate to call me at 695-8565.

Very truly yours,

Dale W. Marshall

Dale W. Marshall, P.E.
City Engineer

DWM:dwm

Cc: file
Mayor and Common Council
City Attorney
Superintendent of Public Works
Building Inspector
Andrew C. Reilly P.E., AICP, Wendel Duchscherer
Timothy C. Gawenus, P.E., FRA

City of North Tonawanda
Department of Engineering
City Hall, 216 Payne Avenue
North Tonawanda, NY 14120-5493
www.northtonawanda.org

Dale W. Marshall, P. E.
City Engineer
Phone: **(716) 695-8565**
Fax: **(716) 695-8568**

November 2, 2007

RECEIVED
NOV 06 2007
WENDEL

Gary Przewozny, Chairman
And Planning Commission Members
216 Payne Avenue
North Tonawanda, NY 14120

Re: Proposed Wal-Mart Super Center
Draft Environmental Impact Statement Comments on Traffic
Proposed Wurlitzer Entrance

Honorable Body,

The Engineering Department, in conjunction with the Department of Public Works, have reviewed the Draft Environmental Impact Statement and offer our comments specifically in regards to the revised proposal from Walmart for an entrance from Wurlitzer Drive as opposed to the Erie Avenue entrance as originally proposed.

We offer our comments with the understanding that the engineers for Walmart are studying Wurlitzer as a second option if CSX denies the Erie Avenue entrance at the city owned crossing to the former Melody Fair site and that we assume that the proposal to extend Wurlitzer is still warranted as proposed by Walmart and commented on by us in our previous submission.

The following is a list of our comments:

1. The plan should extend the existing right hand turn drop off lane on Erie Avenue (southbound) approaching Wurlitzer Drive to accommodate the additional traffic queues associated with the projected traffic volume and for the anticipated railroad pre-emption.

2. The plan should extend the existing left hand lane on Erie Avenue (northbound) approaching Wurlitzer Drive to accommodate the additional traffic queues associated with the projected traffic volume and for the anticipated railroad pre-emption. In addition this turn direction will require a dedicated left hand turn arrow.

3. The exclusive out only eastbound onto Wurlitzer Drive from Walmart as proposed is not practical and should be avoided. The 5% eastbound traffic volume predicted from the FRA study does not warrant this unusual geometry and would put further undo traffic volumes onto non-collector streets such as Ohio Street.

If you have any questions, please do not hesitate to call me at 695-8565.

Very truly yours,

Dale W. Marshall, P.E.
City Engineer

DWM:dwm

Cc: file
Mayor and Common Council
City Attorney
Superintendent of Public Works
Building Inspector
Andrew C. Reilly P.E., AICP, Wendel Duchscherer
Timothy C. Gawenus, P.E., FRA

Niagara County
Center for Economic Development

Niagara County Department of Economic Development
6311 Inducon Corporate Drive
Sanborn, NY 14132-9099
716 - 278 - 8750
Fax 716 - 278 - 8757
www.nccedev.com

Samuel M. Ferraro
Commissioner

September 28, 2007

Fredrick A. Frank
Wendel Duchscherer Architects & Engineers
140 John James Audubon Parkway
Amherst, NY 14228

RE: City of North Tonawanda Wal-Mart Supercenter Draft EIS

Dear Mr. Frank,

Upon review of the draft EIS for the proposed Wal-Mart Supercenter in the City of North Tonawanda, I would like to offer the following comments.

Page II-3 of the report references photo renderings and detailed building design drawings in Appendix J. The reference should be changed to Appendix L.

Page IV-30 of the report states, "...the large grass islands that cross the site are used for pretreatment of stormwater...no plantings have been provided here." Are there any shrubs or trees that can be incorporated into this area that would help meet the City's 30% shade requirement yet still allow for proper treatment of stormwater? Adding more shrubs/trees to this area will help break up the parking lot and create a more visually pleasing atmosphere.

Page IV-30 further indicates, "...areas to the east of the parking lot limits are proposed to be grassed and seeded". As much of this area as practicable should be filled with trees and shrubs.

On Page IV-31, it is indicated that the City's 30% shade requirement is unable to be met and a variance will be sought for relief from this provision. It is recommended that as much of this requirement is met as possible. This section should include a more detailed discussion of why the requirement cannot be met. The discussion should include all the components of the balancing test as required by New York State for the granting of an area variance. In addition, the City's code requirement and amount provided should be added to the landscape requirement table on the landscape plan.

A copy of North Tonawanda's newly adopted site plan regulations should be included in Appendix D. The sign package information in Appendix L contains a site location map of Wellsville, NY. This map should be removed and replaced with a map of the North Tonawanda site.

In accordance with General Municipal Law 239-nn, I recommend contacting the Town of Wheatfield early in the process to allow for adequate time to review and comment on the project. Furthermore, in accordance with New York State law, the project sponsor should comply with the DEIS and FEIS website posting requirements.

If you have any questions, please feel free to contact me at (716) 278-8754.

Thank you.

Sincerely,

Amy E. Fisk, AICP, Senior Planner
Niagara County Department of Economic Development

CC: Samuel M. Ferraro, Commissioner, Niagara County Dept. of Economic Dev.

TOWN HALL

WHEATFIELD

THE OFFICE OF THE SUPERVISOR

December 28, 2007

Mr. Gary Przewozny, Chairman
City of North Tonawanda Planning Commission
216 Payne Avenue
North Tonawanda, New York 14120

RE: PROPOSED WALMART SUPERCENTER
NIAGARA FALLS BOULEVARD
CITY OF NORTH TONAWANDA, NIAGARA COUNTY

Dear Mr. Przewozny:

Thank you for requesting comments from the Town of Wheatfield on the proposed Walmart DEIS. We understand that our comment is not required but rather requested as a courtesy. The Town of Wheatfield supports the Walmart project in the City of North Tonawanda. However, after reviewing the material provided, the Town does have concerns about traffic and drainage. The Town of Wheatfield's support for the project is conditioned on the City of North Tonawanda requiring Walmart to take reasonable measures to mitigate negative impacts to the area from traffic increases and to mitigate any impacts to the Town of Wheatfield relative to drainage.

The traffic studies show a substantial increase in traffic on the Boulevard. We are concerned that the increase in traffic as a result of the project will only exacerbate delays that the Niagara Falls Boulevard / Shawnee Road intersection currently experiences.

The material clearly shows drainage from the Walmart site being directed to retention ponds and ultimately to the large storm sewer system on Wurlitzer. However, the proposed access road from Niagara Falls Boulevard is mentioned as having a new storm sewer system (unknown proposed size) that will outlet via bore under Niagara Falls Boulevard to Sawyer Creek. In addition to drainage from the access road, the DEIS suggests that drainage from the front out-parcels, when they are eventually developed, will also be directed to this new storm sewer and into Sawyer Creek. While current State Stormwater Regulations would restrict post-development discharges to pre-development rates, it is suggested in the DEIS that this portion of the site currently does not leave the site or somehow infiltrates. It is unclear how the requirements of the State Pollution Discharge Elimination System (SPDES) General Permit for Stormwater discharges from Construction Activities (GP-02-01) will be achieved when there is no existing discharge. A large portion of the Town of Wheatfield drains through Sawyer Creek and an increase in flow to the Creek could adversely affect drainage in the Town.

We understand that these issues will be further addressed in the FEIS. If you should have any questions or if you would like to further discuss these issues, please do not hesitate to call.

Sincerely,
Town of Wheatfield

Timothy E. Dahler, Town Supervisor

C:\Documents and Settings\...\Walmart 12-28-07.doc
2800 Church Road, North Tonawanda, NY 14120-1099
Phone: 694-6680 Fax 692-4462

CSX
TRANSPORTATION
George E. Whittaker
Property Management Specialist

Received by:

JUL 2 5 2007

Real Estate North Team

500 Water Street (S/C J180)
Jacksonville, FL 32202
Telephone: (904) 633-1573
Fax: (904 633-3460
George_Whittaker@csx.com

July 16, 2007

Project: Private Industrial at-grade Crossing Rehabilitation and Warning System Installation in North Tonawanda, Niagara County, NY; CSXT M.P. QCN-16.30; DOT 874 836 H.

Mr. J. Ashley Tucker
Design Manager
Wal-Mart Stores, Inc.
2001 S. E. 10th Street
Bentonville, AR 72716-0550

Dear Mr. Tucker:

After careful consideration of the subject project request, CSX Transportation, Inc. has determined that the Application for a private crossing Agreement is declined.

There are ingress/egress roads available from existing streets that do not require access by way of the above-mentioned private crossing.

Further, the anticipated use for this crossing appears to be for general public access to and through the lands of Wal-Mart Stores, Inc. If you wish to pursue for use of the crossing by the general Public, this can be addressed with and by the City/County/State Highway Agency and if certain conditions are met, they can elect to pursue this for a public crossing under current guidelines D.O.T. guidelines.

If there are any questions, please feel free to contact me.

Sincerely yours,

George Whittaker

City of North Tonawanda Planning Commission
Draft Environmental Impact Statement Public Hearing
Proposed Wal-Mart Supercenter
September 10, 2007
North Tonawanda City Hall- Common Council Chambers

The City of North Tonawanda Planning Commission, as Lead Agency, held a public hearing on September 10, 2007 to obtain comments on the Draft Environmental Impact Statement (DEIS) submitted for the proposed Wal-Mart Supercenter near the intersection of Niagara Falls Boulevard (US 62) and Erie Avenue (SR 425) in the City of North Tonawanda. **The following comments were received from the public at that meeting:**

Doris Bennett
1. Identify who will pay for the proposed transportation improvements.
2. The Wurlitzer Drive extension should provide adequate options for residents of the adjacent neighborhoods.
3. The proposed transportation improvements will change the character of the neighborhood.

Debbie T.
1. Improvements to Erie Avenue would be beneficial.

Dave Seeger
1. How will traffic improve at the intersection of Niagara Falls Boulevard and Erie Avenue without any mitigation to that intersection?
2. The Wal-Mart building is out of character with the Wurlitzer Building.
3. The proposed stormwater discharge is not compliant with the state stormwater regulations.

Tammy Godyne
1. Environmental impacts have been adequately addressed in the DEIS.
2. Taxes generated by Wal-Mart will remain in the City.
3. Wal-Mart could spur other economic development.

Frank Budwey
1. The agreement between Wal-Mart and CSX for the railroad crossing needs to be documented.
2. The Wurlitzer Drive extension will be beneficial to residents in the adjacent neighborhoods.
3. How will transportation improvements be paid for.
4. Concerned about whether the proposed traffic mitigations will adequately address the traffic impact.
5. The train crossing will impact traffic.

6. Should there be a traffic signal at the Erie Avenue access drive?

Dennis B.
1. The traffic signal at the Niagara Falls Boulevard access should help traffic flow in the area.

Susan Wilke
1. Concerns about the horizontal curve on Niagara Falls Boulevard.
2. Identify who will pay for transportation improvements.
3. The sanitary sewer along Wurlitzer Drive overflows will spillover from the storm sewer during rain events. The Wal-Mart will exacerbate this.
4. St. Albert's church is growing its parish and could generate additional traffic.

Leonard
1. Wal-Mart can bring additional economic development.
2. The store will be a local convenience.

Jim Cahill
1. Traffic around the site is already bad, Wal-Mart will make traffic worse.
2. Traffic may increase in neighborhood streets such as Wurlitzer Drive and Ohio Avenue.

Jerry Clark
1. Wal-Mart will impact access to/ from Erie Avenue from adjacent neighborhoods.
2. Wal-Mart will provide a local convenience.

Ilene Closack
1. Traffic will worsen on Erie Avenue.
2. The agreement between Wal-Mart and CSX for the railroad crossing needs to be documented.
3. Wal-Mart will bring additional economic development.

Ray Gang
1. The additional traffic signals will hurt traffic flow.

Debbie Gundak
1. The DEIS adequately addresses all impacts.

Diane D.
1. The Wal-Mart will bring additional traffic making it more difficult to enter/ exit Ohio Avenue to Niagara Falls Boulevard.
2. Who determines the location of traffic signals?
3. Is there the possibility for a traffic signal to be places at Niagara Falls Boulevard and Ohio Avenue?

Eric
1. The site poses more of an environmental threat sitting vacant than developed as a Wal-Mart.
2. DEIS adequately addresses impacts.

Sonia M. Dusza
1. The DEIS doesn't adequately address the scope.
2. Items that were listed as insignificant or irrelevant should have been addressed in DEIS.
3. The DEIS does not address the Comprehensive Plan or Zoning Code.

Bill Ames
1. The Wal-Mart will bring additional economic development.

Susan K.
1. Impacts are adequately addressed in DEIS.
2. There will likely be impacts from the displacement of animal habitats- deer and rodents.
3. Traffic impacts are not significant.

DAVID J. SEEGER
ATTORNEY AT LAW
69 DELAWARE AVENUE, SUITE 1100
BUFFALO, NEW YORK 14202
(716) 856-1536
FAX (716) 856-1408

DAVID J. SEEGER, ESQ.
ALISON L. ODOJEWSKI, ESQ., ASSOCIATE

September 21, 2007

Gary Przewozny, Chairman
City of North Tonawanda
216 Payne Avenue
North Tonawanda, NY 14120

Thomas M. Jaccarino, Clerk
City of North Tonawanda
216 Payne Avenue
North Tonawanda, NY 14120

Re: Proposed Wal-Mart supercenter
Wurlitzer Park Location

Dear Messrs. Przewozny & Jaccarino:

Please accept the enclosed comments that represent the cooperative work product of the members of North Tonawanda First.

Please note that the DEIS should never have been accepted as adequate for public review. I call your especial attention to Point 1 of the attached comments, substantiating the serious procedural flaws associated with the Planning Commission's acceptance of the DEIS and deficiencies in its public notice, and the failure to comply with the recent statutory "EIS on the web" law.

The proper remedy is for the Planning Commission to revisit whether to accept the DEIS as adequate and, in any event, to properly adopt and publish the required SEQRA notices and to make the full DEIS available on the web.

Thank you.

Yours truly,

David J. Seeger

DJS/pa
Enclosure

COMMENTS ON THE
"DRAFT ENVIRONMENTAL
IMPACT STATEMENT"

PROJECT: NORTH TONAWANDA WAL-MART
SUPERCENTER AND RETAIL COMPLEX

SUBMITTED BY: NORTH TONAWANDA FIRST

September 21, 2007

1. FAILURE TO ADOPT AND PUBLISH REQUIRED LEGAL NOTICES AND FAILURE TO POST DEIS ON THE INTERNET

On August 6, 2007, the Planning Commission held a meeting, of sorts. A quorum was not present and the Chairman announced that the meeting would be conducted solely as a discussion session.

Some people left, understandably thinking that it was not an official meeting of the Planning Commission. However, at approximately 6:30 p.m., a Commissioner showed, making a quorum. The Planning Commission, despite having previously announced it was not conducting a meeting that night due to lack of quorum, proceeded to conduct a meeting. According to the minutes, the Planning Commission adopted a motion:

> That the North Tonawanda Planning Commission accepts the draft environmental impact statement and schedules a public hearing at the next regularly scheduled meeting of the North Tonawanda Planning Commission to be held on September 10, 2007 at 6:00 p.m. in the Common Council Chambers, 216 Payne Avenue, North Tonawanda, New York.

Several things are conspicuously absent from this resolution. First, the resolution ***does not reveal when the public comment period ends.*** The Planning Commission has not adopted a resolution that sets an end to the public comment period. According to NYSDEC regulations,

there is no fixed or maximum length of time for a public comment period, so it certainly is important for the lead agency to let the public know when the public comment period ends.

Indeed, 6 NYCRR §617.9(a)(3) requires that the lead agency must "prepare, file and publish a notice of completion of the draft EIS." According to §617.12(a)(2)(iii), a notice of completion *must* "include the period . . . during which comments will be accepted by the lead agency." This was not done, and the resolution that the Planning Commission adopted on August 6, 2007 was, at best, an incomplete and inadequate "notice of completion."

Even were the August 6, 2007 resolution excused for failing to specify the length of the public comment period, it fails on another count. Section 617.12(a)(2)(iii) requires that a notice of completion *must* state where copies of the DEIS can be obtained. The resolution makes no mention as to the DEIS being available for public review, much less where the public may go to examine it.

On August 18, 2007, a legal notice was published in the Tonawanda News which provided a little more information than the August 6, 2007 resolution, yet which still fell short of "notice of hearing" requirements. Specifically, it, too, did not state the length of the public comment period. Also problematic is that the legal notice describes the project as only a "WalMart supercenter" even though it entails the intensive development of an additional 12 or so acres of land.

An even more egregious procedural violation is that the vast majority of the DEIS was not posted on a publicly accessible internet website, as required by the New York State Legislature's 2005 SEQRA amendment establishing an "EIS on the Web" requirement.

Chapter 641 of the New York State Session Laws of 2005 requires that every draft and final EIS be posted on a publicly accessible internet website, as of February 26, 2006. A DEIS

must remain posted until the FEIS is accepted, and the FEIS must then remain posted until at least one year after all final approvals have been issued for the project that is the subject of the FEIS.

The statute provides an exception only in cases where internet posting is "impracticable."

In this case, only the 180± page DEIS main report was posted on the City's website. The technical appendices, which are part of the DEIS in both name and substance, were not posted.

WalMart can and does post its entire DEISs on publicly accessible internet sites with respect to applications in other municipalities, among them, e.g.., the Towns of Allegany and Hamburg.

It is the appendices that provide the information that needs critiquing by the public in order to keep the DEIS sponsor honest. The main report summarizes and selectively characterizes the information in the appendices, and the main reports routinely make no mention of project flaws and environmental problems revealed in the appendices. It is a matter of great importance to the members of North Tonawanda First that they have equal access to the appendices as to the main report.

The DEIS appendices, as stated, are part of the DEIS in both form and substance. In form, because WalMart's labels given the appendices and incorporation in the DEIS main report show that they were considered by WalMart to be part of the DEIS. Not only were they labeled as such, but the appendices are specific to the proposed project and were generated specifically for it.

The Commission's attention is drawn to NYSDEC Regulation 6 NYCRR §617.9(b)(7). In relevant part, it states:

> A draft or final EIS may incorporate by reference all or portions of other documents, including EISs that contain information

> relevant to the statement. *The referenced documents must be made available for inspection by the public within the time period for public comment in the same places where the agency makes available copies of the EIS. . .*

(Emphasis added). This underscores that the DEIS appendices must be reviewable by the public on the same terms as the main body of the DEIS. Thus, calving off the critically important appendices from the DEIS main report for the purposes of internet posting directly violates the 2005 SEQRA amendment adopted by the New York State Legislature, as well as one or more NYSDEC regulations.

There is only one remedy. The acceptance of the DEIS and the establishment of a public comment period should be considered a nullity, and the matter revisited by the Planning Commission. Once a DEIS is properly accepted as adequate for public review, the notice and posting requirements should be scrupulously honored.

After all, SEQRA mandates strict procedural compliance. See, e.g., *NYC Coalition to End Lead Poisoning v. Vallone*, 100 NY2d 337, 348 (2003) (endorsing requirement of "strict compliance" and attendant spectre of *de novo* environmental review, in order to ensure agencies err on the side of meticulous care in their environmental review, and rejecting "[a]nything less than strict compliance"). See also *Citizens Against Retail Sprawl (CARS) v. Giza*, 280 AD2d 234, 237 (4th Dept.) (SEQRA "effectuated, in part, through strict compliance").

2. SEGMENTATION

WalMart Stores, Inc. proposes to establish a retail center at certain premises on the northwest corner of the Erie Avenue/Niagara Falls Blvd. intersection, part of which was formerly occupied by "Melody Fair" and another part of which was formerly occupied by a Bluebird Bus garage. The proposal entails the creation of four outparcels ranging in size from 1.3 to 5.7 acres.

The balance of the site (37.8 acres) would be dedicated primarily to a proposed WalMart supercenter and associated parking, stormwater drainage, access road and landscaping features.

The 37.8 acre assemblage entails substantial re-subdivision.

WalMart submitted an "Overall Site Plan" to the City in November, 2006 that identified the location of four outparcels but failed to identify the size and type of buildings and other improvements that would be placed upon them. No building footprints, driveways, landscaping, accessory uses, elevations, etc. are provided with respect to the four outparcels.

These four outparcels will no doubt have the heaviest per-square foot traffic generation on the site. For example, at the two outparcels nestled between Bluebird Drive and Erie Avenue, the traffic study assumes two fast food restaurants will be built. Likewise, the traffic impact study assumes that the "Wurlitzer Park Outparcel" will be developed for a sit down restaurant.

In contrast, the traffic impact study assumes that the 5.7 acre "Outparcel No. 1" fronting on Niagara Falls Blvd., Majestic Lane and the proposed site driveway will have much lower traffic-generating development, so that the 5.7 acre parcel will actually generate less peak hour traffic than the parcels only one-quarter of its size!

The point is that the evaluation of the proposed WalMart supercenter should be conducted under a scenario of "full build-out" of the 37.8 acre site.

SEQRA regulations define segmentation as the division of environmental review such that various activities or stages are addressed under SEQRA as though they are independent, unrelated activities, which need only individual determinations of environmental significance.

However, the law disfavors segmentation. General Rule 6 NYCRR §617.3(g) states, among other things, that considering only a part or segment of an action is contrary to the intent of SEQRA, and that if segmented review is conducted, the positive declaration "*and any*

subsequent EIS" must clearly state the supporting reasons and must demonstrate that such review is clearly no less protective of the environment.

Developers and lead agencies commonly avoid the segmentation problem for multi-phase development proposals by assuming a hypothetical full "build-out" of the site. That way, if equivalent or less intensive uses are actually implemented as the site's subparcels become developed, the purpose of SEQRA is not defeated, and, likewise, there is not the need for further environmental review.

However, other than some assumptions stated only in the traffic impact study ("TIS"), the development proposal is silent about the uses to which the various outparcels would be put.

Therefore, it is requested that a site plan be developed (with appropriate alternatives) based on hypothetical "full build-out" principles, or, in the alternative, that the EIS (with the consent of the lead agency) present the legal justification needed to permit segmented environmental review.

3. TRAFFIC

The proposed DEIS's discussion of traffic is perplexing and unsound. For example, the Planning Commission's attention is drawn to Table 6 on page IV-42. According to that study, westbound traffic on Niagara Falls Blvd. under existing conditions, experience levels of service ranging from a high of B to a low of E during peak hour traffic. Vehicles turning left from Niagara Falls Blvd. onto Erie Avenue will experience levels of service of C, E and D during the a.m., p.m. and Saturday peak hours, respectively. Traffic continuing through that intersection experiences levels of service of C, D and C during the three same peak hours. Under "background" conditions, which project normal traffic volume increases without the WalMart project, the levels of service would experience only slight deterioration. According to the same

Table 6, if the project is fully developed, including the outparcels, the levels of service for left turn traffic from Niagara Falls Blvd. onto Erie Avenue will drop to F for all three peak hours. However, according to the same table, they will experience improvement for westbound Niagara Falls Blvd. traffic continuing through the Erie Avenue/Shawnee intersection and significant improvement for traffic turning right from Niagara Falls Blvd. onto Shawnee Road.

What makes this remarkable is that WalMart does not propose to improve or mitigate traffic at the Erie Avenue/Shawnee Road intersection with Niagara Falls Blvd. In other words, there are no additional lanes proposed for Niagara Falls Blvd., nor is there any signalization change proposed for Niagara Falls Blvd. Therefore, the Planning Commission should ask this: How is it that traffic flowing in a westbound direction on Niagara Falls Blvd. at the Erie Avenue/Shawnee Road intersection will experience improvements even though no mitigation is proposed for that intersection and even though WalMart is proposing to generate approximately 1,000 vehicular trips during peak hour traffic? In other words, by adding traffic to Niagara Falls Blvd. and providing no mitigation at that intersection, how is it that conditions are calculated to improve? Many other traffic study questions abound:

- According to Table 7, traffic turning left from Melody Lane onto Niagara Falls Blvd. will experience a C LOS, under existing conditions, background conditions, development without mitigation, and development with mitigation. Traffic attempting to turn left onto Niagara Falls Blvd. from Melody Lane will be forced to use the center lane, which WalMart proposes to turn into a dedicated left turn lane for the primary driveway. There is an obvious conflict.

- Table 10, which addresses Erie Avenue at Walck Road, reports that the overall intersection, if the entire WalMart project is built, will improve from B, C, B LOSs during peak hours, compared to the C, C and B LOSs calculated for that same intersection under background conditions.

- Even more perplexing is WalMart's prediction if the entire project is built, the Twin City Highway/Division Street/Erie Avenue/Wheatfield Street intersection will improve to D, D and D LOSs during peak hours, from E, D and E LOSs that are predicted if the project is not built. WalMart is not proposing any mitigation

at this intersection, so again the question is presented how a project which generates large peak hour vehicular traffic can result in improved conditions at intersections for which no mitigation is proposed.

Your attention is called to Publication No. 456, dated March, 1996, entitled "Driveway and Street Intersection Spacing," authored by the Transportation Research Board ("TRB"). The TRB is a unit of the National Research Council which serves as an independent advisor to the federal government on scientific and technical questions of national importance. The National Research Council is jointly administered by the prestigious National Academy of Sciences, the National Academy of Engineering and the Institute of Medicine.

Specific concerns include the following.

A. **Signal Spacing.** As the TRB states on page 13:

> Most traffic delays along roadways result from stops at traffic signals. Various studies have shown that the number of traffic signals per mile has a greater influence on travel speeds than the traffic volume per lane or the volume-to-capacity ratio. Therefore, selecting a long and uniform signalized intersection spacing is the first essential element in establishing access spacing standards.
>
> The variables involved in the planning, design and operation of signalized arterial streets are reflected in the relationship between speeds, cycle lengths and signal spacings which yield maximum progression band widths in both travel directions.

As Table 1 on page 14 shows, the proper spacing for traffic signals ranges from a low of 1 to 2 miles up to 4 miles, depending on whether Niagara Falls Blvd. is considered a primary arterial highway or an expressway. On page 14, the TRB states that when signals are spaced ¼ mile apart, traffic can progress at reasonable speeds only if the traffic volumes are very low and short cycles of 65 seconds or less are utilized. The main driveway WalMart proposes is located

less than ¼ mile away from the existing signalized intersection of Erie Road and Niagara Falls Blvd. The distance cannot possibly meet Transportation Research Board criteria. The DEIS should address the following:

- Attribute the proper functional route classification (see Table 1, page 14) of Niagara Falls Blvd.
- Disclose signal spacings on Niagara Falls Blvd., including the distance from the proposed main driveway to the nearest existing traffic signals.
- Calculate progressive speeds of thru traffic under several reasonable scenarios, including peak hour traffic and at different signal cycle lengths.
- Discuss alternatives including relocation of the main driveway.

According to WalMart's traffic study, WalMart does not recommend constructing any exclusive left or right turn lanes on either Erie Avenue or Niagara Falls Blvd. (or, for that matter, Wurlitzer Drive) to accommodate traffic entering and exiting the WalMart development.

For traffic heading northward on Niagara Falls Blvd. seeking to turn left into the proposed main access driveway, no additional lane is planned. Rather, the TIS assumes that the existing middle "fifth" lane, presently used for traffic seeking to turn left from either direction, will be dedicated exclusively to WalMart purposes as an exclusive left turn lane. The traffic safety consequences of this need to be addressed, together with the acceptability of appropriating this fifth lane for WalMart purposes to the detriment of southbound traffic that would now or in the future wish to utilize the middle lane for left turns.

For traffic exiting at the main access driveway and turning right (southbound) on Niagara Falls Blvd., no additional lane is provided for vehicles to accelerate and eventually merge. Because Niagara Falls Blvd. is a high speed major arterial, there will be large speed differentials

between southbound thru traffic and exiting vehicles turning southbound onto Niagara Falls Blvd. A speed differential of 35 mph will result for incautious vehicles, with dramatically higher accident potential.

Similarly, at the Erie Avenue driveway, no turning lane is provided for traffic seeking to turn left from Erie Avenue into the supercenter, and no merge lane is provided for traffic exiting that driveway and turning right onto Erie Avenue.

As a result, high speed differentials will result.

The DEIS should address all these points and consider as alternatives the addition of turning lanes for entering and exiting vehicles at both the Niagara Falls Blvd. and Erie Avenue driveways.

B. **Stopping Site Distance.** The Commission's attention is drawn to the proposed DEIS, which misstates and miscalculates actual stopping distances available at the proposed supercenter's two main driveways.

The problem is according to the Transportation Research Board:

> Ideally, a vehicle should clear a major intersection before the driver is required to respond to vehicles entering, leaving or crossing the arterial. This simplifies the driving task and minimizes driver mistakes and collisions.
>
> AASHTO stopping site distances provide a possible criterion that enables drivers to clear an intersection before having to decelerate in response to a downstream conflict.

TRB, page 20.

What this means is that stopping site distance should not include the roadway past the nearest intersection. WalMart's consultants calculate available site distance in excess of 800 feet. What TRB (and, it would seem, AASHTO) tell us, is that for southbound vehicles on Niagara Falls Blvd., the available stopping site distance must be calculated several times as

follows: as 1) the distance between Erie Avenue and WalMart's main driveway, 2) the distance between the main driveway and Majestic Lane, 3) the distance between the proposed Erie Avenue access and Eddy Drive, 4) the distance between the Erie Avenue driveway and Linden Avenue, 6) the distance between the Erie Avenue driveway and Leah Drive and 7) the distance between the Erie Avenue access drive and Lyric Avenue.

These calculations are needed because traffic that has yet to clear intersections near the Erie Avenue and Niagara Falls Blvd. driveways is presumed distracted and does not readily perceive the traffic exiting the WalMart site until after the intersection has been cleared. Using the proper calculations, the stopping site distances will, with respect to some locations including Eddy Drive, drop to only 240 or so feet, and at many intersections (if not all) will be significantly below the safe stopping site distance recommended by AASHTO.

The DEIS should address each of these points, disclose through both text and graphically its stopping site distance calculations, address the influence of the all seven nearby intersections, and explore alternatives (including driveway relocation) that would serve to maximize stopping site distances, or, more realistically, disclose unavoidable adverse impacts such as major speed limit reductions, converting side streets into one way streets, etc.

C. **Right-Turn Conflict Overlap.** The TRB reports:

> Minimizing the number of access points that a driver must monitor simultaneously simplifies the driving task. Drivers need to be alert for turning vehicles at one driveway at a time. This criterion – referred to in the literature as the "Right-Turn Conflict Overlap" – calls for adequate separation of conflict points.
>
> Two conflict points between a thru vehicle and a driveway vehicle are created where the driver of the thru vehicle must be alert for a right-turning vehicle entering the roadway, from one drive at a time, or for a vehicle making a right-turn into a driveway. In both

> cases, thru vehicles must decelerate to avoid a collision. This will create a shockwave in the thru traffic stream. . . This has a negative impact on capacity and traffic operations *as well as jeopardizing the public safety.*
>
> The minimum distances that are required to avoid this conflict overlap for one-driveway at a time are shown in Table 6. These distances can be used to determine the minimum spacings when drivers monitor multiple driveways at a time.

TRB, page 20.

In addition to the seven intersections that are near the two proposed WalMart supercenter driveways, there are nearby residential and business driveways. In light of objective engineering criteria, the DEIS should quantify the potential collision problem, disclose alternatives to reduce or eliminate it, and in doing so the DEIS should identify all relevant driveways, calculate their distance from each other, fully address TRBs "Right Turn Conflict Overlap" discussion, and consider alternatives including the use of shared driveways, etc.

D. **Length of Wal-Mart's Left Turn Lanes.** According to the TRB and AASHTO, driveways are deemed intersections and should not be placed within auxiliary left-and right-turn lanes:

> The AASHTO "Green Book" (page 793) makes the statement that "Driveway terminals are in effect at-grade intersections . . . and . . . Driveways should not be situated within the functional boundary of at-grade intersections. This boundary would include the longitudinal limits of the auxiliary [left-turn and right-turn] lanes."

WalMart proposes a left-turn lane on Niagara Falls Blvd. into the main access drive, and one on Erie Avenue into a secondary access driveway. However, the proposed DEIS does not reveal driveways and other highway access points that will be blocked by these lanes. At other

locations, no doubt right turn and left turn lanes will have to be incorporated. This squarely conflicts with AASHTO and TRB criteria.

The DEIS should recognize the issue, verify (or critique) it, disclose the existence of all relevant driveways and present alternatives (including shared vehicular access, etc.) that would resolve the problem.

4. STORMWATER MANAGEMENT

According to WalMart's application, it will require a variance (hence "60 day review") from NYSDEC for its proposed stormwater management system. According to the Stormwater Management Report, stormwater will discharge into a municipal storm sewer and a nearby creek (Sawyer Creek). The Stormwater Management Report, however, does not describe what the system's components will be and why they will not meet the technical standards contained in NYSDEC's Guidelines for stormwater management.

WalMart consistently applies for variances and fails to meet NYSDEC's technical standards. Examples include the proposed WalMart supercenter in the Town of Evans, the supercenter conversion in the Town of Batavia, the proposed Hamburg WalMart, the Town of Allegany WalMart, etc.

WalMart Stores, Inc. should in tabular form identify all stores it has developed (i.e., built or expanded into supercenters) in western New York since 2003, when the Phase II stormwater permitting requirements commenced having force. The table should disclose which, if any, did not need variances or "sixty day review" from NYSDEC and, for each facility, the variances required and requested should be identified. The DEIS should extrapolate from this data whether there is a pattern of inability or unwillingness to comply with Phase II stormwater standards and,

if so, require a heightened demonstration from WalMart as to why the North Tonawanda facilities need not comply.

The DEIS should rigorously require an explanation of the relevant NYSDEC technical criteria and require the applicant to demonstrate compliance with every relevant criterion or, for those criteria that WalMart cannot comply with, a detailed justification be presented that explains why it is not practicable to obtain compliance and that WalMart's alternative plans will reduce stormwater impacts to the maximum extent practicable.

The DEIS needs to describe the stormwater management facilities that will discharge into Sawyer Creek. The subwatershed draining in that direction should be identified. The Sawyer Creek floodplain should be identified.

The proposed DEIS states that the runoff from the proposed main access drive will be combined with surface water runoff from part of the Wurlitzer Park facility and be discharged via a second, new storm sewer directly into Sawyer Creek. However, it does not discuss what water quality treatment measures will be used to treat the stormwater before it outlets to Sawyer Creek. On p. IV-18, it refers to such measures, but does not disclose what they are or whether they meet even minimum DEC standards.

For each subwatershed discharging from the site independently from each other, the water quality volume should be calculated in accordance with §4.1 of the New York State Stormwater Management Design Manual (hereafter "Manual.") Similarly, the channel protection volume and overbank flood and extreme storm allowable discharges should be calculated for each subwatershed. In addition, for the subwatershed discharging into Sawyer Creek, existing geologic conditions should be described assessing the vulnerability of Sawyer Creek to stream channel erosion, the historic impacts to Sawyer Creek from stream channel

erosion, existing water quality of Sawyer Creek, and a description of all relevant species of significance existing in Sawyer Creek, e.g., freshwater mussels, fish species that are of concern, etc. In addition, the Sawyer Creek analysis should assess the levels of hazardous and toxic wastes in Sawyer Creek waters and sediments and bank soils, particularly in light of the partial clean up NYSDOT performed in recent years when making improvements on Niagara Falls Blvd. This information is important to determine whether the proposed WalMart supercenter and associated development will contribute to migration of hazardous or toxic waste and otherwise impact stream quality.

Concerning mechanical methods of pollutant removal, the DEIS should collect peer reviewed, government-authored and independent scientific literature concerning the efficacy of devices such as those made by Stormceptor and CDS, to mention only two of a broad range. The stormwater management report included in the environmental assessment includes a "Design Report" from CDS Technologies, which calculates total suspended solids removal efficiency of its CDS-manufactured PMSU 40 _ 30 stormwater management device as being on the order of 86.0%. However, CDS takes a small set of data specific to various regions around the world and issues design reports for WalMarts around the world consistently showing TSS removal efficiencies in excess of 80%. In contrast, at least one independent engineering study has shown actual removal efficiencies as being on the order of 50% (failing NYSDEC standards) and, in one instance, the State of Washington Department of Ecology determined the TSS removal efficiency was on the order of 1%!

Therefore, the DEIS should identify and present the data and reports of independent scientists and government regulatory agencies assessing actual, real world performance of the

engineer or other mechanical devices WalMart proposes to incorporate into its stormwater management system.

Furthermore, the DEIS should address in detail all five acceptable stormwater management practices identified in Chapter 5 of the NYSDEC Manual, including stormwater ponds, stormwater wetlands, infiltration practices, filtering practices and open channel practices, and discuss the extent to which each can be incorporated into an overall stormwater management design. None of the acceptable stormwater management practices that NYSDEC has approved and incorporated in its Manual include extended dry detention, which is the design that WalMart proposes to employ in North Tonawanda. Extended dry detention ponds are not an allowable practice because they fail to control stormwater quality and, instead, have benefits only with respect to water quantity control.

The proposed DEIS merely states that, at the request of the City Engineer, WalMart will refrain from utilizing wet ponds. No reason is given as to why wet ponds should be disallowed. Properly designed wet ponds do not present a risk of breeding mosquitoes. In one form or another, they are *required* by NYSDEC under Phase 2 permit standards. It is unacceptable for WalMart to design a stormwater management system that uses out of date technology (dry detention pond) which NYSDEC no longer allows, simply on the basis of a self-serving assertion that the City Engineer doesn't want wet ponds in the City of Tonawanda.

On page IV-15, the proposed DEIS states that it is allotting peak discharges of 2.1 cubic feet per second for discharges from the four outparcels, which are roughly 11 acres in size. In contrast, it is allotting 37.2 cfs peak discharge for the WalMart store site itself, which is on a parcel approximately 25 acres in size. What this means is that the four outparcels stormwater runoff, which cannot possibly be limited to a mere 2.1 cfs, will contribute to flood peaks and will

not be adequately treated for water quality purposes. The DEIS should demonstrate how it is that stormwater runoff from these four outparcels can meet NYSDEC criteria for stormwater runoff and, if not, the DEIS should present a range of alternatives showing how compliance could be achieved.

4. Project Description and Public Subsidies

The project appears to entail considerable concessions from the Tonawanda Common Council. Among them is abandonment of Bluebird Drive for a length of several hundred feet. This right-of-way, which extends through the footprint of the proposed WalMart supercenter, is valuable property. Similarly, the project entails the Common Council's abandonment of approximately 400 feet of Lyric Avenue. However, no compensation to the City for this valuable real estate is offered.

WalMart proposes a 1,000 foot long driveway running from its proposed store to Niagara Falls Blvd. WalMart mentions its desire to dedicate this to the City. There is no discussion of the benefits to the City from accepting such a dedication. No figure for annualized repair and maintenance costs are given, so that the fiscal impacts can be measured.

WalMart proposes to extend Wurlitzer Drive by approximately 750 feet. The stated reason for this is to provide an alternative route for the Martinsville residents who will experience extreme difficulties exiting onto Erie Avenue. However, the cost of this proposal is not discussed. Nor is it clear that WalMart would pay for all associated improvements, possibly including upgraded signalization for the Erie Avenue/Wurlitzer Drive intersection. Who will bear the cost of maintenance? Also, what impacts on the LOS will there be in the Martinsville neighborhood if the Wurlitzer Drive extension is built?

The proposed WalMart will, according to Table 6, have major adverse effects on the Erie Avenue/Shawnee Road/Niagara Falls Blvd. intersection. Traffic continuing on Erie Avenue onto Shawnee Road will suffer a failing LOS. Traffic turning left from Niagara Falls Blvd. onto Erie Avenue will experience a failing LOS. Traffic turning left onto Shawnee Road will, in the evening peak hour, experience a failing LOS. The alternative section of the EIS should present alternatives acceptable to NYSDEC for improving this intersection. A formula under which WalMart would pay its fair share of the required improvements is needed, and a mechanism that secures this payment and ensures that it is dedicated to intersection improvement should also be discussed. In a sense, WalMart is pushing that intersection's LOS over the edge, creating consistent failing levels. Implicitly, WalMart is expecting the taxpayers of the State to bear the sole cost of rectifying this problem, which should be unacceptable to the City.

5. RAILROAD BLOCKAGE OF PUBLIC HIGHWAYS AND DRIVEWAYS

Measurements taken by members of North Tonawanda First indicate that there are two train trips daily on the days that the railroad is in operation, which we understand to be approximately three or more days per week.

Observations taken on September 20, 2007 show the outbound train had 19 cars, and the inbound train 22 cars, at Wurlitzer Drive, it took approximately 2 minutes, 47 seconds for the train to clear the intersection, during which traffic on Wurlitzer was at a standstill. At Twin City Highway, the train took 3 minutes 15 seconds to cross.

On Niagara Falls Boulevard, the train took 3 minutes 12 seconds to cross.

These highway blockages are sufficiently serious that the traffic impact study needs to address their consequences. For example, due to an additional delay of approximately 3 minutes at the proposed WalMart supercenter Erie Avenue driveway, one would expect queueing of an

additional several dozen cars, both inbound and outbound. This would be compounded during peak traffic hours. The TIS needs to address the sufficiency of the length of the Erie Avenue left turn lane into the WalMart driveway, i.e., whether it can handle the resultant queue. Likewise, the TIS needs to address the adequacy of the outbound driveway lane with respect to the additional queue length needed.

The DEIS provides no details concerning mitigation measures proposed with respect to the CSX crossing. The Commission's attention is turned to the decision in *Citizens Against Retail Sprawl (CARS) v. Giza*, 280 AD2d 234 (4th Dept., 2001). In the *CARS* case, our Appellate Division ruled that an EIS's reliance on environmental impact solutions that will be developed in the future by other agencies or entities violates SEQRA. 280 AD2d at 239.

In this case, the EIS claims that the obvious problems of railroad crossings of more heavily congested highways and driveways will be solved through future negotiations between WalMart and CSX. This deferral to the future is contrary to SEQRA.

6. THE DEIS'S DISCUSSION ON STORMWATER DOES NOT PASS LEGAL MUSTER

Similarly, the DEIS claims that WalMart's stormwater pollution problems will be resolved through mitigation measures yet to be developed as part of NYSDEC's permitting program for stormwater discharges. At this point in time, the stormwater management plans relative to the WalMart site proper are only in a primitive state of development, and it is not possible to measure efficacy in terms of, for example, percentage of pollutants removed. Resolving this important problem must not await a future, post-SEQRA stage. Likewise, there are virtually no plans provided for stormwater management in the various outparcels. According to the draft EIS, during storm events there will be available capacity for stormwater runoff from these outparcels of only 2 cubic feet per second, a tiny amount considering the extensive paving

and building that will take place on these outparcels. The DEIS admits that stormwater drainage for these outparcels has not been addressed as of yet. This deferral to the future is contrary to SEQRA.

Annexed hereto as Exhibit B is a journal article entitled "Side-By-Side Evaluation of Stormwater Proprietary BMPs," published by three professors of the Department of Civil and Environmental Engineering at the University of Central Florida. The study was funded by the Florida Department of Environmental Protection. It evaluated proprietary BMPs sold by three companies, one of which is CDS Technologies.

The CDS unit was model PMSU 30_19. This device is similar to, though smaller in capacity than, the device that WalMart proposes to use to achieve water quality objectives respecting stormwater discharges.

A review of the stormwater management report appendix to the DEIS reveals that WalMart is assuming that the CDS device will remove more than 80% of total suspended solids and 40% of phosphorous. The basis for this claim are calculations provided by the manufacturer.

However, scientific study showed that the total phosphorous removal rate for the CDS device was less than 29%, and the removal rate for total suspended solids was less than 52%. It achieved insignificant removal of metals including iron and zinc, and nitrogen as nitrate/nitrite.

The three professors went on to say that previous studies "have shown that BMPs are much more efficient at removing large particle sediments than small particle sediments," and give citations to two studies. This is of particular significance to the North Tonawanda site because of the predominance of fine-particled soils, for which a lower removal rate is to be expected. Indeed, one informal study showed a removal rate of fine sediments could be as low as 1%!

What this means is that WalMart has relied on manufacturer-provided literature that exaggerates device performance as a means of concluding that stormwater water quality standards will be met, when, in fact, scientific evaluation has reveals such is not the case.

DATED: Buffalo, New York
September 21, 2007

DAVID J. SEEGER, ESQ.
Attorney for North Tonawanda First
69 Delaware Avenue, Suite 1100
Buffalo, New York 14202
716-856-1536

Side-by-Side Evaluation of Stormwater Proprietary BMPs

Fidelia N. (Ola) Nnadi[1], Ashraf Z. Al-Hamdan[1], and S. Marie Romah[1]

[1]Department of Civil and Environmental Engineering, P.O. Box 162450, University of Central Florida, Orlando, FL 32816, Phone: (407) 823-6513, Fax: (407) 823-3315
email: nnadi@mail.ucf.edu

ABSTRACT

This paper presents a side-by-side study to determine the relative pollutant removal effectiveness of three proprietary end-of-pipe BMPs, namely, Baysaver, CDS, and Stormceptor. In this study, a controlled laboratory conditions were used in order to provide documentation of the performance of the BMPs. For that purpose, a lab facility was constructed at the University of Central Florida (UCF). The setup of the facility has the ability to pump flows required to replicate runoff events. Using this type of setup enables the relatively rapid testing of BMPs to evaluate their performance, under repeatable and consistent conditions for multiple flow rates, different constituents, particle sizes, and sediment concentrations. In this study, five tests were conducted with five different flow rates: 1.6, 1.28, 0.96, 0.64, and 0.32 cfs. The studied pollutants were sediments (TSS, TDS, and Bed load), nutrients (nitrogen and phosphorous), Metals (Fe, Cu, Zn, Cr, Ni, Cd), and litters such as organic leaves, soda cans, plastic bottles, and cigarette butts and boxes. The results showed that some of the pollutants decreased in concentration while others increased between the influent and the effluent of the units. The results also showed that the performances of the studied BMPs for the pollutants varied. Baysaver had the lowest TSS removal efficiency. Even though TSS removal efficiencies of CDS and Stomceptor were higher than Baysaver, they were still relatively low. All the units had good performance in removing the large sediment particles and litter. The results also suggested that nitrogen was produced in the Stormceptor unit during the testing program. Other than removal efficiencies, the paper also presents some factors that should be considered in BMP evaluation. The review engineer will need to decide which factors to include in an evaluation and their respective importance to the user.

Copyright ASCE 2005

Downloaded 05 Dec 2006 to 64.179.73.73. Redistribution subject to ASCE license or copyright, see http://www.ascelibrary.org/

INTRODUCTION

National Pollutant Discharge Elimination System (NPDES) and Total Maximum Daily Loads (TMDLs) have brought a new awareness of stormwater quality issues to communities across America in the last several years. As these communities have moved forward with stormwater utilities and began implementation of retrofit projects, there have been numerous questions regarding the selection of the sometimes bewildering array of newly developed BMPs. Many of these smaller end-of-pipe BMPs are proprietary systems marketed by vendors who purport product effectiveness based on a wide range of testing programs.

To date there has been no standardized testing protocols or programs to provide a realistic comparison of these BMPs to verify manufacturer's claims of pollutant removal efficiencies. Historical BMP testing has consisted of field monitoring of installations under a wide range of pollutant loadings, storm events, monitoring procedures, and product sizes (Rushton, 2004; Sanghavi and Mattejat, 2003; McPherson et al., 2002; Yu et al., 2001; Strecker, 2001; Strynchuk et al., 2001; Royal and England, 2000; Brueske, 2000; Allison, 1999). This has led to obvious limitations on pollutant loadings and repeatability of measured results. Any testing program which is rainfall driven will be handicapped by these limitations. Due to these highly variable conditions, it has not been possible to make accurate predictions of BMP effectiveness over the wide range of real world conditions that confront a community engineer's tasked with designing BMPs to meet regulatory goals.

This paper presents an independent laboratory study of the relative pollutant removal effectiveness of full sized proprietary BMPs. The driving force behind this study is the rapid proliferation of these devices in the marketplace, often with little or no independent evaluation of their performance. The purpose of testing stormwater treatment systems in the lab is to provide repeatable documentation of the performance of a specific structural BMP that can be used to predict its performance in a variety of field conditions. Lab testing allows us to isolate specific parameters that affect pollutant removal efficiencies but which are difficult, if not impossible, to isolate in the field. These parameters include flow rate, influent concentration, and specific gravity of pollutants.

PROGRAM OF STUDY

This full-scale testing program is developed using controlled laboratory conditions rather than field testing, which is limited by unpredictable weather conditions. A new facility was constructed at the University of Central Florida (UCF) for this application. The laboratory has the ability to pump high flows required to replicate runoff events. Using this kind of facility enables the relatively rapid testing of BMPs to develop operating ranges and performance curves for the BMPs, under repeatable conditions for multiple velocities, flow rates, particle sizes, and sediment concentrations. Having such information would give real world design parameters and results suitable for most practitioners.

Copyright ASCE 2005

Downloaded 05 Dec 2006 to 64.173.73.73. Redistribution subject to ASCE license or copyright, see http://www.ascelibrary.org/

Lab Setup

The laboratory facility at UCF uses stormwater pumped from a retention pond through a 4-inch PVC pipe connecting Pond 4L to the project location at UCF as a water supply in order to mimic the field conditions. Moreover, stormwater from a detention pond as a water source would represent the actual dissolved stormwater constituents. Baysaver®, CDS®, and Stormceptor® are the three footprint BMPs considered in this study. These BMPs are separation-type systems. The models of these BMPs with their flow capacities, and sizes are shown in Table 1.

Figure 1 shows the setup for the lab facility at UCF. Stormwater is pumped from Pond 4L at UCF to reservoir with a capacity of 100,000 gallon. The flow is then pumped through a 16" PVC pipe to a water tank (the flow splitter), where sediment from street sweepings is added to the system. The sediment-laden water tank sits on an elevated structure to allow gravity flow. The flow is varied using a control valve. The sediment-laden water then travels down splitting into three 10" inside diameter, 15-foot pipes at 0.55% slope to the BMP devices being tested. The invert elevation of the inlet pipe for each BMP unit is the same. The flow into the BMPs is measured and monitored using flow meters. A valve system is used to adjust the flow rates and change the testing approach. The configuration of the lab facility is capable of testing the BMPs performance in two different approaches; individually and "side-by-side" at the same time. The effluent from the BMPs flows to a water tank (3.5'x 6') and then to polishing pond by gravity. All the installed units are placed on a 12" granular sub-base compacted according to local/state standards. Pipe support are used for most of the pipe length throughout the system since these pipes are sitting high above the ground (up to 6 feet) for some devices.

Table 1. Model of the BMPs used in this study.

BMP Technology	Model Number	Flow Capacity (cfs)	Size: Primary Manhole Inside Dia. (Height)	Others
Baysaver®	1K	2.4	4' (12'-6")	*Storage Unit*: 4 ft dia.
CDS®	PMSU30_19	1.6	6' (10')	*Screen*: 4700 Micron
Stormceptor®	STC 4800	1.77	10' (16'-8")	*Transition slab and by-pass sections*: 72"dia.

Copyright ASCE 2005

Downloaded 05 Dec 2006 to 64.179.73.73. Redistribution subject to ASCE license or copyright, see http://www.ascelibrary.org/

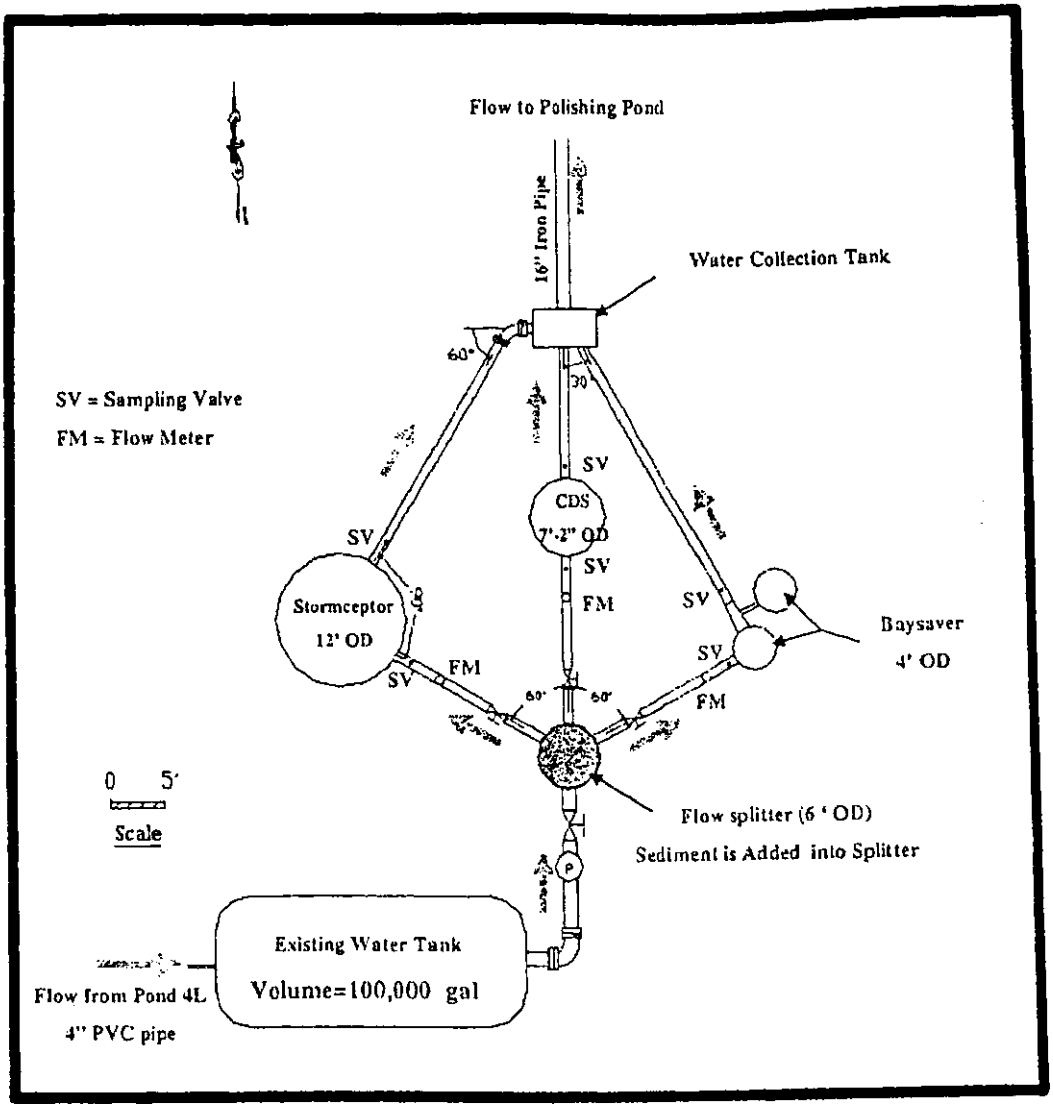


Figure 1. Experimental Setup for the side-by side BMPs Evaluation study at UCF, Orlando, FL: Plan View.

Constituent Selection

The proprietary end-of-pipe types of BMPs are typically marketed for sediment and floating debris removal. Floatable debris, such as plastics, paper, metal, glass, and organic materials, are considered major pollutants and are responsible for degrading the aesthetic value of natural receiving waterbodies (Nielson and Carleton, 1989). Furthermore, floatable debris may cause health hazards to aquatic life through entanglement and ingestion. In addition, decomposition may introduce health concerns in a water body. Organic material is consistently the main component

Copyright ASCE 2005

Downloaded 05 Dec 2008 to 64.173.73.73. Redistribution subject to ASCE license or copyright, see http://www.ascelibrary.org/

of gross pollutant loads (Allison et al., 1998). Organic matter has the potential to decomposition and produce methane and ammonia. According to a monitoring study of BMPs in Australia, results suggest that fully urbanized areas can contribute 80 pounds of gross pollutants per acre of watershed (Allison, 1999). That study also found that two thirds of litter items were cigarettes and their packaging.

While floating debris is the most obvious and visible pollutant, its highly diverse nature makes it difficult to reasonably duplicate in a laboratory setting. It has been observed in numerous tests that heavy metals have a colloidal affinity to sediment particles. Heavy metals are often considered hazardous materials and present special laboratory challenges. Particulate forms of phosphorus have also shown the tendency to bind to sediment particles. Phosphorus also presents problems in laboratory handling and disposal. Sediment testing is reasonably cost effective and safe to handle. Therefore, for this lab study, street-sweeping sediment is chosen to be added to the inflow. It has the lowest testing cost, presents no health safety concerns for personnel, and does not have disposal problems. The sources of sediments used in this study are street-sweeping sediments provided by City of Orlando, City of Tallahassee and finer sediments from a lake fill in Miami, all in Florida. Besides the sediments, organic materials (mainly leaves and twigs), cans, plastic bags, cigarettes and cigarette box, and papers were also added to the inflows of this study. The loading rates of these materials are shown in Table 2.

Table 2. Composition of materials added to the stormwater system.

Added Constituent	Load Per Test
Sediment	100 mg/L as TSS
Plastic	3 Plastic Bottles (8-12 oz), 1 Plastic Shopping Bag
Metal	5 Soda Cans
Papers	10 Paper Sheets, 1 Empty Pack of Cigarette
Organic	3 of 1-gallon Container of Leaves and Twigs
Cigarettes	16-oz Cup

Testing Procedure

The experiments were run with 100%, 80%, 60%, 40%, and 20% of the design flow capacity for the limiting BMP (i.e., Limiting Flow Capacity = 1.6 cfs). The experiments were run with about 6.25×10^{-3} lb/ft^3 (i.e., 100 mg/L) sediment mass loading rate for 40, 50, 50, 55, and 40 minutes for the 100%, 80%, 60%, 40%, and 20% design flow, respectively. The duration of the testing is a function of the time it takes to drain the available water from the 100,000 gal water tank. In each experiment and for each BMP unit, two composite samples were collected using two automatic water samplers; one at the inlet of the BMP unit to sample the influent and one the outlet to sample the effluent. The automatic water samplers used in this study are

Copyright ASCE 2005

Downloaded 05 Dec 2006 to 64.179.73.73. Redistribution subject to ASCE license or copyright, see http://www.ascelibrary.org/

American Sigma Model 900. The upstream flow rate was monitored using Sigma Flow Meter Model 920 placed in the inlet pipe of each BMP unit. The collected samples were sent to a certified environmental lab for analysis to provide information on the concentrations of the following pollutants: Total Suspended Solids (TSS), Total dissolved solids (TDS), Total Phosphorous, Total Nitrogen, Nitrate-Nitrite as N, Heavy metals (Lead, Copper, Cadmium, Zinc, Nickel, Iron and Chromium), Ortho-Phosphorous, Polycyclic Aromatic Hydrocarbons (PAHs).

In order to collect the trapped materials in the BMP (i.e., settleable particles, papers, cigarettes, soda cans, plastic bags, and leaves and twigs), the water was pumped out of the BMP using a water pump at least two days after the end of the testing program. A strainer was used to prevent discharging of any floatable debris. After draining the water out of the BMP unit, the cleaning team personnel entered the BMP unit to collect the trapped materials. All the materials trapped inside the BMP unit were collected in clean containers using clean brush and dust-pan. The weight of the wet materials was recorded in the logbook. The collected materials were then air-dried by placing the wet material on the clean plastic sheet. The weight of the dry materials was recorded in the logbook. Sieves were used to separate the dry constituents of the trapped trash. The trash was sorted into sediments, organics (mainly leaves and twigs), cans, plastic bags, cigarettes and cigarette box, and papers. Sieve analyses were performed for the collected sediments in the units.

Data Analysis

For data analysis, two performance indicators calculated to characterize the pollutant removal efficiency of the BMP: (1) the load reduction of each pollutant based on the percentage of the pollutant total amount that was removed from all flows; and (2) the concentration efficiency ratio for each pollutant based on reduction in test mean concentration (TMC) of the pollutant in the flow for the individual test. Issues related to irreducibility of parameter concentrations and performance variability with constituent concentration make performance calculations based on concentration misleading. Accordingly, the load reduction efficiency was developed as performance indicator for the monitored pollutants in this study. The load reduction efficiency of the device was based on relating the sum of the total outlet loads to the sum of the total inlet loads as follows:

$$\% \text{ Load Reduction Efficiency} = 100 \times (1-(A/B))$$

Where:

A = Sum of Effluent Load = (Effluent TMC_1)(Flow $Volume_1$) + (Effluent TMC_2)(Flow $Volume_2$) + ... (Effluent TMC_n)(Flow $Volume_n$)

B = Sum of Influent Load = (Influent TMC_1)(Flow $Volume_1$) + (Influent TMC_2)(Flow $Volume_2$) + ... (Influent TMC_n)(Flow $Volume_n$)

n = number of tests

Copyright ASCE 2005

Downloaded 05 Dec 2006 to 54.179.73.73. Redistribution subject to ASCE license or copyright, see http://www.ascelibrary.org/

RESULTS AND DISCUSSIONS

The load reduction efficiencies of the pollutants are shown in Table 3. The results show that some of the pollutants decreased in concentration while others increased between the influent and the effluent of the units. Some pollutants were undetected in the influent and/or effluent. The load reduction efficiencies of the undetected pollutants are designated by "N/A".

Figure 2 shows that Stormceptor had a negative load reduction efficiency of total nitrogen. A negative load reduction efficiency of a pollutant indicates a production of that pollutant during testing period. The negative removal efficiency of the total nitrogen in Stormceptor could be attributed to standing water in the deep unit (i.e., 16'-8" high and 10' inside diameter) for an extended period of time might limit the oxidation of the ammonia or increase ammonia fixation to the sediments, leading to higher total nitrogen levels in the effluent.

Table 3. Pollutants' load reduction efficiencies of the studied BMPs

Pollutant	Load Reduction Removal Efficiency (%)*		
	Baysaver®	CDS®	Stormceptor®
Cadmium	N/A	N/A	N/A
Chromium	-35.49	N/A	N/A
Copper	N/A	N/A	N/A
Iron	-10.29	-15.12	35.28
Lead	N/A	N/A	N/A
Nickel	N/A	N/A	N/A
Zinc	-9.60	11.64	3.99
Phosphorous, total	N/A	28.62	N/A
Phosphorous, Ortho	N/A	N/A	N/A
Total Nitrogen	1.96	32.89	-186.11
Nitrate/Nitrite as N	-11.30	6.15	-5.29
Residue, Filterable (TDS)	1.11	44.46	-9.89
Residue, Non-filterable (TSS)	8.18	51.52	46.44
PAHs	N/A	N/A	N/A
Bed Load Sediment	100	100	100
Organics (Leaves and Twigs)	69.44	88.89	N/A
Metal (Soda Cans)	86.67	100	86.67
Plastic Bottles	66.67	100	88.89
Plastic Shopping Bags	66.67	100	100
Papers	N/A	N/A	N/A
Cigarette Butts	53.33	86.67	N/A
Cigarette boxes	100	100	100

* N/A = Not available because of the undetected concentrations in the influent or/and effluent

Copyright ASCE 2005

Downloaded 05 Dec 2006 to 64.179.73.73. Redistribution subject to ASCE license or copyright, see http://www.ascelibrary.org/

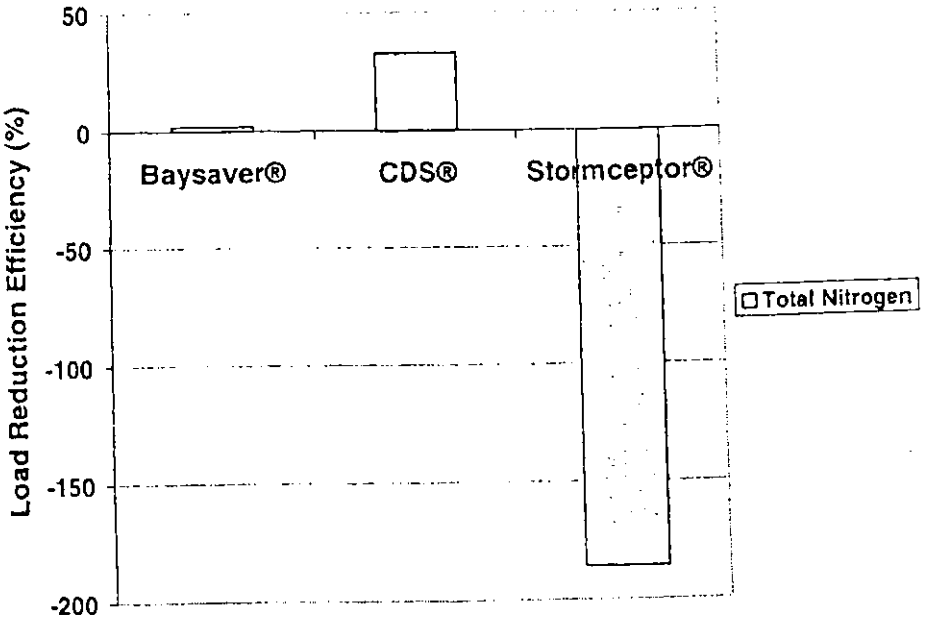


Figure 2. Load reduction efficiency of the BMPs for the total nitrogen.

Also, the results show negative load reduction efficiencies for some BMPs for the studied heavy metals, such as iron, chromium and zinc. As shown in Figure 3, Baysaver and CDS had negative load reduction efficiency of iron. The negative removal efficiency of iron could be attributed to the rain water seeping through the rusted iron cover of the units and/or the rusted steel bars or attaching bolts inside the units. Unlike Stormceptor, Baysaver and CDS have steel bars inside the units used as hooks to carry the units during construction. IT is suggested that these rusted steel bars contributed to negative removal efficiencies of iron for both units. Moreover, the existing water conditions in the lab BMPs as well as the presence of iron covers are also exemplified in their field counterparts. Similar results of negative removal efficiencies of iron were found in a filed monitoring study conducted for the City of Orlando, FLorida (Nnadi et al. 2004).

Other heavy metals, such as chromium and zinc, were detected in this study with concentrations close to the method detection limits (MDL). MDL is the lowest concentration at which a pollutant can be quantitatively measured with a defined accuracy and precision level, using approved analytical methods. With low concentrations and high colloidal affinity to sediment particles, heavy metals are exposed to TSS. Hence, TSS performance in the system may have had an impact on the effectiveness analysis of these pollutants, leading to negative removal efficiencies as in Baysaver, which had the lowest TSS removal efficiency as shown in Figure 4.

Copyright ASCE 2005

Downloaded 05 Dec 2006 to 64.179.73.73. Redistribution subject to ASCE license or copyright, see http://www.ascelibrary.org/

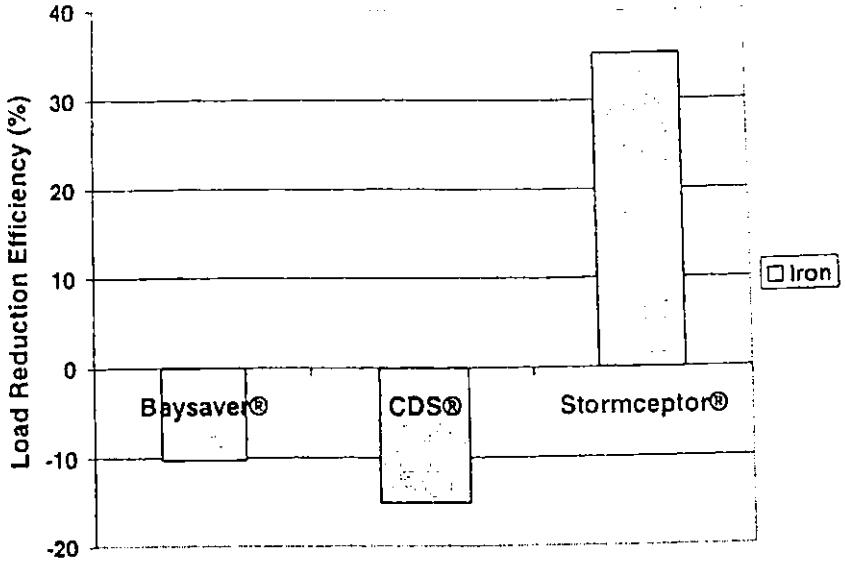


Figure 3. Load reduction efficiency of the BMPs for the total iron

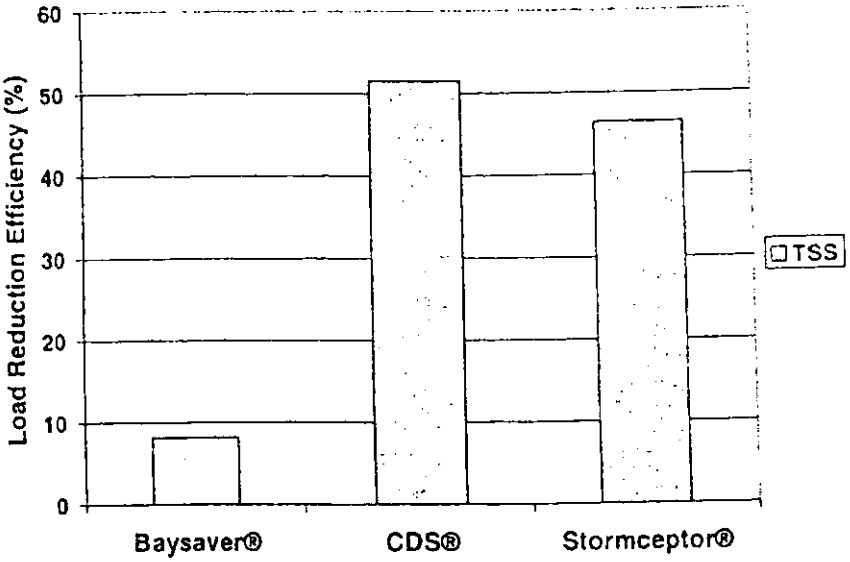


Figure 4. Load reduction efficiency of the BMPs for total suspended solids (TSS)

Many BMPs rely on sedimentation as the primary pollutant removal mechanism. Fine particles with long settling times are measured as TSS, while large grain sizes are measure as bed or base load. Previous studies have shown that BMPs are much more efficient at removing large particle sediments than small particle sediments (Royal and England, 2000; and Pandit, 1996). This is intuitive, recognizing the high settling times for fine particles and short flow times through BMPs. It is important that the base loads not be ignored since they provide pollutant

Copyright ASCE 2005

Downloaded 05 Dec 2006 to 64.173.73.73. Redistribution subject to ASCE license or copyright, see http://www.ascelibrary.org/

removal mechanisms by attachment to other pollutants. In this study, the load reduction efficiencies of TSS were 8.18%, 51.52%, and 46.44% for Baysaver, CDS, and Stormceptor, respectively. The bed load in the three BMP units was totally trapped with 100% removal efficiency. However, the dry weights of the total mass of sediments trapped in Baysaver, CDS, and Stormceptor were 185 lb, 77 lb, and 170 lb, respectively. The CDS had the lowest amount of trapped sediment because of the lower inflow velocity of the CDS unit, thus allowing more sediment to be diverted to Baysaver and Stormceptor. The low inlet velocity in CDS could be attributed to its weir which forces a backwater condition, causing the inflow pipe to flow full or partial with higher depth, resulting in more stable velocity controls. This backwater effect in CDS could also be as a result of having higher outlet invert elevation than the inlet invert elevation with a difference of 2". Another reason for the low CDS inlet pipe velocity could be attributed to the treatment mechanism of CDS. CDS is a vortex separator which has a tangential velocity distributed within the separation chamber causing a circular motion. This tangential velocity decreases along the separator screen as well as with depth and decreasing distance from the center of the separation chamber. This action may promote a reduction in inlet velocity. In addition, at the end of testing, some plastic bottles were found stuck in the fiber glass inlet of the CDS chamber. These bottles might also have had an impact on the pipe inlet velocity.

For the organics (leaves and twigs), CDS had higher removal efficiency than Baysaver. The organics load reduction efficiencies of Baysaver and CDS are 69.44% and 88.89%, respectively. However, some of the organics were disintegrated because of the dynamic action of water during testing; leading to lower organics removal efficiencies of the devices. For Stormceptor, the organics were not yet measured as of the date of this paper. Because of the disintegration of paper during the tests, papers were not considered in the effectiveness analysis.

For the soda cans, plastic bottles, plastic bags, and cigarette boxes, CDS had 100% removal efficiencies. However, some cans, plastic bags, and bottles were located in the fiberglass inlet of the separation chamber. The CDS removal efficiency of cigarette butts was 86.67%, while, Baysaver had 86.67% for soda cans, 66.67% plastic bottles and shopping bags, 100% for cigarette boxes, and 53.33% for cigarette butts. Out of 15 soda cans introduced to Baysaver in the testing period, 13 cans were trapped in the units and 2 cans made their way out to the polishing pond. Most of the trapped cans (11 cans) in Baysaver were in the primary unit. Stormceptor removal efficiencies were 86.67% for soda cans, 88.89% for plastic bottles, and 100% for plastic shopping bags and cigarette boxes. Some plastic bottles and a plastic bag were trapped at the fiberglass orifice (i.e. top of the tee inlet pipe to the storage chamber), blocking some sediments and floatable cigarette butts from getting inside the storage chamber. This may have caused Stormceptor to have low TSS removal efficiency (46.44%). Also, it was noticed that the cigarette butts collected after testing were damp and therefore more compacted than before testing; causing lower measured removal efficiencies. Although the measured cigarette butts removal efficiencies were

Copyright ASCE 2005

Downloaded 05 Dec 2006 to 64.179.73.73. Redistribution subject to ASCE license or copyright, see http://www.ascelibrary.org/

skewed, same measuring tool (16-oz cup) was used for all BMPs. This makes the measured removal efficiencies consistent and useful for comparison purposes.

SUMMARY AND RECOMMRNDATIONS

In summary, there is a great need for consistency with the constituents and methods used for assessing BMPs effectiveness. This paper presented a side-by side study to determine the relative pollutant removal effectiveness of proprietary end-of-pipe BMPs. The results of this study showed the performances of the studied BMPs in a variety of field conditions (i.e., different flows and constituents). However, additional data are required to make significant conclusions. The study suggests that the existing lab facility and testing program can be used to develop operating ranges and performance curves for the BMPs, under repeatable conditions for multiple flow rates, particle sizes, and sediment concentrations using two approaches (i.e., testing BPM individually and side-by-side). It is also suggested that this testing program be used to evaluate other available products in future. The information generated will give real world design parameters and results suitable for most practitioners.

Performance is the most important factor in BMP evaluation. However, it should not be the sole criterion. To make reasoned decisions about stormwater treatment technologies, other relevant factors need to be evaluated. For example, unit leakage factor which may have a groundwater risk may be considered. In this study, leakage was observed to occur in Baysaver and CDS units during testing. Another factor to be considered in BMPs evaluation is the "constructability". In other words, how difficult and how long it takes the contractor to correctly install the technology? In this study, the contractor needed a crane for installing the unit base and the storage chamber riser of Stormaceptor (11'-10" diameter). While a front-end loader tractor was used to install the Baysaver and CDS units as well as the rest of the Stormceptor unit. Other factors to be considered are listed below:

- Robustness - How sensitive is its performance if it is not maintained correctly?
- Reliability - If designed and constructed correctly, will it perform as intended?
- Operation and maintenance - Relative ease of maintenance, accessibility, frequency, equipment requirements, ability to restore system if damaged due to delayed maintenance.
- Capital costs and Maintenance costs.
- Maximum storage volume of settleable solids and floatable.

The review engineer will need to decide which factors to include in an evaluation and their respective importance base on the landuse in the drainage basin for the intended BMP.

Copyright ASCE 2005

Downloaded 05 Dec 2006 to 64.173.73.73. Redistribution subject to ASCE license or copyright, see http://www.asce.library.org/

ACKNOWLEDGEMENTS

The authors wishes to acknowledge Florida Department of Environmental Protection (FDEP) for funding this study. Baysaver, Inc., CDS Technologies, and Rinker Materials™ are acknowledged for their generous donation of the BMP units.

REFERENCES

Allison, R.A., 1999. "Innovative Technology Reduces Stormwater Trash", *Public Works*, V130 i2, p28(3).

Allison, R.A., Walker, T.A., Chiew, F.H., O'neill, I.C., and Mcmahon, T.A., 1998. "From Roads to Rivers-Gross Pollutant Removal from Urban Waterways", Technical Report98/6, Cooperative Research Center from Catchment Hydrology.

Brueske, C., 2000. "Technology Review: Ultra-Urban Stormwater Treatment Technologies", Department of Civil and Environmental Engineering, University of Washington.

McPherson, T.N., Burian, S.J., Turin, H.J., Stenstrom, M.K. and Suffet, I.H., 2002. "Comparisons of the Pollutant Loads in Dry and Wet Weather Runoff in a Southern California Urban Watershed", *Water Science and Technology*. Vol 45, No. 9, pp255-261.

Nielsen, J.S., and Carleton, M.G., 1989, "A study of Trash and Tash Interception Devices on Cooks River Catchment, Sydney", in the Proc. Of the 13th Australian Water and Wastewater Association Federal Convension, pp.26-129

Nnadi, F. N., Al Hamdan, A. Z., and Romah, S. M., 2004. " Effectiveness of Stormwater Proprietary BMPs", 1st Annual Stormwater Management Research Symposium Proceedings, Orlando, FL.

Pandit, A., and G. Gopatakrishnan, 1996. "Physical Modeling of a Stormwater Sediment Removal Box" Final Report submitted to Brevard County, Florida, and the National Estuary Program.

Royal, J., and G. England, 2000. "Final Report, Indiatlantic Area Baffle Boxes" Prepared for Florida Department of Environmental Protection, Contract WM651.

Rushton, B., 2004. "Broadway Outfall Stromwater Retrofit Project- Phase II: Monitoring CDS Unit and Constructed Marsh", Progress Report Submitted to Department of Environmental Protection, Contract Number WM793, Brooksville, FL.

Sanghavi, S. and Mattejat, P., 2003. "Stormwater GIS: Managing Statewide Stormwater BMPs". *Public Works*. V134 i8 p 18(2)

Strecker, E.W., Quigley, M.M. Urbonas, B.R., Jones, J.E., and Clary J.K., 2001. "Determining Urban Stormwater BMP Effectiveness". Journal of Water Resources Planning and Management, Vol: 127, No. 3, pp144-149.

Strynchuk, J., Royal, J., and England, G., 2001. "The Use of a CDS for Sediment Control in Brevard County". Internet site at http://www.stormwater-resources.com/Library/065BCDSFinal.pdf , accessed Dec 2003.

Yu, S.L., Stopinski, M.D., and Zhen J.X., 2001. Field Monitoring and Evaluation of Stormwater Ultra-Urban BMPs", University of Virginia, Department of Civil Engineering, Charlottesville, Virginia.

Copyright ASCE 2005

Downloaded 05 Dec 2006 to 64.179.73.73. Redistribution subject to ASCE license or copyright, see http://www.ascelibrary.org/

CRITIQUE OF JULY, 2007 VERSION OF "DRAFT ENVIRONMENTAL IMPACT STATEMENT"

PROJECT: NORTH TONAWANDA WAL-MART SUPERCENTER AND RETAIL COMPLEX

SUBMITTED BY: NORTH TONAWANDA FIRST

September 10, 2007

Please accept these comments that represent the cooperative work product of the members of North Tonawanda First. *It is requested that the Planning Commission reject the July, 2007 proposed DEIS on the grounds that it is inadequate.*

1. SEGMENTATION

WalMart Stores, Inc. proposes to establish a retail center at certain premises on the northwest corner of the Erie Avenue/Niagara Falls Blvd. intersection, part of which was formerly occupied by "Melody Fair" and another part of which was formerly occupied by a Bluebird Bus garage. The proposal entails the creation of four outparcels ranging in size from 1.3 to 5.7 acres. The balance of the site (37.8 acres) would be dedicated primarily to a proposed WalMart supercenter and associated parking, stormwater drainage, access road and landscaping features.

The 37.8 acre assemblage entails substantial re-subdivision.

WalMart submitted an "Overall Site Plan" to the City in November, 2006 that identified the location of four outparcels but failed to identify the size and type of buildings and other

improvements that would be placed upon them. No building footprints, driveways, landscaping, accessory uses, elevations, etc. are provided with respect to the four outparcels.

These four outparcels will no doubt have the heaviest per-square foot traffic generation on the site. For example, at the two outparcels nestled between Bluebird Drive and Erie Avenue, the traffic study assumes two fast food restaurants will be built. Likewise, the traffic impact study assumes that the "Wurlitzer Park Outparcel" will be developed for a sit down restaurant.

In contrast, the traffic impact study assumes that the 5.7 acre "Outparcel No. 1" fronting on Niagara Falls Blvd., Majestic Lane and the proposed site driveway will have much lower traffic-generating development, so that the 5.7 acre parcel will actually generate less peak hour traffic than the parcels only one-quarter of its size!

The point is that the evaluation of the proposed WalMart supercenter should be conducted under a scenario of "full build-out" of the 37.8 acre site.

SEQRA regulations define segmentation as the division of environmental review such that various activities or stages are addressed under SEQRA as though they are independent, unrelated activities, which need only individual determinations of environmental significance.

However, the law disfavors segmentation. General Rule 6 NYCRR §617.3(g) states, among other things, that considering only a part or segment of an action is contrary to the intent of SEQRA, and that if segmented review is conducted, the positive declaration "*and any subsequent EIS*" must clearly state the supporting reasons and must demonstrate that such review is clearly no less protective of the environment.

Developers and lead agencies commonly avoid the segmentation problem for multi-phase development proposals by assuming a hypothetical full "build-out" of the site. That way, if equivalent or less intensive uses are actually implemented as the site's subparcels become developed, the purpose of SEQRA is not defeated, and, likewise, there is not the need for further environmental review.

However, other than some assumptions stated only in the traffic impact study ("TIS"), the development proposal is silent about the uses to which the various outparcels would be put.

Therefore, it is requested that a site plan be developed (with appropriate alternatives) based on hypothetical "full build-out" principles, or, in the alternative, that the EIS (with the consent of the lead agency) present the legal justification needed to permit segmented environmental review.

2. TRAFFIC

The proposed DEIS's discussion of traffic is perplexing and unsound. For example, the Planning Commission's attention is drawn to Table 6 on page IV-42. According to that study, westbound traffic on Niagara Falls Blvd. under existing conditions, experience levels of service ranging from a high of B to a low of E during peak hour traffic. Vehicles turning left from Niagara Falls Blvd. onto Erie Avenue will experience levels of service of C, E and D during the a.m., p.m. and Saturday peak hours, respectively. Traffic continuing through that intersection experiences levels of service of C, D and C during the three same peak hours. Under "background" conditions, which project normal traffic volume increases without the WalMart project, the levels of service would experience only slight deterioration. According to the same Table 6, if the project is fully developed, including the outparcels, the levels of service for left turn traffic from Niagara Falls Blvd. onto Erie Avenue will drop to F for all three peak hours. However, according to the same table, they will experience improvement for westbound Niagara Falls Blvd. traffic continuing through the Erie Avenue/Shawnee intersection and significant improvement for traffic turning right from Niagara Falls Blvd. onto Shawnee Road.

What makes this remarkable is that WalMart does not propose to improve or mitigate traffic at the Erie Avenue/Shawnee Road intersection with Niagara Falls Blvd. In other words, there are no additional lanes proposed for Niagara Falls Blvd., nor is there any signalization change proposed for Niagara Falls Blvd. Therefore, the Planning Commission should ask this: How is it that traffic flowing in a westbound direction on Niagara Falls Blvd. at the Erie

Avenue/Shawnee Road intersection will experience improvements even though no mitigation is proposed for that intersection and even though WalMart is proposing to generate approximately 1,000 vehicular trips during peak hour traffic? In other words, by adding traffic to Niagara Falls Blvd. and providing no mitigation at that intersection, how is it that conditions are calculated to improve? Many other traffic study questions abound:

- According to Table 7, traffic turning left from Melody Lane onto Niagara Falls Blvd. will experience a C LOS, under existing conditions, background conditions, development without mitigation, and development with mitigation. Traffic attempting to turn left onto Niagara Falls Blvd. from Melody Lane will be forced to use the center lane, which WalMart proposes to turn into a dedicated left turn lane for the primary driveway. There is an obvious conflict.

- Table 10, which addresses Erie Avenue at Walck Road, reports that the overall intersection, if the entire WalMart project is built, will improve from B, C, B LOSs during peak hours, compared to the C, C and B LOSs calculated for that same intersection under background conditions.

- Even more perplexing is WalMart's prediction if the entire project is built, the Twin City Highway/Division Street/Erie Avenue/Wheatfield Street intersection will improve to D, D and D LOSs during peak hours, from E, D and E LOSs that are predicted if the project is not built. WalMart is not proposing any mitigation at this intersection, so again the question is presented how a project which generates large peak hour vehicular traffic can result in improved conditions at intersections for which no mitigation is proposed.

Your attention is called to Publication No. 456, dated March, 1996, entitled "Driveway and Street Intersection Spacing," authored by the Transportation Research Board ("TRB"). The TRB is a unit of the National Research Council which serves as an independent advisor to the federal government on scientific and technical questions of national importance. The National Research Council is jointly administered by the prestigious National Academy of Sciences, the National Academy of Engineering and the Institute of Medicine.

Specific concerns include the following.

A. **Signal Spacing.** As the TRB states on page 13:

> Most traffic delays along roadways result from stops at traffic signals. Various studies have shown that the number of traffic signals per mile has a greater influence on travel speeds than the traffic volume per lane or the volume-to-capacity

> ratio. Therefore, selecting a long and uniform signalized intersection spacing is the first essential element in establishing access spacing standards.
>
> The variables involved in the planning, design and operation of signalized arterial streets are reflected in the relationship between speeds, cycle lengths and signal spacings which yield maximum progression band widths in both travel directions.

As Table 1 on page 14 shows, the proper spacing for traffic signals ranges from a low of 1 to 2 miles up to 4 miles, depending on whether Niagara Falls Blvd. is considered a primary arterial highway or an expressway. On page 14, the TRB states that when signals are spaced ¼ mile apart, traffic can progress at reasonable speeds only if the traffic volumes are very low and short cycles of 65 seconds or less are utilized. The main driveway WalMart proposes is located less than ¼ mile away from the existing signalized intersection of Erie Road and Niagara Falls Blvd. The distance cannot possibly meet Transportation Research Board criteria. The DEIS should address the following:

- Attribute the proper functional route classification (see Table 1, page 14) of Niagara Falls Blvd.
- Disclose signal spacings on Niagara Falls Blvd., including the distance from the proposed main driveway to the nearest existing traffic signals.
- Calculate progressive speeds of thru traffic under several reasonable scenarios, including peak hour traffic and at different signal cycle lengths.
- Discuss alternatives including relocation of the main driveway.

According to WalMart's traffic study, WalMart does not recommend constructing any exclusive left or right turn lanes on either Erie Avenue or Niagara Falls Blvd. (or, for that matter, Wurlitzer Drive) to accommodate traffic entering and exiting the WalMart development.

For traffic heading northward on Niagara Falls Blvd. seeking to turn left into the proposed main access driveway, no additional lane is planned. Rather, the TIS assumes that

the existing middle "fifth" lane, presently used for traffic seeking to turn left from either direction, will be dedicated exclusively to WalMart purposes as an exclusive left turn lane. The traffic safety consequences of this need to be addressed, together with the acceptability of appropriating this fifth lane for WalMart purposes to the detriment of southbound traffic that would now or in the future wish to utilize the middle lane for left turns.

For traffic exiting at the main access driveway and turning right (southbound) on Niagara Falls Blvd., no additional lane is provided for vehicles to accelerate and eventually merge. Because Niagara Falls Blvd. is a high speed major arterial, there will be large speed differentials between southbound thru traffic and exiting vehicles turning southbound onto Niagara Falls Blvd. A speed differential of 35 mph will result for incautious vehicles, with dramatically higher accident potential.

Similarly, at the Erie Avenue driveway, no turning lane is provided for traffic seeking to turn left from Erie Avenue into the supercenter, and no merge lane is provided for traffic exiting that driveway and turning right onto Erie Avenue.

As a result, high speed differentials will result.

The DEIS should address all these points and consider as alternatives the addition of turning lanes for entering and exiting vehicles at both the Niagara Falls Blvd. and Erie Avenue driveways.

B. **Stopping Site Distance.** The Commission's attention is drawn to the proposed DEIS, which misstates and miscalculates actual stopping distances available at the proposed supercenter's two main driveways.

The problem is according to the Transportation Research Board:

> Ideally, a vehicle should clear a major intersection before the driver is required to respond to vehicles entering, leaving or crossing the arterial. This simplifies the driving task and minimizes driver mistakes and collisions.
>
> AASHTO stopping site distances provide a possible criterion that enables drivers to clear an intersection before having

to decelerate in response to a downstream conflict.

TRB, page 20.

What this means is that stopping site distance should not include the roadway past the nearest intersection. WalMart's consultants calculate available site distance in excess of 800 feet. What TRB (and, it would seem, AASHTO) tell us, is that for southbound vehicles on Niagara Falls Blvd., the available stopping site distance must be calculated several times as follows: as 1) the distance between Erie Avenue and WalMart's main driveway, 2) the distance between the main driveway and Majestic Lane, 3) the distance between the proposed Erie Avenue access and Eddy Drive, 4) the distance between the Erie Avenue driveway and Linden Avenue, 6) the distance between the Erie Avenue driveway and Leah Drive and 7) the distance between the Erie Avenue access drive and Lyric Avenue.

These calculations are needed because traffic that has yet to clear intersections near the Erie Avenue and Niagara Falls Blvd. driveways is presumed distracted and does not readily perceive the traffic exiting the WalMart site until after the intersection has been cleared. Using the proper calculations, the stopping site distances will, with respect to some locations including Eddy Drive, drop to only 240 or so feet, and at many intersections (if not all) will be significantly below the safe stopping site distance recommended by AASHTO.

The DEIS should address each of these points, disclose through both text and graphically its stopping site distance calculations, address the influence of the all seven nearby intersections, and explore alternatives (including driveway relocation) that would serve to maximize stopping site distances, or, more realistically, disclose unavoidable adverse impacts such as major speed limit reductions, converting side streets into one way streets, etc.

C. **Right-Turn Conflict Overlap.** The TRB reports:

> Minimizing the number of access points that a driver must monitor simultaneously simplifies the driving task. Drivers need to be alert for turning vehicles at one driveway at a time. This criterion – referred to in the literature as the "Right-Turn Conflict Overlap" –

calls for adequate separation of conflict points.

> Two conflict points between a thru vehicle and a driveway vehicle are created where the driver of the thru vehicle must be alert for a right-turning vehicle entering the roadway, from one drive at a time, or for a vehicle making a right-turn into a driveway. In both cases, thru vehicles must decelerate to avoid a collision. This will create a shockwave in the thru traffic stream. . . This has a negative impact on capacity and traffic operations *as well as jeopardizing the public safety.*
>
> The minimum distances that are required to avoid this conflict overlap for one-driveway at a time are shown in Table 6. These distances can be used to determine the minimum spacings when drivers monitor multiple driveways at a time.

TRB, page 20.

In addition to the seven intersections that are near the two proposed WalMart supercenter driveways, there are nearby residential and business driveways. In light of objective engineering criteria, the DEIS should quantify the potential collision problem, disclose alternatives to reduce or eliminate it, and in doing so the DEIS should identify all relevant driveways, calculate their distance from each other, fully address TRBs "Right Turn Conflict Overlap" discussion, and consider alternatives including the use of shared driveways, etc.

D. **Length of Wal-Mart's Left Turn Lanes.** According to the TRB and AASHTO, driveways are deemed intersections and should not be placed within auxiliary left-and right-turn lanes:

> The AASHTO "Green Book" (page 793) makes the statement that "Driveway terminals are in effect at-grade intersections . . . and . . . Driveways should not be situated within the functional boundary of at-grade intersections. This boundary would include the longitudinal limits of the auxiliary [left-turn and right-turn] lanes."

WalMart proposes a left-turn lane on Niagara Falls Blvd. into the main access drive, and on one Erie Avenue into a secondary access driveway. However, the proposed DEIS does not reveal driveways and other highway access points that will be blocked by these lanes. At other

locations, no doubt right turn and left turn lanes will have to be incorporated. This squarely conflicts with AASHTO and TRB criteria.

The DEIS should recognize the issue, verify (or critique) it, disclose the existence of all relevant driveways and present alternatives (including shared vehicular access, etc.) that would resolve the problem.

E. The traffic impact study fails to consider levels of service reduction at many relevant, impacted intersections throughout the City of Tonawanda and, for that matter, in the immediate vicinity of the proposed development including the access points themselves. The following intersections should have their LOS calculated in the DEIS:

- Selkirk/Nash
- Twin City/Young Street
- Delaware Street/Sweeney Street (near Delaware Street bridge)
- Niagara Street/River Road
- Goundry/River Road
- Niagara Falls Blvd./Nash Road
- E. Robinson/No. French
- Niagara Falls Blvd./Old Falls Blvd.
- Sweeney/E. Robinson
- Erie Avenue/Twin City Highway
- Meadow Drive/Nash Road
- Erie/Meadow
- Wurlitzer Drive/Fairmount
- Deerfield/Nash Road
- Cambridge/Wurlitzer
- Cambridge/Deerfield

- Ruie/Nash
- Meadow/Payne
- Robinson Road/Twin City
- Zimmerman/E. Robinson
- Zimmerman/Erie

3. STORMWATER MANAGEMENT

According to WalMart's application, it will require a variance (hence "60 day review") from NYSDEC for its proposed stormwater management system. According to the Stormwater Management Report, stormwater will discharge into a municipal storm sewer and a nearby creek (Sawyer Creek). The Stormwater Management Report, however, does not describe what the system's components will be and why they will not meet the technical standards contained in NYSDEC's Guidelines for stormwater management.

WalMart consistently applies for variances and fails to meet NYSDEC's technical standards. Examples include the proposed WalMart supercenter in the Town of Evans, the supercenter conversion in the Town of Batavia, the proposed Hamburg WalMart, the Town of Allegany WalMart, etc.

WalMart Stores, Inc. should in tabular form identify all stores it has developed (i.e., built or expanded into supercenters) in western New York since 2003, when the Phase II stormwater permitting requirements commenced having force. The table should disclose which, if any, did not need variances or "sixty day review" from NYSDEC and, for each facility, the variances required and requested should be identified. The DEIS should extrapolate from this data whether there is a pattern of inability or unwillingness to comply with Phase II stormwater standards and, if so, require a heightened demonstration from WalMart as to why the North Tonawanda facilities need not comply.

The DEIS should rigorously require an explanation of the relevant NYSDEC technical criteria and require the applicant to demonstrate compliance with every relevant criterion or, for those criteria that WalMart cannot comply with, a detailed justification be presented that explains why it is not practicable to obtain compliance and that WalMart's alternative plans will reduce stormwater impacts to the maximum extent practicable.

The DEIS needs to describe the stormwater management facilities that will discharge into Sawyer Creek. The subwatershed draining in that direction should be identified. The Sawyer Creek floodplain should be identified.

The proposed DEIS states that the runoff from the proposed main access drive will be combined with surface water runoff from part of the Wurlitzer Park facility and be discharged via a second, new storm sewer directly into Sawyer Creek. However, it does not discuss what water quality treatment measures will be used to treat the stormwater before it outlets to Sawyer Creek. On p. IV-18, it refers to such measures, but does not disclose what they are or whether they meet even minimum DEC standards.

For each subwatershed discharging from the site independently from each other, the water quality volume should be calculated in accordance with §4.1 of the New York State Stormwater Management Design Manual (hereafter "Manual.") Similarly, the channel protection volume and overbank flood and extreme storm allowable discharges should be calculated for each subwatershed. In addition, for the subwatershed discharging into Sawyer Creek, existing geologic conditions should be described assessing the vulnerability of Sawyer Creek to stream channel erosion, the historic impacts to Sawyer Creek from stream channel erosion, existing water quality of Sawyer Creek, and a description of all relevant species of significance existing in Sawyer Creek, e.g., freshwater mussels, fish species that are of concern, etc. In addition, the Sawyer Creek analysis should assess the levels of hazardous and toxic wastes in Sawyer Creek waters and sediments and bank soils, particularly in light of the partial clean up NYSDOT performed in recent years when making improvements on Niagara Falls Blvd. This information

is important to determine whether the proposed WalMart supercenter and associated development will contribute to migration of hazardous or toxic waste and otherwise impact stream quality.

Concerning mechanical methods of pollutant removal, the DEIS should collect peer reviewed, government-authored and independent scientific literature concerning the efficacy of devices such as those made by Stormceptor and CDS, to mention only two of a broad range. The stormwater management report included in the environmental assessment includes a "Design Report" from CDS Technologies, which calculates total suspended solids removal efficiency of its CDS-manufactured PMSU 40 _ 30 stormwater management device as being on the order of 86.0%. However, CDS takes a small set of data specific to various regions around the world and issues design reports for WalMarts around the world consistently showing TSS removal efficiencies in excess of 80%. In contrast, at least one independent engineering study has shown actual removal efficiencies as being on the order of 50% (failing NYSDEC standards) and, in one instance, the State of Washington Department of Ecology determined the TSS removal efficiency was on the order of 1%!

Therefore, the DEIS should identify and present the data and reports of independent scientists and government regulatory agencies assessing actual, real world performance of the engineer or other mechanical devices WalMart proposes to incorporate into its stormwater management system.

Furthermore, the DEIS should address in detail all five acceptable stormwater management practices identified in Chapter 5 of the NYSDEC Manual, including stormwater ponds, stormwater wetlands, infiltration practices, filtering practices and open channel practices, and discuss the extent to which each can be incorporated into an overall stormwater management design. None of the acceptable stormwater management practices that NYSDEC has approved and incorporated in its Manual include extended dry detention, which is the design that WalMart proposes to employ in North Tonawanda. Extended dry detention ponds

are not an allowable practice because they fail to control stormwater quality and, instead, have benefits only with respect to water quantity control.

The proposed DEIS merely states that, at the request of the City Engineer, WalMart will refrain from utilizing wet ponds. No reason is given as to why wet ponds should be disallowed. Properly designed wet ponds do not present a risk of breeding mosquitoes. In one form or another, they are *required* by NYSDEC under Phase 2 permit standards. It is unacceptable for WalMart to design a stormwater management system that uses out of date technology (dry detention pond) which NYSDEC no longer allows, simply on the basis of a self-serving assertion that the City Engineer doesn't want wet ponds in the City of Tonawanda.

On page IV-15, the proposed DEIS states that it is allotting peak discharges of 2.1 cubic feet per second for discharges from the four outparcels, which are roughly 11 acres in size. In contrast, it is allotting 37.2 cfs peak discharge for the WalMart store site itself, which is on a parcel approximately 25 acres in size. What this means is that the four outparcels stormwater runoff, which cannot possibly be limited to a mere 2.1 cfs, will contribute to flood peaks and will not be adequately treated for water quality purposes. The DEIS should demonstrate how it is that stormwater runoff from these four outparcels can meet NYSDEC criteria for stormwater runoff and, if not, the DEIS should present a range of alternatives showing how compliance could be achieved.

4. Project Description and Public Subsidies

The project appears to entail considerable concessions from the Tonawanda Common Council. Among them is abandonment of Bluebird Drive for a length of several hundred feet. This right-of-way, which extends through the footprint of the proposed WalMart supercenter, is valuable property. Similarly, the project entails the Common Council's abandonment of approximately 400 feet of Lyric Avenue. However, no compensation to the City for this valuable real estate is offered.

WalMart proposes a 1,000 foot long driveway running from its proposed store to Niagara Falls Blvd. WalMart mentions its desire to dedicate this to the City. There is no discussion of the benefits to the City from accepting such a dedication. No figure for annualized repair and maintenance costs are given, so that the fiscal impacts can be measured.

WalMart proposes to extend Wurlitzer Drive by approximately 750 feet. The stated reason for this is to provide an alternative route for the Martinsville residents who will experience extreme difficulties exiting onto Erie Avenue. However, the cost of this proposal is not discussed. Nor is it clear that WalMart would pay for all associated improvements, possibly including upgraded signalization for the Erie Avenue/Wurlitzer Drive intersection. Who will bear the cost of maintenance? Also, what impacts on the LOS will there be in the Martinsville neighborhood if the Wurlitzer Drive extension is built?

The proposed WalMart will, according to Table 6, have major adverse effects on the Erie Avenue/Shawnee Road/Niagara Falls Blvd. intersection. Traffic continuing on Erie Avenue onto Shawnee Road will suffer a failing LOS. Traffic turning left from Niagara Falls Blvd. onto Erie Avenue will experience a failing LOS. Traffic turning left onto Shawnee Road will, in the evening peak hour, experience a failing LOS. The alternative section of the EIS should present alternatives acceptable to NYSDEC for improving this intersection. A formula under which WalMart would pay its fair share of the required improvements is needed, and a mechanism that secures this payment and ensures that it is dedicated to intersection improvement should also be discussed. In a sense, WalMart is pushing that intersection's LOS over the edge, creating consistent failing levels. Implicitly, WalMart is expecting the taxpayers of the State to bear the sole cost of rectifying this problem, which should be unacceptable to the City.

DATED: Buffalo, New York
September 10, 2007

Clerk's Counter

From: COLLEENROD8898@aol.com
Sent: Friday, September 07, 2007 9:28 AM
To: Clerk's Counter
Subject: Yes, We want Wal-mart

Dear City Clerk,

I am a supporter of Walmart. North Tonawanda needs a shopping center. I am tired of going all the way toward the Boulevard Mall or to Niagara Falls to pick up items for a Birthday or just shopping for my family. I am raising my Grandchild and it is difficult to put him in the car and have to travel so far for a item or two. I feel it will bring jobs to our area which we desperately need also. I am all for the change. How about the rest of North Tonawanda. Thank you so very much for your time.

Colleen and Carlos Rodriguez
283 Fredericka Street
North Tonawanda, New York 14120

Phone 694-9546 or 553-8471

Get a sneak peek of the all-new AOL.com.

RECEIVED
CITY CLERK'S OFFICE
2007 SEP 18 AM 9:07
NORTH TONAWANDA, N.Y.

172 Vandervoort Street
North Tonawanda, NY 14120
September 11, 2007

North Tonawanda Planning Board
City Clerk's Office
216 Payne Avenue
North Tonawanda, NY 14120

Planning Board–Written comments on the draft environmental impact statement

According to the Draft Environmental Impact Statement July 2007 submitted by Wal-Mart: In section 4, page 45: "Due to the deficient levels of service for Martinsville side streets and driveways, it is proposed to extend Wurlitzer Drive southeasterly from Erie Avenue for approximately 750 feet to D'Angelo Drive. This would allow vehicles, particularly left turning vehicles, to substantially reduce exit time onto Erie Avenue...

The property is currently owned by the City of North Tonawanda and City officials have verbally agreed to this concept....Motorists exiting the Martinsville neighborhood would have the option of diverting to the new roadway connection when there is heavy traffic on Erie Avenue"

Thinking about this "new road", currently D'Angelo, where Wal-Mart is suggesting the new road be attached—doesn't meet the roads in Martinsville. That would mean a road would probably need to also be built to the area of Filner Avenue. This "access" has not been noted in the submitted Wal-Mart documents.

I would like to voice my displeasure with the loss of the park, the extension of Wurlitzer Drive and expansion in lanes of Erie Avenue. This is going to change the community, most significantly the residential area surrounding the proposed Wal-Mart.

I would like to request a written response from Wal-Mart as to "who exactly the City Officials" were who have given verbal agreement to the extension of Wurlitzer Drive. Given the matter is still under review, any approval would be premature and perhaps beyond the scope and authority of city officials. Indeed, having the matter discussed between the Wal-Mart team, the planning board, city department or the Common Council without public notice could represent not just poor policy, it could be illegal.

According to the site plan submission of 11/06, Wal-Mart has projected an opening date of 2008. In this document the following "new" items would be required related to the roads in the area:

- A new traffic signal located at Erie and Wurlitzer

- Inbound lane to Wal-Mart from Erie Avenue-left turn lane-this would mean expanding road to 4 lanes-one in each direction for thru traffic and turning lanes for the proposed Wal-Mart

- A traffic signal at Wal-Mart entrance on Niagara Falls Blvd.

- Signage for turns-Wurlitzer Drive, Erie Avenue, Niagara Falls Blvd.

Who is going to pay for the road work? According to the projection of $125,000.00 tax revenue provided previously by Mayor Soos in the Tonawanda News, it will probably take 7-10 years before the city will actually not be spending more money on these costs than tax monies being collected from Wal-Mart. I hope the planning board **does not** approve the land variances required for this project and puts a stop to the project. This is an environmentally incorrect use of the property in a residential area, having a devasting effect to the neighhoods on Erie Avenue, in Martinsville, and Wurlitzer Park.

Sincerely,

Delores Bennett

Delores Bennett

Clerk's Counter

From: Karen McKernan [kkmckernan@gmail.com]
Sent: Wednesday, September 12, 2007 6:45 PM
To: Clerk's Counter
Subject: Walmart Proposal

In support of the Walmart Superstore proposal, I am submitting my support. North Tonawanda has been given a unique opportunity to increase tax revenue, provide citizens and nearby townspeople with another choice in shopping centers, as well as bring in a strong corporation that can provide employment for our youth and senior citizens. We live in neighboring Town of Wheatfield and we are not in favor of the rampant and explosive urban sprawl that has been permitted throughout the town. Over kill such as this does nothing to improve the tax base. In the long run, the cost of services and increased school taxes to the community will far outweigh any idea of a "benefit" that was sold to local politicians. We do, however, see the benefit of a major corporation taking up residence in a community and giving back to the area through taxes, community benefits and charitable contributions. North Tonawanda is very lucky to have been chosen as a proposed site for this fine establishment. It is too bad that they did not choose the Town of Wheatfield because I am sure that the townspeople would have revelled at the idea and would have supported the proposal completely.
Karen McKernan

Clerk's Counter

From: jch2378@adelphia.net
Sent: Wednesday, September 12, 2007 6:06 PM
To: Clerk's Counter
Subject: favor of Walmart

My husband and I were not able to attend the meeting Monday night in regards to Walmart. We are in total support for this project.
If they started breaking ground yesterday that would've been fine with us. Do whatever it takes to get it here, don't let them go across the street into Niagara Wheatfield.

John & Chris Hahn
1181 Sherwood Ave.
N. Tonawanda NY 14120
jch2378@roadrunner.com

Clerk's Counter

From: Anthony Rotolo, Sr. [empirestatesecurity@hotmail.com]
Sent: Wednesday, September 12, 2007 4:37 PM
To: Clerk's Counter
Subject: Wal-Mart Super Center

I would like to go on record as being 100% FOR the new Wal-Mart supercenter store being proposed for North Tonawanada. I am fortunate to be able to live in Florida during the winter months and I speak from experience when I tell you there are many Wal-Mart stores in my area, and they as well as many other stores both chains and privately owned prosper side by side.

Thank you.

A place for moms to take a break!

Clerk's Counter

From: Rod Currier [justtrouble@verizon.net]
Sent: Wednesday, September 12, 2007 2:56 PM
To: Clerk's Counter
Cc: Lumber.City@yahoo.com
Subject: New Walmart Store

My name is Rodney Currier. I live on Eggert Drive in North Tonawanda.
My family and I have lived here for 10 years, as of next month. Over the last 10 years, I have seen my property taxes go steadily up, the services the city is (I thought) supposed to provide go steadily down. Our streets and sidewalks are deplorable, and 1 business after another either seems to fold up, or move to another part of western New York.
Instead of our relatively new mayor, and his counterparts "dreaming" of silly things such as a campground, (a.....what?!?!?) let's get some good solid business in the North Tonawanda area, before this fine city goes totally bankrupt from 1 dreamer after another getting into office, and borrowing more money that I, and my neighbors have to repay long after the current "idea-creator" has moved on to their next venture.
Melody Fair and the surrounding property, while a novel idea, is NOT a money-maker for the city, or it's hard-working taxpayers.
I truly believe that a fine company such as Walmart is exactly what the city needs to give it the financial boost, that it sorely seems to be in dire need of.
This fine city has a major lack of ratail shopping in the area, very limited places for our young people to acquire employment locally, and the economy on a whole in North Tonawanda has deteriorated substantially. If you don't believe me, take a drive around the city 1 afternoon, and just try to count the amount of empty stores and businesses.
Thank you,

Rodney Currier.

Clerk's Counter

From: ALFRED KINBAUM [akinb@verizon.net]
Sent: Wednesday, September 12, 2007 11:35 AM
To: Clerk's Counter
Subject: Wal-Mart

We, are in total favor of the proposed Wal-Mart in N. Tonawanda.
This is the "shot in arm" that this city needs. We do believe that the majority of residents in NT are in favor of the project. We also believe that if it was put to a vote it would overwhelmingly win. Have the "nay sayers" a better idea?.....I don't think so.....look to the future....

GO WAL-MART!!!!!!!!

Alfred & Esther Kinbaum
1149 E Robinson Rd.
N. Tonawanda, NY

Clerk's Counter

From: don mohr [bubbadonnie@yahoo.com]
Sent: Wednesday, September 12, 2007 11:19 AM
To: Clerk's Counter
Subject: Environmental Impact Study - Walmart

Now that money has been paid to professionals to use their expertise in analyzing the situation, please have the good (common) sense to follow their recommendations. Too many people are opposed to this project for purely personal reasons rather than the overall good of the community. Please do all you can to expedite the process to give North Tonawanda a Walmart which is a much needed business, employer & tax payer.

thank you

Rev. Donald L. Mohr
Mary A. Mohr
826 Ohio St.
North Tonawanda

Don't let your dream ride pass you by. Make it a reality with Yahoo! Autos.
http://autos.yahoo.com/index.html

Clerk's Counter

From: Jwood228@aol.com
Sent: Wednesday, September 12, 2007 6:16 PM
To: Clerk's Counter
Subject: Wal-Mart

I am in favor of the Wal-Mart being built in North Tonawanda.
We need a major Dept. store for the economy of our city and convenience of the residence.

See what's new at AOL.com and Make AOL Your Homepage.

Clerk's Counter

From: Rosemary [midnight43@adelphia.net]
Sent: Wednesday, September 12, 2007 9:08 PM
To: Clerk's Counter
Subject: WalMart

I was unable to attend the meeting on Monday regarding the proposed Wal-Mart building but would like to voice my opinion. I for one think that this city should allow the building of this superstore. First thing is that we need some active large business back here in the city. I really am tired of having to travel to Amherst or Niagara Falls to spend my money and have them collect the taxes. I think this city needs to wake up and grab any large business like this to come to our city and welcome them with open arms. We have lost enough of our big business. I laugh when I read about environmental impact as I remember the stink from the paper mill we used to have here and the acres of land on Walck Road that are contaminated for ages. We are talking about a department store not a chemical company. This company has agreed to plan a store to fit the Wurlitzer complex to maintain it's appearance, get rid of the dead empty buildings there and create 38 acres of good shopping, job producing and convenience for the North Tonawanda residents. This is a commercial plot of land and there really shouldn't be all this controversy about using it as such. In my travels I have visited many Super Wal-Mart stores and they really maintain their grounds wonderfully and are so user friendly. They have great prices for merchandise and the North Tonawanda residents would appreciate that. There would be no back road entrance so the people on the back roads would not be bothered. What is wrong with this city that we don't want a simple department store when we have nothing but encouraged chemical development not that long ago. We need to grow. We need the business and it is a clean business. Am I the only one to think that this is a no brainier? I am beginning to think that Gov't officials are getting their pockets lined by other local businesses to stop the building? I want this Super Wal-Mart built if you haven't guessed. I want to shop in my own city. It hasn't
been the same since we let Ames go. There is no where to shop here.
Please accept this plea to let Wal-Mart come and be a part of our community.

Rosemary Leistner
1392 Weaver Pkwy
NT, NY

Clerk's Counter

From: lewcrew@adelphia.net
Sent: Wednesday, September 12, 2007 7:48 PM
To: Clerk's Counter
Subject: New Walmart Super Center

I am all for the new Walmart- we need more business in our area.
Thank you
Val Lewandowski

Clerk's Counter

From: NATALIE FIALA [njfiala@verizon.net]
Sent: Thursday, September 13, 2007 5:21 PM
To: Clerk's Counter
Subject: Walmart

Dear Council:

I am so much in favor of the proposed Walmart Superstore. I have lived in North Tonawanda for over 40 years and have seen many things go: Hills, Ames, Ponderosa, The Sample Shop, even Murphy's.

I miss these places. I used to do all my Christmas shopping at Hills just a couple days before Christmas - and was happy to give them my business.

I don't want to travel to Amherst - to pick up things I need. I like it right here - and so do many others.

And p.s. Budwey's need not worry about Walmart. I will still shop at Budwey's - like I do now - for certain things. It is MY choice - not theirs.

Sincerely,
Natalie Fiala
894 East Robinson St.
No. Ton.

RECEIVED
SEP 1 0 2007
N.T. MAYOR'S OFFICE

994 Wurlitzer Drive
North Tonawanda, NY 14120
September 17, 2007

Dear Members of the Planning Board,

Imagine our surprise yesterday when we looked out our kitchen window and saw two men putting up stakes and plastic tape down the middle of the field next to the water tower.

After a few phone calls this morning, it became apparent that this is the location of a proposed road to nowhere because of the anticipated traffic problem due to the proposed WalMart store. Yes, the WalMart store is going to create huge traffic problems, but we don't really appreciate a thoroughfare past the front of our house and down D'Angelo Drive proposed to help the situation. We already have a traffic problem around this corner and down D'Angelo with the people from Martinsville that use it like a raceway and the folks coming from the fire hall that are all trying to get home and drive like maniacs. This corner has already had trees, mailboxes and lawns torn up by people going too fast or/and don't see the turn. If the road comes straight across Erie Avenue to wherever it may end (Walck?), it will be nothing more than a glorified drag strip.

The field by the water tower has a ball field that, even though the city hasn't felt the need to keep it up, is used all spring and summer by youth teams for practice. We don't have that much available green space in NT as it is. There is a playground on the far side of the field that gets its fair share of children. Yesterday, there was a touch football game, 3 young girls flying kites, several people walking their dogs and one playing catch with his and a little guy from D'Angelo riding his little electric car. If this road is built, this will no longer happen.

There are several holes in this field, right where the road would go through. The DPW keeps dumping dirt in them and they keep sinking. There is some sort of drainage or other problem there but filling these holes seems to be the answer. Even though they keep coming back.

The woods is full of deer that I am sure most people would like to get rid of, along with rabbits and an occasional turkey. The deer leave those woods almost every night, cut across the street, graze in the field and eat the apples from the trees along the side street. Referring back to the second paragraph, this wildlife will also cause accidents, possible

injury. Hitting a deer at high speed isn't good for an automobile, let alone the occupants of the car.

My house is situated directly next to the field and would be the first house on the "new" street. The increase in noise is an issue. The safety of everyone in this neighborhood is an issue. It doesn't matter that I am against the proposed WalMart - there is a perfectly good one 3 miles down the Boulevard. It really would not matter what you proposed to build over there. If it means this road being built, then we are against it. Are our taxes going to go down when the property value decreases because of this? Is the city going to make up the price difference if anyone wants to sell their house and has to take a loss because of the location? A location that used to be fine but now has a major traffic route running through the middle of it?

There have been several discussions with neighbors in yards yesterday and the opposition to this move is unanimous. Some are for WalMart, some are not, but NO ONE wants this road. We understand that all of us will have issues with Erie Avenue and the people in Martinsville will need some sort of egress, however, D'Angelo Drive was not build to be a main street any more than Master, Schenk or any of the Avenues was meant to be a main street. It is residential, with children and dogs and families that would like to step out the door without any more of a threat of some crazy in a car. We have enough of them already.

I hope you will consider these issues when you are making a final decision. It has become apparent that most of those in favor of WalMart live no where near this area and really don't care about the impact it may have on those of us that do.

Sincerely,

Larry and Deborah Newberry

RECEIVED
CITY CLERK'S OFFICE
2007 SEP 18 AM 9:07
NORTH TONAWANDA N.Y.

September 17, 2007
329 Miller Street
North Tonawanda
New York 14120

Thomas Jaccarino City Clerk
c/o
North Tonawanda City Planning Board

Dear Planning Board:

Presented here are written comments concerning the Wal-Mart environmental impact report.

1. Entrances:
Erie Avenue, Route 425
The proposed extension of the Wurlitzer Drive to D'Angelo Drive (V-2 and Appendix J map) will fragment both Wurlitzer Park and Martinsville neighborhoods by introducing truck traffic delivering merchandise to the Wal-Mart super center. It will mean the loss of part of the recreational area near the water tower by cutting it in half and destroying a base ball diamond. This increased traffic will also make it difficult for pedestrian mobility that promotes a sense of community within both neighborhoods. Residents on Fairmont Avenue presently experience cars who speed down the street to Niagara Falls Boulevard with Wal-Mart it will be much worse. Who will pay for this Wal-Mart or North Tonawanda taxpayers?

In addition the customer entrance on Erie would mean the creation (plan sheet 2)with three lanes will create a new intersection on Erie Avenue with a demand for new traffic lights. This close spacing of signals on Erie Avenue and the increase of vehicular traffic in the area from cars entering and leaving the parking lot will lower the level of service LOS from a C or D to a level F as set by "The Highway Capacity Manual" used by the state of New York.(Appendix K of the report's information is confusing) Erie Avenue is classified as a 2 Lane Arterial and will not be able to go over 15200-16800 cars with if the peak hour traffic is 10% of the annual average daily traffic AADT.

To alleviate this situation would mean the widening of Erie Avenue to four lanes taking approximately from between 24 ft (one lane is 12 ft wide) for right of way from home owners on the right side of the road compromising their front yards. CSX Rail Road most likely will not give up its right of way. Who will pay for this Wal-Mart, or New York state taxpayers and North Tonawanda taxpayers?

Niagara Falls Boulevard US Route 62 Entrance

Once again we see a similar situation with Wal-Mart's other customer entrance, that will be three lanes wide onto Niagara Falls Boulevard. In addition there is a tight horizontal curve between Erie Avenue and Ohio Street with a short radius that in the present situation causes cars to slow down while negotiating the curve. Since Niagara Falls Boulevard is a 4 Lane Arterial it

can not handle more than 30300-33600 vehicle AADT without degenerating to a LOS F. The solution that Wal-Mart refuses to mention is that with this increase in traffic the road will have to be widened and the horizontal curve flattened. In addition, Sawyers Creek will have to be mitigated or moved to allow for the new road alignment. This would involve having to contend with the toxic sediments on the stream bottom. Who will pay for this, Wal-Mart, or New York State taxpayers and North Tonawanda taxpayers?

Drainage:

The 90" elliptical pipe that services the storm water on Wurlitzer Drive is one of two drainage systems to be used by Wal-Mart to drain its property the pipe is to remain in place. This pipe has a shallow gradient that can flow either toward Wurlitzer Park neighborhood or towards Erie Avenue and has a spurious connection to a sanitary sewage pipe that flows to the manhole on Erie Avenue in front of the water tower. After heavy storms the manhole cover comes lose and toilet paper and raw sewage flows out onto the road. Bad as this problem is now it will be worse with the combined Wal-Mart parking lot run off.

On (Plan Sheet C-2) arrows indicate direction of surface water runoff on parking lot pavement from the garden center part of the store. This runoff is flowing toward the ditch on Erie Avenue. Bags of fertilizer and chemicals stacked on the ground will leech out into the runoff adding contaminated flow into the ditch.

The other drainage system flows into Sawyers Creek. On Plan Sheet C-6, two 30" pipes flow into a 15" pipe near the north east corner of the store. Why is this pipe so undersized? It continues and ends as a 25" pipe at the creek. In (Volume 1 V-1) it mentions that storm water treatment units will be used to remove the parking lot contaminates but it does not mention that these units can only remove contaminates in suspension not contaminates in solution.

Finally, Sawyers Creek will become more contaminated with this chemical runoff and with the added volume from the parking lot it will have a tendency to over flow more frequently and will in turn add more contaminates to Tonawanda Creek as well as the other stream it flows into to the Niagara River in Niagara Falls.

Berms and Lighting:

Several eight foot tall berms are proposed for the Wal-Mart property that will be contingent with Wurlitzer Drive, Erie Avenue (Plan Sheet C-2) and private property on Kingston. Supposedly these will provide a sound and light barrier. With the traffic and movement in the parking lot 24 hours a days, 7 days a weeks it will not provide enough quiet, night time darkness and privacy for the surrounding residences. Garbage will be thrown over them and it would a meeting place for vagrants and drug dealers. On (Plan Sheet C-5) the lamp poles are 20 feet high not including the lamps themselves. The lumination area as seen on the plan shines into the property on Kingston.

Who will pay for this, Wal-Mart or the North Tonawanda taxpayers?

Visualizations:

Finally (Volume 3, Artist Visualizations) No matter how good these visualizations are, they can not cover up the fact that this is just another ugly windowless big box intruding into a local neighborhood and into the rest of the city of North Tonawanda..

In conclusion I would ask the planning board that the comments submitted pertain only to the environmental aspects mentioned in this environmental impact report.

Thank you for your time. If you have any questions my phone number is 692-6297.

sincerely,

Susan R. Wilke

Susan R. Wilke

Clerk's Counter

From: Katie Kovacs [katieann1954@yahoo.com]
Sent: Tuesday, September 18, 2007 10:39 AM
To: Clerk's Counter
Subject: Wal-Mart approval

To Whom It May Concern:

I just finished reviewing the Environmental Impact Study regarding the proposed Wal-Mart in North Tonawanda. I was unable to discern anything in the study that suggests that the proposed Wal-Mart should not be built.

I am a resident of North Tonawanda, and I feel NT definitely needs a Wal-Mart. This entire area would benefit from it.

Thank you for allowing me to voice my opinion.

Sincerely,

Kathy A. Kovacs
162 Linwood Ave.
N. Tonawanda, NY 14120

If only we could hold that dream; if only life was what it seemed...

Got a little couch potato?
Check out fun summer activities for kids.

CATHY KERN
1248 Greenbrier Lane • North Tonawanda, NY 14120
Telephone (716) 693-4156
e-mail: Ckern629@aol.com

September 19, 2007

City Clerk
North Tonawanda City Hall
216 Payne Avenue
North Tonawanda, NY 14120

SUBJECT: Environmental Impact Concerns – Proposed Super Wal-Mart

As a resident of North Tonawanda for 39 years, I have environmental impact concerns regarding the proposed Super Wal-Mart to be built on the "Wurlitzer/Melody Fair" site.

Traffic Concerns

- It has been reported that the traffic will be increased by 10,000 to 20,000 cars per day and will result is a "F" traffic rating from a "C" traffic rating on the two lane Erie Avenue. This will mirror the Walden/Union area of Cheektowaga, however, that area has many more lanes as well as turning lanes. Erie Avenue will become grid locked for the residents. This grid lock will also result in increased response times for emergency vehicles.

- Before Wurlitzer Drive was created, the residents of Wurlitzer Park had limited ingress and egress with Ohio Street being the most used off from Niagara Falls Boulevard. The residents approached the DOT for a traffic signal at Ohio Street due to the large volume of traffic, at that time, by the employees of Bell Aerospace. The DOT denied the traffic signal due to the fact that there is a rise in the road near Ohio Street (the area between Mike Rexford's auto repair station and the Wurlitzer Building). A traffic light could potentially cause accidents (i.e. like the Williamsville toll barrier area). With increased traffic as a result of a Super Wal-Mart, residents will have a difficult time exiting and entering Ohio Street. Again gridlock.

- Turning onto Wurlitzer Drive is currently becoming a two light wait. The light was necessitated due to the increase in residential traffic. The proposed Super Wal-Mart will increase truck traffic with deliveries, as well as destruction of the roads and the CSX railroad tracks. Who will pay for the continual maintenance of the tracks, and resurfacing of the roads from the abuse that will occur from trucks?

Lighting.

A 24 hour store will have constant lighting, impacting neighboring homes. It is also a fact that the area has experienced continuous power outages since the late 70's. The new Super Wal-Mart could seriously impact this problem.

Noise.

The area would experience increased noise. Trucks dieseling, backup alarms on the trucks, tow motors and high lifts to unload and move product. Increased noise from people, cars, car alarms, garbage and dumpster pickups, plowing 24 hours per day.

Contamination Concerns.

The proposed area was previously deemed "contaminated" by the heavy metals and other waste products in the ground due to the war effort of the Wurlitzer Company resulted in the area being fenced off for years. The residents of Wurlitzer Park were kept up to date with the progress of the cleanup. To date the area is supposed to be safe. Ground migration of contaminants is a given. Has the Army Corps of Engineers' Report been reviewed and compared to the environmental impact study? To what depth were the borings, to determine the area "safe," as well as soil sampling been done? The trench for the water discharge pipeline, as reported by representatives of Wal-Mart, would be dug 8 feet below ground. Environmental testing therefore should be from ground level to the 8 foot depth. What was done to remediate the heavy metals and other contaminants? Who is guaranteeing that the soil that will be hauled off site during construction is free of harmful contaminants? Site construction often unearths problems not readily known.

These environmental concerns need to be addressed since this proposed Super Wal-Mart is surrounded by residential neighborhoods and will also impact the quality of life for the residents.

Respectfully submitted,

Catherine A. Kern

257 Brentwood Drive
North Tonawanda, NY 14120
September 20, 2007

Mr. Gary Przewozny
Planning Commission
City Hall, 219 Payne Avenue
N. Tonawanda, NY 14120

RE: Proposed Wal-Mart Store in North Tonawanda: **Comments on Environmental Impact**

Dear Mr. Przewozny:

As part of the environmental review, I am requesting details on aspects of the proposed Wal-Mart store that align with the company's focus on sustainability in these areas:

- **Sustainable buildings** have no impact on the environment, including when it is demolished at the end of its useful life. According to Charles Zimmerman (Wal-Mart's Vice President, New Format Development) Wal-Mart is taking a new approach to building construction and operation. As a result, their new store prototypes are 30% more efficient.

  Is the store slated for North Tonawanda going to be the new prototype?

- **Climate**: The main sources of Wal-Mart's contribution to greenhouse gas production comes from electricity used in stores, burning natural gas to heat stores, and diesel fuel in trucks. Wal-Mart is committed to using less energy and finding better sources of energy to attain their mid-term goal of 20% energy reduction by 2012, and their ultimate goal of purchasing energy from 100% renewable sources (wind power, solar energy, burning organic waste).

  What renewable energy sources will be used at the proposed site?
  What is the process for monitoring Wal-Mart's reduction of greenhouse gas emissions at the new store?
  How can NT residents gain access to that information on an annual basis?

- **Waste**: **In what ways will the new store eliminate waste or convert it into recyclable material?**

I look forward to your response in writing at the address listed at the top of this letter. If you have any questions or need further clarification, please contact me at 692-5520 or 622-6203.

Sincerely,

Deborah Q. Gondek

cc: Larry Soos, Mayor
Tom Jaccarino, City Clerk
Nancy Donovan
Kevin Brick
NT Master Plan Committee

Budwey's Supermarkets Inc.

Frank S. Budwey, President

- *Real Estate Development*
- *Dry Cleaners & Laundromat*

P.O. Box 644
527 Division Street
North Tonawanda, New York 14120-0644
Phone#: 716-694-9308
Fax#: 716-693-3178

September 21, 2007

Mr. Gary Przewozny
North Tonawanda Planning Commission
216 Payne Avenue
North Tonawanda, New York 14120

Re: FRA Environmental Traffic Study

Dear Mr. Przewozny:

I am very upset with the FRA Environmental Traffic Study. What gives them the right to insult the intelligence of the Planning Board the citizens and taxpayers of our great city?

How can FRA Engineering totally misrepresent that are actually lie's, their very untruthful, they can not intimidate me, or insult my intelligence and as a large taxpayer of this city they have two choices to figure out if this parcel will work how it will work, or find another site either here or elsewhere.

Facts about the Environmental Impact Study States the following lies;

1. ***The train that cross's twin city highway and proceeds through Zimmerman, Walck, Wurlitzer Drive, Lyric (no light at all), and Niagara Falls Blvd.***

    A. ***FRA states 15 MPH***

I personally drove along with the train twice on Thursday September 20, 2007 with 18 cars and an engine going 5 to 7 MPH. How could the professionals be more than double the speed limit?

Not a Lie Just Fact

Fact 1;

B. The train also goes both ways down to Smurfit and returns the same day on Thursday September 20, 2007 at 12:56 pm the train crossed twin city highway at Erie Avenue and Division Street, it took 3 minutes and 15 seconds. At Wurlitzer Drive it took, 2 minutes and 47 seconds at Niagara Falls Blvd 3 minutes and 12 seconds. It took 30 minutes to cross Twin City Highway and cross over to Niagara Falls Blvd. and stopped at Smurfit to unload product plus than pick up 3 more rail cars and bringing the total on the return trip to a total of 22 cars which included the engine and caboose. This is twice in one day starting at 12:56 pm and ending at approximately 4:45pm. How can all of the professional representatives, Wendel Duchscherer, ands FRA Engineering not know the fact that Smurfit Stone Container Corp will be discontinuing operations at the Shawnee Plant closing and reopen with a joint venture with Jamestown Container Corp and Norampac Inc.

The new business name will be known Niagara Sheets LLC. This new company will be depending on more rail cars delivered from CSX Railroad, which will increase more interruptions, and longer waiting times. This should have been discovered by FRA Engineers or our city consultants from Wendel Duchsherer Architects and Engineers before the September 10, 2007 hearing. This is a gigantic flaw in this traffic study, and not Frank Budwey finding this information out.

Fact 2;

FRA Engineering report states 7 trucks a day to Wal-Mart, this is another lie, and they will have a minimum of 15-30 truck deliveries on most days. The slower days would be Wednesdays, and Sundays. If they were only going to have 7 trucks a day they would not be constructing a building of 185,000 plus sq. ft.

Now to add insult after insult there are many intersections that they stated no change in traffic except during rush hour traffic. Wendell should be tearing this study apart, how many times are we going to let FRA mislead the true facts in this traffic study.

FRA Traffic Study States;

The traffic will get better at Wheatfield, Erie Avenue and the Twin City Highway!

Their completely wrong here, I do not need an engineering degree to figure out that the traffic coming from the City of Tonawanda and down Wheatfield street is going to be better with a 185,000 sq. ft. retail box store, especially when I try to get out of Budwey Lane, and turn south (left it is very difficult now and will be impossible after the Wal-Mart project. We will need a traffic signal at Budwey Lane, are the city taxpayers paying for this or Wal-Mart? We also need to have a left turn, and a green light signal form Erie Avenue onto the Twin City Highway, and at Robinson Street and Twin City Highway.

This is all common sense, especially if you take a look at all of the traffic accidents at these intersections currently.

Erie Avenue North on route 425, a truck route to Niagara Falls Blvd. through to Shawnee is currently a (A-D) according to FRA's report. After the Wal-Mart project it goes to an (F) failing.

FRA Report-Currently North on Erie Avenue to Wurlitzer is an (A) after project it becomes (C's & D's). the opposite direction South on Erie Avenue from Niagara Falls Blvd. to turn right on Wurlitzer would remain (A to C) except for rush hour to an (F) failing. Also no mention of the train traffic effect.

Note the companies like Battenfeld Grease & Oil Corp, Smurfit (Niagara Sheets) do not get an arrival time from CSX Railroad. Talking to their employees the railroad comes on Mondays through Friday anywhere between 10am-6pm.

FRA – Again is misleading the planning board in their traffic study at the August Board Meeting, there were questions about the CSX Railroad crossing into the Wal-Mart off of Erie Avenue on to the old Melody Fair Roadway to exit from Melody Fair. FRA failed to mention that North Tonawanda common council and CSX Railroad agree to allow Blue Bird to use this roadway solely as an exit of only 30 feet wide. According to North Tonawanda city records Bluebird was to negotiate a private crossing at grade agreement with Conrail, and Blue Bird guaranteeing Melody Fair it's successors and assigns continued use of said road.

FRA is now saying in their traffic study that they will work out an agreement on their own with CSX Railroad. Again their insulting our intelligence, because CSX Railroad is more than likely not going to give them permission to;

1. *Widen the roadway*
2. *Let it be 2 way traffic roadway*
3. *Keep in mind that the city has to give up one crossing at either Walck, and Erie Avenue or Zimmerman, and Erie Avenue for the Meadow Drive extension.*
4. *The Planning board has to know where FRA and Wal-Mart are at with the CSX Railroad crossing before any approval of this project.*
5. *If Wal-Mart gets a contract from CSX for the above than the next question is what kind of railroad crossing safety devices will be installed.*
6. *If they cannot get this crossing this 185,000 sq. ft. project must be declined.*
7. *I believe at last months meeting FRA stated that they didn't have a commitment from CSX Railroad on the crossing and Wal-Mart representative said without this, the project is dead.*
8. *These reasons above is why the Wurlitzer Drive extension is being proposed, which is for the wrong reason to ruin the Martinsville Residential neighborhood because Wal-Mart can't do the project correctly and have our community in a state of congestion on Twin City Highway, Wheatfield, Erie, Niagara Falls Blvd, Eddy Drive, Wurlitzer Drive, D'Angelo Drive, Ellwood Avenue, Linwood, Leah, Strad, and Lyric.*

Another misleading or I would say a lie that our City Officials approved this Wurlitzer Extension. This is an out and out lie. Our City Council hasn't approved this yet, look how long it took for the Meadow Drive extension that made more sense than this one.

If Wurlitzer Drive needs to be extended it should start with new homes going in on the other side of D'Angelo Drive first before it goes next to Leah Park, and the water tower where we can't get any new homes for development. Where is the Common Sense? Also there are several holes in this field, right where the Wurlitzer Drive would go through. The DPW keeps dumping dirt in them and they keep sinking. There is definitely drainage or some other problem.

State Senator George Maziarz just obtained a $35,000 grant to improve the ball diamond for women's softball and public use, build an outdoor ice rink and improve the playground and basketball court.

In summary I would like to know the names of all of the city officials that agreed according to FRA to have the Wurlitzer extension done. I expect the days and tines of these private meetings.

I believe by now all of you reading this lengthy complaint can see that FRA-Wal-Mart cannot be trusted. I strongly suggest that you either turn this project down now or the city and I hire an independent traffic engineer that has no affiliation with Wal-Mart. Due to all the misrepresentation.

Budwey's Supermarket Inc. one of the largest tax payers in the city of North Tonawanda will pay for total cost of a Correct, and Honest Traffic Study.

Respectfully yours,

Frank S. Budwey, President
Budwey's Supermarket Inc.

FSB/cag

cc: Mayor Lawrence Soos
Shawn P. Nickerson Esq.
Robert Sondel, Esq.
Gary Przewozny, Planning Commission
Thomas M. Jaccarino, Clerk Planning Commission
Brett M. Sommer, Common Council President
Catherine G. Schwandt, Alderman at Large
Phillip Russell Rizzo, 1st Ward Alderman
Kevin J. Brick Jr., 2nd Ward Alderman
Nancy Donovan, 3rd Ward Alderman

City Clerk's Office

RECEIVED
CITY CLERK'S OFFICE
2007 SEP 18 AM 9:07

This is in regards to Wal-Mart's store coming into N.T. I attended the meeting on Tuesday, Sept. 10 and like so many others in attendence, I cannot believe that a town of this size has no place for us to shop. This is just unrealistic. I hope and pray that the Planning Commission realizes the dire need in a city that is definitely going down hill. Everything is moving out and nothing being brought in. As far as the enviromental issues with street lights and traffic, I'm quite sure that can be ironed out for the safety of the shoppers as it is every other town that have new stores built. Please help this city with a project that is so badly needed before everyone moves out. We just lost Sears, now Pizza Hut and who knows what else. Lets bring something in for a change.

Lumber City Liaisons for Wal-Mart
Patricia Culp

To : The Common Council of North Tonawanda

From: Amanda Smith

531 Meadowbrook

North Tonawanda, NY 14120

Re. The New Wal Mart Store

I am disturbed by the introduction of a Wal Mart in NT. We should be thinking of the long term growth versus short term profits. The store would bring short term taxes but these moneys would be spent on infrastructure to support it.

1) Extending Meadow Dr. to Erie Ave.

2) Widening Erie Ave. to 4 lanes

3) Maintenance required on the new roads.

It is widely know that Wal Mart stores last about 10 years, then move to a new location, do we really need a left over empty superstore in NT only to argue who will pay to remove the vacant building?

Please reconsider the long term costs of this and don't plan for short term profits.

Thank You

A concerned Taxpayer

A. Smith

Lee J. Karaczkowski
1421 Erie Ave
N. Ton NY 14120
(716) 5-4-3328

Dear Sir,

I live on Erie Ave between Eddy + Linden. The private drive from Wal-Mart to Erie Ave is proposed to coincide with the location of the driveway used formerly by Blue Bird garage + Melody Fair. This is close to being directly opposite my neighbors home and mine.

This driveway was seldom used by Blue Bird and only on weekends by Melody Fair, for a couple of hours when in business.

I believe the quality of life of residences on Erie Ave will be negatively impacted by the noise and air pollution generated by cars turning into Wal Mart from Erie Ave.

There are two other entrances for Wal-Mart, one on Niagara Falls Blvd and one on Wurlitzer Drive. Neither of these entrances have homes nearby which would be impacted by air or noise pollution.

I suggest that the Wurlitzer Drive entrance which was to be dedicated for truck delivery be expanded for customer use also. I believe this would eliminate the need for the Erie Ave entrance and the pollution problems of Erie Ave Residences

Sincerely
Lee J. Karaczkowski

To : The Common Council of North Tonawanda

From: Ellen Staniszewski

Re. The New Wal Mart Store

I have visited many places in our beautiful country and have never seen a prettier place than NT. We are truly blessed with rivers, canals, islands, and the proximity to Niagara Falls. We are fortunate to live next to a natural wonder of the world. People from every land have passed through or near this spot on the planet. Lets get a think tank going on the development of a tourist attraction here in NT. We only have to visit Baltimore, San Francisco, San Antonio, etc. to dream up ideas of what can be done. No one will come here and do it for us, we can have a common vision to work towards and dreams do come true with hard work and cooperation. It's a give and take, with everyone on their own agenda.....well look at N. Falls NY. Las Vegas was just a spot in the desert, today they aren't concerned with Wal Marts.

Attracting a Wal Mart will not answer long term goals. People from all over this planet will not be impressed. Think tourism, embellish what we already are blessed with, people will spend more on tourism, long term, than they will on stuff from Wal Mart. We are much classier than that!

PS. Drive down to Lewiston today and take a peek at what can be done at the "Barton Hill Resort and Spa", this is what the people of Lewiston NY just north of the Falls want in their backyard. Haven't heard of it? Just drive down Center St. to the Niagara River and turn around at the Riverside Inn.

Thank You

A concerned Taxpayer

Ellen Staniszewski

Ellen Staniszewski
1166 Sprua St
N Tonawanda NY 14120

Council Members

I hope that you consider all the reasons why we need a WALMART in our city.

For one reason we really have nothing since Hills and Ames closed. When I came here 51 years ago from a small town there were several men and women's stores. Slow but sure everything has left.

For families that have children if they come home from school with the need of some article for the next day out on the blvd. they have to go.

As for affecting the grocery stores I will more than likely do the way I do now. Look at the ads and whichever store has the best deals that is where I go.

Please consider all the families in North Tonawanda and their needs.

Thank you,

Constance Winters

Constance Winters

tate
n good hands.

My name is Kim Jakopac and I live at 1088 Pioneer Dr. My husband and myself are life long residents of the Tonawanda's and we are in favor of the Wal-Mart project.

I think this city would be foolish to let this opportunity slip them by. Wal-Mart will create jobs and revenue for this city.

My husband and I shop Wal-Mart at least once a week if not more and I know that there are many more people in this city that do, as well. I'm tired of giving my hard earned money to Niagara Falls, Amherst, and Clarence. Let's keep the money in NT.

If I need to get a birthday gift or I want to go Christmas shopping there are no stores in NT that I can go to to purchase such an item. Once again, I have to travel out of the city. With the prices of gas going up it would be so much nicer to just drive around the corner to go shopping.

As you know on the proposed site for Wal-Mart are the old blue bird bus terminal and the run down Melody Fair building. These two buildings are nothing but a home for rodents and a place for kids to get in trouble. I much rather look at a new beautiful Wal-Mart building than what is there now.

The people of this town are concerned about traffic. However, when Melody Fair was open I can remember the traffic lined up for miles and we dealt with it. Wal-Mart will not create as much traffic as Melody Fair did. ~~No big deal~~. I don't see the big deal.

You only need to read the Tonawanda News once to come to the conclusion that a lot of people in this town like to complain about things that are not important and the important issues they don't stand up for or complain about.

So in conclusion I urge this planning board to vote yes to the Wal-Mart project. Let's better this city. Thank you.

DAVID J. SEEGER
ATTORNEY AT LAW
69 DELAWARE AVENUE, SUITE 1100
BUFFALO, NEW YORK 14202
(716) 856-1536
FAX (716) 856-1408

DAVID J. SEEGER, ESQ.
ALISON L. ODOJEWSKI, ESQ., ASSOCIATE

December 21, 2007

Gary Przewozny, Chairman
City of North Tonawanda
216 Payne Avenue
North Tonawanda, NY 14120

Thomas M. Jaccarino, Clerk
City of North Tonawanda
216 Payne Avenue
North Tonawanda, NY 14120

Re: Proposed Wal-Mart supercenter
Wurlitzer Park Location

Dear Messrs. Przewozny & Jaccarino:

I write on behalf of North Tonawanda First, Budwey's Supermarkets, Inc., FS Kids, LLC and Mr. Frank Budwey, all with respect to the project changes that Wal-Mart now proposes.

I ask that Mr. Jaccarino, as City Clerk, file this correspondence as part of the official record of proceedings of Wal-Mart's applications for site plan and subdivision approval pending before the City of North Tonawanda Planning Commission.

As you may recall, the Planning Commission accepted a draft environmental impact statement prepared for Wal-Mart by FRA Engineering, P.C., and conducted a public hearing on the DEIS on September 10, 2007. The public comment period expired on September 21, 2007.

Of note is that, by way of a revised traffic study dated September 20, 2007, the applicant radically changed the proposal to make the Bluebird Lane/Wurlitzer Drive intersection one of two primary access points to the proposed development. This change entailed dropping a driveway onto Erie Avenue as a primary access point.

Furthermore, the application was revised to extend Wurlitzer Drive as far as D'Angelo Drive, in order to alleviate some of the projected congestion at the Wurlitzer Drive/Erie Avenue intersection.

The public, including my clients, had no opportunity to comment on these important project modifications, because they were submitted *after* the public hearing was held and either on or after the last day of the public comment period.

Common sense and notions of fairness suggest that conducting a second public hearing on the project changes is the right thing to do. The State Environmental Quality Review Act, after all, is premised upon the need for public input and participation. Because the major project changes and new traffic study were submitted after the time for public comment expired, the Planning Commission is proceeding with its review having afforded no meaningful, formal opportunity for public comment.

Major changes to a project trigger the need for a second public hearing. The general rule is whether the changes make the proposal substantially different from that which was the subject of the original public notice and public hearing. See *Lighthouse Shores v. Town of Islip*, 41 NY2d 7; *Gernatt Asphalt, Inc. v. Town of Sardinia*, 87 NY2d 668, 679 (1996); and *Coutant v. Town of Poughkeepsie*, 69 AD2d 506.

The project changes will divert roughly half of the Wal-Mart traffic onto Wurlitzer Drive, changing traffic flow in both the Wurlitzer Park and Martinsville neighborhoods. The project changes threaten to dump thousands of daily vehicle trips onto residential side streets. In addition, the project changes require substantial change in internal traffic movement on the project site.

On behalf of my clients, I wish to impress upon the Planning Commission that holding a second public hearing and making the project change data available for public review and inspection, is not only the right thing to do, it is a legal imperative.

Thank you for your consideration of this request.

Yours truly,

David J. Seeger

DJS/pa

cc: Clients

577 Fairmont Avenue
North Tonawanda, NY 14120

December 31, 2007

Thomas Jaccarino, City Clerk
City of North Tonawanda
City Hall
216 Payne Avenue
North Tonawanda, NY 14120

FACSIMILE TRANSMISSION

Dear Mr. Jaccarino:

I am sending this letter to you as head of the N.T. Planning Commission and wanted you to have it before your upcoming meeting to share with the other members of the Commission. I wish to address an issue regarding Wal-Mart that is very likely to come up at your upcoming meeting. I attended the last meeting and listened to the traffic plan for the Wurlitzer Drive entrance to the proposed Wal-Mart site.

I like the proposed turning lane to Bluebird Lane from Wurlitzer Drive for traffic coming from Erie Avenue. However, it is common sense that the traffic coming from Wurlitzer Park and Fairmont Estates should be able to also enter at the Bluebird Lane entrance. Why feed more traffic into and through Wurlitzer Park to weave around to Deerfield Drive and Ohio Street to access the Boulevard and that entrance? It seems ridiculous that I should drive several miles more when the entrance off Wurlitzer Drive is so close to my home. Also, the proposed three-way stop signs at the Wurlitzer/Bluebird intersection are unnecessary. Wurlitzer Drive is a four-lane street and traffic going to Erie Avenue will have a lane to get by traffic turning into Bluebird Lane. Customers leaving Wal-Mart will find out if and when there is too much traffic to make the left-hand turn onto Wurlitzer Drive to go to Erie Avenue. There will be times when it is too busy and times when the left turn will be easily made. Customers will then have the option to exit at the Boulevard access road to proceed to Erie Avenue. Please don't take away the quicker route for residents of Wurlitzer Park, Fairmont Estates, Castlebar, Remington, etc.!!

I believe that there may be traffic problems with the Grand Opening of the Wal-Mart store but things will settle down and people will take their best option to easily get to and from the store. Thank you for your consideration to my thoughts!

Sincerely,

Wendy J. Binkley

Wendy J. Binkley

RECEIVED
FEB 2 9 2008
WENDEL

NORTH TONAWANDA FIRST
P. O. Box 644 • North Tonawanda, NY 14120

North Tonawanda First is a group of citizens concerned with the best interest of North Tonawanda's residents and current businesses

February 25, 2008

VIA REGISTERED MAIL

Mr. Gary Przewozny, Chairman
North Tonawanda Planning Commission
285 Selkirk
North Tonawanda, NY 14120

and

Mr. Drew Riley
Wendel Duchscherer
140 John James Audubon Parkway
Amherst, NY 14228

SUBJECT: Public Hearing – Proposed Wal-Mart Supercenter, Plan B

Gentlemen:

As per the notice in the Tonawanda News, the public hearing for Plan B of the proposed Wal-Mart Supercenter is schedule on March 11, 2008 at 7:00 PM in the Common Council Chambers at the North Tonawanda City Hall.

We, the members of North Tonawanda First are adamantly against this meeting location due to the following reasons:

1. The first Public Hearing had the makings of violence with police presence being requested after threats, outbursts, and harassment directed at the people presenting their opposition and/or questions. The Planning Commission members were apparently at a loss as to how to handle the situation. Now that Plan B has been rolled out, and the community is more aware due to the publicity of the project, there will be many more residents attending.

2. Due to the fire code of occupancy, the room can only hold less than 100 people. With the many representatives of the city, elected officials, the representatives of the applicant, this further suppresses involvement by the residents.

3. The proponents of Wal-Mart have well orchestrated maneuvers and therefore will send in many people very early to displace opponents, control the room, harass and intimidate, and control the topics as was evident by the first public meeting.

We are therefore requesting that an appropriate venue, such as the North Tonawanda High School gymnasium or other large establishment, be secured for this meeting. We are also asking that this notice be published in the Buffalo News. Since only 5,245 residents of zip code 14120 (and that includes parts of Wheatfield and Pendleton) subscribe to the Tonawanda News, the majority of the 33,000 city residents would not be aware of this meeting. This project has divided a city and both sides should be equally represented in this meeting with adequate space, and without fear of reprisal.

Please give this matter serious consideration and move this important meeting to a larger location. Thank you.

Sincerely yours,

Cathy Kern

Cathy Kern, Member
North Tonawanda First

Copy to: Mr. Thomas M. Jaccarino

City of North Tonawanda Planning Commission
Draft Environmental Impact Statement Public Hearing
Proposed Wal-Mart Supercenter
March 11, 2008
Grant Elementary School

The City of North Tonawanda Planning Commission, as Lead Agency, held a second public hearing on March 11, 2008 to obtain comments on the revised site plan and traffic analysis as submitted as an addendum to the Draft Environmental Impact Statement (DEIS) for the proposed Wal-Mart Supercenter near the intersection of Niagara Falls Boulevard (US 62) and Erie Avenue (SR 425) in the City of North Tonawanda. **The following comments were received from the public at that meeting:**

Jim Cahill
1. Traffic on Wurlitzer Drive will increase and impact adjacent neighborhoods.
2. The existing infrastructure can't support additional traffic.
3. Additional traffic will generate noise.
4. Should consider access only to Niagara Falls Boulevard.

Jim Missell
1. "Friends of Melody Fair" would like to see Melody Fair reused as a theater.
2. Wants to nominate Melody Fair Theater for historic designation.

Dave Seeger
1. How does LOS at the intersection of Niagara Falls Boulevard and Erie Avenue/ Shawnee Road improve?
2. The applicant should submit their Synchro data.

Frank Budwey
1. Mayor's office needs to make sure all information submitted is correct.
2. Believes the TIS contains errors.
3. All background data for TIS should be presented.

Chuck Hewitt
1. Does the Planning Commission have an understanding of the traffic impacts/ mitigations of this project?
2. Project will negatively impact intersection of Niagara Falls Boulevard and Erie Avenue/ Shawnee Road.
3. Impact of Wurlitzer Drive extension.

Walter Gordon
1. Idling vehicles and trucks cause air pollution and odor.
2. Traffic impacts to Kingston Avenue.

Susan Wilke
1. Impacts of Wurlitzer Drive extension.
2. Additional traffic on Wurlitzer Drive through neighborhoods.
3. If the option to restrict access at the Bluebird Drive access is used, people will likely not obey the right-in, left-out.
4. What safety features will be incorporated at the train crossing.

Natalie Thee
1. Sewage should be transmitted to City's sewage treatment plant, which has capacity.
2. This Wal-Mart will allow people to use less gasoline to travel for daily shopping needs.

Dennis Barberio
1. Erie Avenue was improved several years ago to accommodate expansion to the Wurlitzer Industrial Park.
2. Melody Fair has been sold three times, the structure is not historic.
3. There were no traffic issues when Melody Fair was operating.
4. The access on Wurlitzer Drive provides for improved safety and access.

Ilene Closack
1. Believes the traffic issues discussed at the first public hearing have been adequately addressed with Plan B.
2. City should try to negotiate railroad crossing with CSX.

Donna Miller
1. Deer populations will be displaced by the Wal-Mart.

Tammy Godyne
1. The Plan B is an improvement, the Bluebird Drive access is 1,000 feet from the nearest residence.
2. The Bluebird Drive access is further away from Niagara Falls Boulevard, which allows it to act as a better secondary access.
3. Traffic to/from the Martinsville neighborhood will be improved through the Wurlitzer Drive extension.
4. Longer turning lanes will be provided on Erie Avenue.
5. The Bluebird Drive access keeps people from having to travel Niagara Falls Boulevard.

Susan Golagowski
1. Pollution generated from additional traffic.
2. The train tracks are utilized about twice a day and aren't an issue.
3. Erie Avenue has capacity to handle additional traffic.

Bob Tomczak
1. There will be traffic increases in Wurlitzer Park and Martinsville neighborhoods.

2. Pollution generated from idling trucks.
3. Concerned about truck access to site.
4. Project may impact property values.

Donna Cherry
1. The additional traffic will make it more difficult to access Erie Avenue from Martinsville neighborhood.

Kathy Marthione
1. How will hazardous materials or contaminated soils be cleaned up if discovered on the site.

Bill Ames
1. Project will result in traffic increases.
2. The City can work with Wal-Mart to solve traffic issues after the store has opened.

Michael Godyne
1. Planning Commission should be certain that all issues are addressed.
2. Plan B addresses traffic issues from the first public hearing.
3. Plan B shifts traffic away from Erie Avenue and the nearby residences to Wurlitzer Drive.
4. Plan B will eliminate any need for an additional traffic light on Erie Avenue.

Ellen Delong
1. The intersection of Niagara Falls Boulevard and Erie Avenue/ Shawnee Road can't handle the additional traffic.
2. How will the lights in the parking lot be screened from adjacent residences on Kingston Avenue?

Sonia M. Dusza
1. The project doesn't meet the goals of the City's Master Plan
2. The City should consider a moratorium on big box development to develop an update Comprehensive Plan.

Delores Bennett
1. The size of the building is too large for the site.
2. Who is responsible to pay for the cleanup of contamination of the site?

Budwey's Supermarket Inc.
Frank S. Budwey, President *Real Estate Development*

P.O. Box 0644
527 Division Street
North Tonawanda, New York 14120
Phone #: 716-694-6530
Fax #: 716-693-3178

Gary Przewozny, Chairman
City of North Tonawanda Planning Board
216 Payne Avenue
North Tonawanda, NY 14120

March 11, 2008

Subject: Proposed Wal-Mart Supercenter
Wurlitzer Park Location

Dear Chairman Przewozny and Planning Board Members:

Last week at our common council meeting held March 4, 2008, Jeff Mis was representing Mayor Soos. I have written questions to the planning board and the mayor's office to have a response about our consultant Wendell Duchscherer regarding the way they are handling the Wal-Mart project.

There have been numerous errors and misrepresentations from FRA Engineering that our consultant has missed. To solve this problem Mr. Mis's answer is I can file an article 78 lawsuit against the city. That is not the answer I am looking for, I would like the Mayor's office to look into my legitimate concerns with the planning board and get the correct answers. As a taxpayer I do not want anyone suing our city when it isn't necessary. The way to proceed with this project is to have all the background information reviewed correctly.

Since this project started our Mayor said "It's a done deal". No deal is a done deal until the SEQRA process is finished and done correctly so there isn't any lawsuits on either side from North Tonawanda First, Budwey's Supermarket Inc. orWal-Mart.

Our planning board is being misled by the errors done from FRA Engineering and not caught by Wendell Duchscherer our city consultant. That is why North Tonawanda First has hired a traffic engineer, F. Andrew Wolfe, Ph.D., P.E. The following is his opening statement.

Respectfully,

Frank S. Budwey

From the Desk of:
Kimberly Jakopac
1088 Pioneer Drive
North Tonawanda, NY 14120
(716) 694-4441

March 11, 2008

To: Larry Soos (Mayor), Shawn Nickerson (City Attorney), Bob Sondel (Assistant City Attorney), Brett Sommer (Common Council President), Dennis Pasiak (Alderman), Nancy Donovan (Alderwoman), Kevin Brick (Alderman), Cathy Schwandt (Alderwoman-At-Large)

Gary Przewozny (Planning Commission Chairman), Donald Evans, Timothy Makai, Joseph Mineo, David Conti, Joy Kuebler (Planning Commission Members)

Tom Jaccarino (City Clerk) & Cosimo Capozzi (Building Inspector)

Subject: Our North Tonawanda Wal-Mart SuperCenter

My name is Kim Jakopac and I reside at 1088 Pioneer Drive and I would like to thank you all for doing a thorough job of researching and spending so much time on the proposed Wal-Mart Project. However, the time has come and a decision needs to be made and a vote needs to be taken.

My husband and I are in favor of this project. There have been all kinds of concerns over traffic and the value of people's property well I am here to tell you this does not concern my husband or me. We live right around the corner from the proposed Wurlitzer Drive entrance to Wal-Mart and I cannot believe that the traffic is going to be any worse than it is already. Further more, we feel that you should be able to make a right hand turn off of Blue Bird Drive into Wurlitzer Park. After all why wouldn't we? I don't want to have to go around the block to come back home.

People who live in other communities are not going to cut through Wurlitzer Park to get either back onto Niagara Falls Blvd or the Twin City Memorial (which are the only 2 major roads in the vicinity) to get back where they came from. That would be going out of their way.

The ones that are opposed to this, which is less than 30% of the community, would have you to believe that 1,000's of people are going to be coming out of Wal-Mart all at the same time. That makes me laugh because I shop at Wal-Mart every week and I never see that many people coming or going at one time. Further more when Melody Fair was open I can remember traffic lined up for miles before the show and then after the show and that was every weekend and during the week.

From the Desk of:
Kimberly Jakopac
1088 Pioneer Drive
North Tonawanda, NY 14120
(716) 694-4441

So in closing, since we are part of the 70% of North Tonawanda residents and a taxpayer in this community that supports the building of a SuperCenter Wal-Mart on the former Melody Fair and Bluebird Bus locations, I urge you to vote yes to this project.

Thank you for your time and consideration.

Sincerely,

Kimberly & Kevin Jakopac

Kimberly & Kevin Jakopac

City of North Tonawanda Planning Board
Mr. Gary Przewozny, Chairman
City Clerk's Office
216 Payne Avenue
North Tonawanda, New York 14120

March 12, 2008

Dear Chairman Przewozny and Board Members:

We could not attend last night's public forum. We wanted to share our comments.

Firstly, Judy and I compliment you and the other board members for all your efforts and study towards the North Tonawanda Wal-Mart Super center site plan. We were impressed by the Board's involvement from past meetings we attended.

Secondly, we are encouraged by FRA's willingness to work with the Board on every aspect of the design for North Tonawanda Wal-Mart Super center. The revised traffic flow design is reasonable. Most of the traffic flow will still be from Niagara Falls Boulevard. Living in Wurlitzer Park, we are comfortable with the plan.

Just recently the Board unanimously approved the Walgreen's site plan. The Board also did a diligent job on the site plan. And, as you said, it was the best decision for the city as a whole.

We ask you and the Board to apply the same principle to the North Tonawanda Wal-Mart Super center. Consider the jobs, tax revenue, property improvement, low prices, and Wal-Mart's community giving, We hope the Board will decide that approving the site plan will be the best decision for the city as a whole.

We look forward to the Planning Board's vote as soon as possible.

Respectfully,

Ernest Curto
Judith K Curto

Judith & Ernest Curto
1308 Fairfax Avenue
North Tonawanda, NY 14120