State Environmental Quality Review

Lead Agency Findings Statement
Findings to Approve

Date: June 2, 2008

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, issues the following findings:

Name of Action: Wal-Mart Supercenter – No. 4597-00

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

SEQR Status: Type 1, Positive Declaration

Description of Action: 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 and includes the creation of four separate outparcels, one of 6.8+/- acres and one of 1.5+/- acres fronting Niagara Falls Boulevard, and one of 1.5 +/- acres and one of 1.3+/- acres fronting Bluebird Drive at the rear of the site (the project analysis includes the development of the outparcels). 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.

Location: The project will be situated on the former Melody Fair and Bluebird Coach Lines properties near the intersection of Niagara Falls Boulevard (US 62) and Erie Avenue (SR 425), City of North Tonawanda, Niagara County, New York.

Date FEIS Accepted as Complete: May 12, 2008

Contact:

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

Findings and Conclusions Supporting the Decision:

A. **Land, Plants and Animals, Agricultural Resources, and Critical Environmental Areas**

The majority of the project site consists of impervious area, currently developed with buildings and parking areas. There are two structures (former Melody Fair venue and the Bluebird Coach Lines station) on the site, that will both be demolished. Only 0.8 acres of the project site is wooded. The remainder of the site is unimproved grasslands and stone parking areas. The project site has been previously disturbed and is not conducive to supporting substantial plant and wildlife habitats. Other than occasional transient species, no federal or state-listed endangered or threatened species are known to exist in the vicinity of the project site.

There are no agricultural resources located on or adjacent to the project site. In addition, there are no Critical Environmental Areas located on or adjacent to the project site.

Impacts

The project may result in the following impacts on land:

- The project site currently consists of six separate properties that will be re-subdivided into five properties for the proposed development (Wal-Mart and four outparcels).
- There are two structures (former Melody Fair venue and the Bluebird Coach Lines station) on the site, which will both be demolished. There may be asbestos present in the existing structures to be demolished.
- There were several existing recognized environmental conditions identified on the site that will need to be properly removed, including several underground storage tanks. The term recognized environmental condition is used to indicate the presence or likely presence of any hazardous substances or petroleum products on a property under conditions that indicate a past release, an existing release, or a threat of a release of any hazardous substances or petroleum products into the ground, groundwater, or surface water of the property.
- The development of the Wal-Mart will result in approximately 10.0 acres of impervious area on the site.
- The Wal-Mart project will request several variances from the Zoning Board of Appeals, such as a reduction in the number of off-street parking requirements and a reduction in the 30% shade tree requirement for parking areas.

Mitigations

The applicant will provide the following mitigation measures for the project:

- An erosion and sediment control plan has been prepared and will be implemented.
- A complete demolition plan will be developed that addresses removal and potential reuse of existing infrastructure.
- All existing foundations will be removed a minimum 2 feet below grade to ensure the new foundation work is not obstructed.
- 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 Recognized Environmental Conditions on the site and any asbestos from existing buildings will be removed (reportedly, 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.

- The footprint of the parking area will be minimized to preserve an existing wooded area to the east of the proposed Wal-Mart to buffer the nearby residences on Kingston Avenue. The final size and layout of the parking area will be determined during the site plan review process.
- Excess fill created from the grading of the site will be used in the construction of the berms used to buffer the site from adjacent residential properties.

Findings

The Planning Commission concludes that the following additional mitigation measures shall be incorporated into the project:

- The applicant is directed to reference the Landscape Architectural Graphic Standards for berm construction and shall 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.

The Planning Commission finds that the mitigation measures proposed will minimize the potential impacts of the project on land, plants and animals, agricultural resources, and Critical Environmental Areas to the maximum extent practicable.

B. **Water Resources**

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. An on-site investigation resulted in the identification of three isolated wetland areas on the site totaling 0.89+/- acres. The U.S. Army Corps of Engineers (ACOE) issued a Wetlands Jurisdiction Determination for the site. The ACOE determined that the only wetland subject to ACOE jurisdiction was a wetland located on an outparcel at the corner of Wurlitzer Drive and Bluebird Drive that will not be impacted by the project. Further, the wetland delineation report states that the isolated wetlands on the site are not subject to New York State Department of Environment and Conservation (NYSDEC) jurisdiction.

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 line along Bluebird Drive to the 90-inch interceptor stormwater 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.

Impacts

The project may result in the following impacts to water resources:

- An isolated wetland on the northern portion of the site will be partially filled to allow for the construction of the main access road. Since this wetland is isolated and not subject to ACOE or NYSDEC jurisdiction and the disturbance is less than 0.1 acres, a wetlands disturbance permit will not be required.
- The development of the site will result in a slight increase in the 1-year and 10-year storm event stormwater run-off due to an increase in impervious area. The increased stormwater runoff is primarily due to the fact that the site currently does not drain properly.
- Stormwater management facilities will be constructed on the site in the form of stormwater swales in the parking area, a closed drainage system, stormwater detention basin, and an outlet, which will collect all stormwater from the site, provide stormwater quality management, and allow varying discharge rates into the City's storm sewer system.

- 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.

Mitigations

The applicant will provide the following mitigation measures for the project:

- Engineering measures proposed by the applicant will decrease the 100-year storm event stormwater run-off from the site.
- Both existing catch basins on site will be removed and properly covered, thereby reducing the overall stormwater runoff into the City's sanitary sewer system (presently a combined system).
- Erosion and sediment control measures will be put in place to minimize silt and sediment runoff from the site into adjacent waters.
- A comprehensive Phase II Stormwater Pollution Prevention Plan (SWPPP) and corresponding Notice of Intent (NOI) and Notice of Termination (NOT) will incorporate measures to minimize silt and soil runoff to minimize impacts to groundwater, downstream storm sewers, and receiving waters.
- A geotechnical filter fabric will be placed under all necessary paved areas to ensure that groundwater does not negatively impact infrastructure.
- For all closed drainage systems, clean straight gradation under drain stone will be utilized and installed with a non-woven filter fabric encasing the supporting drainage trench to ensure a clean water source before leaving the site.
- The developer is required to attenuate the stormwater runoff from the site to the pre 10-year runoff conditions, which will be accomplished through the use of several stormwater management facilities, which will collect and retain stormwater from the site prior to outletting into the storm sewer system.
- 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.
- When stormwater enters the stormwater detention basin, three 8-foot wide, 1 ½-foot deep grass swales will further treat the stormwater before outletting through a 24-inch outlet that will provide varying discharge rates designed to limit flow from the site to the 90-inch Wurlitzer Drive interceptor line.
- Since this site is an improved development site, it falls under the category of "Redevelopment" for NYSDEC SPDES-GP-02-01 purposes. The applicant will manage the stormwater flows to ensure that the post condition flow does not exceed the existing conditions flow in accordance with NYSDEC guidelines.
- The internal islands within the parking area will be developed as "swales" that collect stormwater and provide water quality treatment by removing phosphorous and suspended solids before entering the closed drainage system.
- 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.
- The stormwater detention basin is designed in that it will not hold any standing water, all the stormwater will eventually discharge through the outlet into the stormwater sewer system along Wurlitzer Drive.
- The proposed centrifugal vortex unit will provide adequate water quality treatment before water is released to Sawyer Creek and will comply with all applicable NYSDEC water quality standards.

- The stormwater treatment practices are intended to remove 80% of Total Suspended Solids (TSS).
- Catch basins will be installed along the exterior of the berm to convey stormwater runoff adjacent to the Kingston Avenue residences into the stormwater management system, reducing the stormwater impact on neighboring residences to at or below existing conditions.
- The storm water system for the primary access road has been oversized by 50% to accommodate future development.
- Snow will be stored at designated snow storage areas within the site, and runoff from melting snow will be treated by the stormwater management system.
- There is no proposed storage of open materials on site. All garden supplies such as mulch and topsoil are bagged and pesticides, herbicides, fertilizers, and other toxic home products are bottled and protected from the natural elements. Any spillage of materials will be promptly and properly cleaned by the applicant.
- Outparcel developments will require their own stormwater management system to treat and store stormwater prior to outletting to the stormwater sewer system.

Findings

The Planning Commission concludes that the following additional mitigation measures shall be incorporated into the project:

- The applicant should explore other alternatives to the concrete bumpers proposed to direct stormwater within the parking area such as curb flow points.
- The applicant shall incorporate suitable landscaping within the swales and stormwater management areas according to "Landscape Guidance/ Plant Lists for Ponds and Wetlands and Bioretention" and is included in Appendix C of the FEIS.
- The applicant is directed to reference the Landscape Architectural Graphic Standards for berm construction and shall 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.

The Planning Commission finds that the mitigation measures proposed will minimize the potential impacts of the project on water resources to the maximum extent practicable.

C. **Energy/ Utilities**

Currently there is municipal water service to the site provided by the City of North Tonawanda through an 8-inch water line along Bluebird Drive connected to an 8-inch water main along Wurlitzer Drive. Municipal sanitary sewer service to the site is provided by the City of North Tonawanda through an 8-inch sanitary sewer lateral that ties into an 8-inch line along Wurlitzer Drive and a 10-inch lateral that ties into a 20-inch line along Erie Avenue. Power will be provided by National Grid. National Fuel supplies natural gas to the site through a 3-inch gas line along Wurlitzer Drive.

Impacts

The project may result in the following impacts to energy/ utilities:

- The Wal-Mart is expected to use 5,200 gallons of water per day, of which there is sufficient capacity available.
- A secondary water line will be constructed along the primary access road to tie into the 10-inch water main along Niagara Falls Boulevard.
- The Wal-Mart is expected to generate 4,680 gallons of waste water per day.

Mitigations

The applicant will provide the following mitigation measures:

- Four fire hydrants will be included on the site and pumps will need to be installed in order to meet the required water pressure for fire suppression.
- The Wal-Mart will utilize energy efficient HVAC units and incorporate several energy conservation strategies.
- All electrical lines will be located underground.
- 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:
    - The store will include a daylight harvesting system (skylights, electronic dimming ballasts, computer controlled daylight sensors, etc.).
    - 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.
    - The new facility will utilize T-8 fluorescent lamps and electronic ballasts, which comprise the more efficient lighting system on the market.
    - "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.
    - 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.
    - 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.
    - 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.
    - 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.
    - 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.

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

Findings

The Planning Commission finds that the mitigation measures proposed will minimize the potential impacts of the project on energy and utilities to the maximum extent practicable.

D. Air Quality

Impacts

The project may result in the following impacts:

- There is the potential that asbestos exists in the buildings to be demolished.
- The greatest potential impact to air quality is from increased vehicular traffic, especially heavy duty diesel trucks.

Mitigations

The applicant will provide the following mitigation measures:

- The demolition of existing structures, cleanup of the site, and construction of the proposed project are subject to federal, state, and local guidelines that minimize pollutant emissions and protect the neighboring areas from potential hazardous materials.
- The applicant will restrict idling of delivery trucks to comply with NYSDEC standards (6 NYCRR 217.3), and any other provisions the City incorporates during site plan approval.

- Overnight parking of trucks will not be permitted on the Wal-Mart site.

Findings
The Planning Commission finds that the mitigation measures proposed will minimize the potential impacts of the project on air quality to the maximum extent practicable.

E. **Aesthetic Resources, Open Space, and Recreation**
An architectural context study was developed that took into account several significant buildings throughout North Tonawanda, particularly the Wurlitzer Building, that contain features that could be incorporated into the design of the Wal-Mart building. The design of the Wal-Mart is primarily inspired by the adjacent Wurlitzer Building and incorporates brick façades, large parapets with cornices that will aid in screening HVAC units, stone medallions, pre-cast ornamental features, and neutral tone signage. The site also incorporates landscaping and berming to screen the site from adjacent residences.

Impacts
The project may result in the following impacts to aesthetic resources:

- The proposed Wal-Mart consists of a 185,312+/- square foot building with a parking and loading area, access drives, landscaping, signage, and site lighting.
- The applicant's preferred design for the Wal-Mart building consists of three sides that are visible from adjacent roadways.
- The project proposes monument signage, with a maximum height of 18 feet, at the Niagara Falls Boulevard entrance and additional signage at the Wurlitzer Drive entrance.
- The site will be lit from several 24 foot tall light standards that will result in an average lumen rating of 2.8 within the parking lot area.
- Visual impact assessments were completed for six different viewpoints, presenting the potential viewshed impact of each. The project will be visible, to varying extents, from all viewpoints.
- The project consists of four outparcels that are highly visible from adjacent streets and nearby residential properties.
- The proposed construction of the Wurlitzer Drive extension will add a paved street to an area that is currently an open space.

Mitigations
The applicant will provide the following mitigation measures:

- A 5-foot high landscaped berm will be constructed along the entire frontage of Erie Avenue as well as a portion of the rear of the site to screen the Wal-Mart building. The berm will consist of a grass covering and a mixture of shrubs, deciduous trees, and coniferous trees.
- An 8-foot high landscaped berm will be constructed just off the property lines of the residences fronting Kingston Avenue to provide additional screening to the existing vegetation that will be preserved between the berm and residences.
- Architectural treatments have been added to the building elevation facing Erie Avenue in order to create a more aesthetically pleasing building. Wal-Mart is proposing that the same brick–like material, Quick Brick, 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.
- In total, approximately 341 new trees are proposed for the site.
- Approximately 25% of the Wal-Mart site will consist of landscaping.

- The signage for the Niagara Falls Boulevard access has been modified to include a monument sign with neutral tones and landscaping to enhance the appearance of the entrance.
- Light fixtures will consist of 24-foot high cut-off fixtures, directing lighting downward. All lighting will conform with National Dark Sky compliant lighting standards.
- Trash compactors and dumpster areas will be screened by an 8-foot tall block wall built to conform to the existing Wal-Mart design.
- The Wurlitzer Drive extension will be constructed entirely within City owned right-of-way and not within adjacent park land. This extension 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.

Findings

The Planning Commission concludes that the following additional mitigation measures shall be incorporated into the project:

- The applicant shall incorporate suitable landscaping within the swales and stormwater management areas according to "Landscape Guidance/ Plant Lists for Ponds and Wetlands and Bioretention" and is included in Appendix C of the FEIS.
- The applicant is directed to reference the Landscape Architectural Graphic Standards for berm construction and shall 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.
- The Planning Commission recognizes that the applicant's preferred design for the Wal-Mart building consists of three sides that are visible from adjacent roadways and will further address the appearance of building elevations during site plan review.
- The Planning Commission recognizes the need for signage at the Niagara Falls Boulevard and Wurlitzer Drive driveways and will address signage during site plan review.
- The pine trees that exist towards the front of the property should be preserved as much as possible to screen the site from neighboring properties.
- The development of the outparcels shall incorporate aesthetic features and screening that reduce the visual impact on adjacent residential areas.

The Planning Commission finds that the mitigation measures proposed will minimize the potential impacts of the project on aesthetic resources, open space, and recreation to the maximum extent practicable.

F. **Transportation**

The site is bound by Niagara Falls Boulevard, Erie Avenue, and Wurlitzer Drive. The proposed project includes the construction of a new 3-lane road that will provide primary access to the site and the front two outparcels from Niagara Falls Boulevard, where a traffic signal is proposed. This new road will also replace an existing driveway and act as the new primary access for businesses in the adjoining Wurlitzer Business Park to the north. A secondary access is proposed on Wurlitzer Drive, via Bluebird Drive. The project also involves the closure of the right-of-way of Melody Lane, the northern portion of Lyric Avenue, and a portion of Bluebird Drive.

A CSX railroad line runs parallel to the northwest side of Erie Avenue, resulting in at-grade crossings at Wurlitzer Drive and Niagara Falls Boulevard. This railroad line normally handles two trains per day of which cannot exceed speeds of 15 MPH.

The Niagara Frontier Transportation Authority (NFTA) operates bus line #200 along Niagara Falls Boulevard and Erie Avenue. There are existing sidewalks along the perimeter of the site

including the west side of Niagara Falls Boulevard, south side of Erie Avenue, and east side of Wurlitzer Drive.

The DEIS that was submitted by the applicant and accepted as complete by the Planning Commission on September 10, 2007 included a primary access to Niagara Falls Boulevard with secondary access to Erie Avenue. Following the acceptance of the DEIS, 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. Following the notification, the City requested that the applicant provide supplemental traffic analysis to assess the impacts of various access scenarios. These scenarios include:

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 unrestricted secondary access to Wurlitzer Drive via Bluebird Drive with stop control on Bluebird Drive only.

The City's consultants, Wendel Duchscherer (WD), and the New York State Department of Transportation (NYSDOT) conducted an evaluation of the Traffic Impact Study and all supplemental information. Based on the NYSDOT and WD review:

- 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.
- A restricted right-in/ left-out access at the Bluebird Drive is not supported. It is the experience of WD that restricted access causes confusion amongst drivers at the intersection and poses safety issues since drivers often disobey the restrictions to avoid any inconvenience.
- A signalized primary access to Niagara Falls Boulevard and a secondary access to Wurlitzer Drive, via Bluebird Drive, with a stop control for outbound vehicles only is preferred. This scenario offers the mitigation to the extent practicable for traffic impacts.
- 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 traffic impacts were determined by evaluating the full build out of the site, which for the purposes of conducting the Traffic Impact Study, included a worst case scenario of the 185,312+/- square foot Wal-Mart Supercenter, a 37,250 retail shopping plaza, a 5,000 square foot sit down restaurant, a 3,000 square foot fast food restaurant with drive thru, and a 3,000 square foot fast food restaurant without drive thru. The Traffic Impact Study evaluates the impact of the full build out of the project against the background traffic conditions, which includes annual traffic growth factors as well as new traffic generated from nearby approved development (or traffic growth that would occur regardless if the Wal-Mart project were developed).

Impacts

The project may result in the following impacts on transportation:

- The preferred scenario includes primary access to Niagara Falls Boulevard, with a proposed traffic signal, and unrestricted secondary access to Wurlitzer Drive via Bluebird Drive, with stop control on Bluebird Drive only.

- The proposed Wal-Mart includes the construction of a new 3-lane road that will provide primary access to the site from Niagara Falls Boulevard with the installation of a traffic signal. This new access drive will also replace an existing driveway and act as the new primary access for businesses in the adjoining Wurlitzer Business Park to the north.
- The TIS estimates that the Wal-Mart and full build out of the outparcels (under the worst case scenario) will generate 882 vehicle trips during the weekday AM peak hour, 1,367 vehicle trips during the weekday PM peak hour, and 1,747 vehicle trips during the Saturday midday peak hour. It is important to note that the traffic generation is not all new traffic, but includes the vehicles currently traveling the area roads that are redirected to the Wal-Mart site.
- In evaluating the impact of the site generated traffic associated with the full build out of the Wal-Mart project on background traffic conditions at the intersection of Niagara Falls Boulevard and Erie Avenue/ Wurlitzer Drive, the following impacts can be expected:
    - Overall Level of Service (LOS) at the intersection improves during the weekday AM peak hour from a LOS F (with average delay of 83 seconds) to a LOS E (with average delay of 68 seconds) due to mitigations proposed.
    - Overall LOS at the intersection during the weekday PM peak hour and Saturday midday peak hour remains constant.
- In evaluating the impact of the site generated traffic associated with the full build out of the Wal-Mart project on background traffic conditions, the overall LOS at the intersection of Niagara Falls Boulevard and Erie Avenue/ Shawnee Road would improve during the weekday AM peak hour and remains constant during the weekday PM peak and Saturday midday peak hours. This is due to traffic signal optimization at the intersection.
- In evaluating the impact of the site generated traffic associated with the full build out of the Wal-Mart project on background traffic conditions, individual approaches at the intersection of Niagara Falls Boulevard and Erie Avenue/ Shawnee Road experience increased delay. Several of these increases in delay are projected to occur with or without the full build out of the Wal-Mart project. A further explanation of the impacts to this intersection is as follows (also see Table 1 on page 26):

  Weekday AM Peak Hour

    - The intersection of Niagara Falls Boulevard, Erie Avenue and Shawnee Road currently operates with an overall average delay of 59 seconds (LOS E) during the weekday AM peak hour. Under the background conditions, the delay is projected to increase by 24 seconds to a total delay of 83 seconds (LOS F). With the addition of the site generated traffic associated with the full build out of the Wal-Mart project and proposed signal timing adjustments, the overall delay will be reduced to below background conditions to 68 seconds (LOS E). This represents an improvement of LOS of one letter grade.
    - The southbound Niagara Falls Boulevard left-turn lane currently operates with an average delay of 21 seconds (LOS C). Under the background traffic conditions, the delay is projected to increase by 2 seconds to 23 seconds (LOS C). With the addition of the site generated traffic associated with the full build out of the Wal-Mart project and proposed signal timing adjustments, the southbound left-turn lane will operate with an average delay of 23 seconds (LOS C). This represents no change in delay compared to background conditions.

- The southbound Niagara Falls Boulevard through lanes currently operate with an average delay of 71 seconds (LOS E). Under the background traffic conditions, the delay is projected to increase by 9 seconds to 80 seconds (LOS F). With the addition of the site generated traffic associated with the full build out of the Wal-Mart project and proposed signal timing adjustments, the southbound through lanes will operate with an average delay of 89 seconds (LOS F). This represents an additional delay of 9 seconds compared to background conditions.
- The southbound Niagara Falls Boulevard right-turn lane currently operates with an average delay of 19 seconds (LOS B). Under the background traffic conditions, the right-turn lane is projected to continue to operate with an average delay of 19 seconds (LOS B). With the addition of the site generated traffic associated with the full build out of the Wal-Mart project and proposed signal timing adjustments, the right-turn lane will operate with an average delay of 14 seconds (LOS B). This represents a reduction in delay of 5 seconds compared to background conditions.
- The northbound Niagara Falls Boulevard left-turn lane currently operates with an average delay of 34 seconds (LOS C). Under the background traffic conditions, no change in delay is projected for this movement. With the addition of the site generated traffic associated with the full build out of the Wal-Mart project and minor signal timing adjustments, the northbound left-turn lane will operate with an average delay of 104 seconds (LOS F). While the proposed development does add some traffic to this movement, the additional 70 second delay is a direct result of signal timing adjustments that mitigate/balance the 314 second delay occurring at the westbound Shawnee Road left-turn lane in the background conditions.
- The northbound Niagara Falls Boulevard through lanes currently operate with an overall average delay of 30 seconds (LOS C). Under the background traffic conditions, the delay is projected to increase by 2 seconds to 32 seconds (LOS C). With the addition of the site generated traffic associated with the full build out of the Wal-Mart project and proposed signal timing adjustments, the southbound through lanes will operate with an average delay of 37 seconds (LOS D). Although this movement experiences a LOS drop of one letter grade, there is only a 5 second additional delay compared to background conditions.
- The northbound Niagara Falls Boulevard right-turn lane currently operates with an average delay of 17 seconds (LOS B). Under the background conditions, no change in delay is projected for this movement. With the addition of the site generated traffic associated with the full build out of the Wal-Mart project and proposed signal timing adjustments, the right-turn lane will operate with an average delay of 18 seconds (LOS B). This represents a reduction in delay of 3 seconds compared to background conditions.
- The eastbound Erie Avenue left-turn lane currently operates with an average delay of 22 seconds (LOS C). Under the background traffic conditions, the delay is projected to increase by 1 second to 23 seconds (LOS C). With the addition of the site generated traffic associated with the full build out of the Wal-Mart project and proposed signal timing adjustments, the left-turn lane will operate with an average delay of 26 seconds (LOS C). This represents an increase in delay of 3 seconds compared to background conditions.
- The eastbound Erie Avenue through lane currently operates with an average delay of 53 seconds (LOS D). Under the background traffic conditions, the delay is projected to increase by 15 seconds to 68 seconds (LOS E). With the addition of the site generated traffic associated with the full build out of

the Wal-Mart project and proposed signal timing adjustments, the through lane will operate with an average delay of 122 seconds (LOS F). This represents an LOS drop of one letter grade. The delay increase on the eastbound through lane, while partially influenced by project-related traffic, is primarily related to the need to mitigate/balance an existing traffic deficiency on the Shawnee Road westbound left-turn lane.

- The eastbound Erie Avenue right-turn lane currently operates with an average delay of 29 seconds (LOS C). Under the background traffic conditions, the delay is projected to increase by only 1 second to 30 seconds (LOS C). With the addition of the site generated traffic associated with the full build out of the Wal-Mart project and proposed signal timing adjustments, the through lane will operate with an average delay of 37 seconds (LOS D). Although this movement experiences an LOS drop of one letter grade, there is only a 7 second additional delay compared to background conditions.
- The westbound Shawnee Road left-turn lane currently operates with an average delay of 159 seconds (LOS F). Under the background traffic conditions, the delay is projected to almost double to 314 seconds (LOS F). With the addition of the site generated traffic associated with the full build out of the Wal-Mart project and proposed signal timing adjustments, the westbound left-turn lane will operate with an average delay of 132 seconds (LOS F). This represents a reduction in delay of 182 seconds compared to background conditions, which is primarily a result of increasing the delay of the opposing movement on Erie Avenue.
- The westbound Shawnee Road through lane currently operates with an average delay of 37 seconds (LOS D). Under the background traffic conditions, the delay is projected to increase by 3 seconds to 40 seconds (LOS D). With the addition of the site generated traffic associated with the full build out of the Wal-Mart project and proposed signal timing adjustments, the through lane will continue to operate with an average delay of 40 seconds (LOS D). This represents no change in delay compared to background conditions.
- The westbound Shawnee Road right-turn lane currently operates with an average delay of 10 seconds (LOS A). Under the background traffic conditions, the delay is projected to increase by only 1 second to 11 seconds (LOS B). With the addition of the site generated traffic associated with the full build out of the Wal-Mart project and proposed signal timing adjustments, the through lane will operate with an average delay of 10 seconds (LOS B). This represents a reduction in delay of 1 second compared to background conditions.

Weekday PM Peak Hour

- The intersection of Niagara Falls Boulevard and Erie Avenue/ Shawnee Road currently operates with an overall average delay of 41 seconds (LOS D) during the weekday PM peak hour. Under the background traffic conditions, the delay is projected to increase by 18 seconds to 59 seconds (LOS E). With the addition of the site generated traffic associated with the full build out of the Wal-Mart project and proposed signal timing adjustments, the overall delay will be reduced by 2 seconds to 57 seconds (LOS E) compared to background conditions.
- The southbound Niagara Falls Boulevard left-turn lane currently operates with an average delay of 30 seconds (LOS C). Under the background traffic conditions, the delay is projected to increase by 4 seconds to 34 seconds LOS C). With the addition of the site generated traffic associated with the full build out of the Wal-Mart project and proposed signal timing

adjustments, the southbound left-turn lane will operate with an average delay of 132 seconds (LOS F). This represents an increase in delay of 98 seconds compared to background conditions. While traffic associated with the full build out of the Wal-Mart project does add volume to this left-turn lane, the major reason for congestion at this intersection, as discussed for the weekday AM peak hour, is the need to mitigate/balance the delays occurring at the westbound Shawnee Road left-turn lane in the background conditions.

- The southbound Niagara Falls Boulevard through lanes currently operate with an overall average delay of 38 seconds (LOS D). Under the background traffic conditions, the delay is projected to increase by only 1 second to a total delay of 39 seconds (LOS D). With the addition of the site generated traffic associated with the full build out of the Wal-Mart project and proposed signal timing adjustments, the southbound through lanes will operate with an average delay of 43 seconds (LOS D). This represents an increased delay of 4 seconds compared to background conditions.
- The southbound Niagara Falls Boulevard right-turn lane currently operates with an average delay of 18 seconds (LOS B). Under the background traffic conditions, the movement is projected to continue to operate with an average delay of 18 seconds (LOS B). With the addition of the site generated traffic associated with the full build out of the Wal-Mart project and proposed signal timing adjustments, the right-turn lane will continue to operate with an average delay of 18 seconds (LOS B). This represents no change in delay at full build-out.
- The northbound Niagara Falls Boulevard left-turn lane currently operates with an average delay of 55 seconds LOS E). Under the background traffic conditions, the delay is projected to increase by 8 seconds to 63 seconds (LOS E). With the addition of the site generated traffic associated with the full build out of the Wal-Mart project and proposed signal timing adjustments, the northbound left-turn lane will operate with an average delay of 86 seconds (LOS F). This represents an additional delay of 23 seconds compared to background conditions. This movement experiences a drop in LOS of one letter grade.
- The northbound Niagara Falls Boulevard through lanes currently operate with an average delay of 52 seconds (LOS D). Under the background traffic conditions, the delay is projected to increase by 4 seconds to 56 seconds (LOS E). With the addition of the site generated traffic associated with the full build out of the Wal-Mart project and proposed signal timing adjustments, the through lane will operate with an average delay of 69 seconds (LOS E). This represents an increase in delay of 13 seconds compared background conditions.
- The northbound Niagara Falls Boulevard right-turn lane currently operates with an average delay of 25 seconds (LOS C). Under the background traffic conditions, the delay is projected to increase by 3 seconds to 28 seconds (LOS C). With the addition of the site generated traffic associated with the full build out of the Wal-Mart project and proposed signal timing adjustments, the right-turn lane will operate with an average delay of 21 seconds (LOS C). This represents a reduction in delay of 7 seconds compared to background conditions.
- The eastbound Erie Avenue left-turn lane currently operates with an average delay of 21 seconds (LOS C). Under the background traffic conditions, the movement is projected to continue to operate with an average delay of 21 seconds (LOS C). With the addition of the site generated traffic associated with the full build out of the Wal-Mart project and proposed signal timing

adjustments, the left-turn lane will operate with an average delay of 24 seconds (LOS C). This represents an increase in delay of 3 seconds compared to background conditions.

- The eastbound Erie Avenue through lane currently operates with an average delay of 51 seconds (LOS D). Under the background traffic conditions, the delay is projected to increase by 10 seconds to 61 seconds (LOS E). With the addition of the site generated traffic associated with the full build out of the Wal-Mart project and proposed signal timing adjustments, the through lane will operate with an average delay of 102 seconds (LOS F). This represents an increase in delay of 43 seconds compared to background conditions. The eastbound through lane, as described for the weekday AM peak hour analysis, degrades primarily to mitigate/balance other poorly operating movements in the background traffic conditions, including the westbound Shawnee Road left-turn lane and the eastbound Erie Avenue left-turn lane. The proposed signal timing improvements will add more delay to the eastbound Erie Avenue through lane but will help to reduce delay and congestion for the intersection overall. This movement experiences a drop in LOS of one letter grade.
- The eastbound Erie Avenue right-turn lane currently operates with an average delay of 16 seconds (LOS B). Under the background traffic conditions, the delay is projected to increase by 4 seconds to 20 seconds (LOS B). With the addition of the site generated traffic associated with the full build out of the Wal-Mart project and proposed signal timing adjustments, the through lane will operate with an average delay of 21 seconds (LOS C). Although this movement experiences an LOS drop of one letter grade, there is only an increase in delay of 1 second compared to background conditions.
- The westbound Shawnee Road left-turn lane currently operates with an average delay of 53 seconds (LOS D). Under the background traffic conditions, the delay is projected to increase 152 seconds to 205 seconds (LOS F). With the addition of the site generated traffic associated with the full build out of the Wal-Mart project and proposed signal timing adjustments, the westbound left-turn lane delay will be reduced significantly to 100 seconds (LOS F). This represents a reduction in delay of 105 seconds compared to background conditions.
- The westbound Shawnee Road through lane currently operates with an average delay of 33 seconds (LOS C). Under the background traffic conditions, the delay is projected to increase by 2 seconds to 35 seconds (LOS C). With the addition of the site generated traffic associated with the full build out of the Wal-Mart project and proposed signal timing adjustments, the through lane will operate with an average delay of 34 seconds (LOS C). This represents a reduction in delay of 1 second compared to background conditions.
- The westbound Shawnee Road right-turn lane currently operates with an average delay of 9 seconds (LOS A). Under the background traffic conditions, the delay is projected to decrease by 2 seconds to 7 seconds (LOS A). With the addition of the site generated traffic associated with the full build out of the Wal-Mart project and proposed signal timing adjustments, the through lane will operate with an average delay of 6 seconds (LOS A). This represents a reduction in delay of 1 second compared to background conditions.

Saturday Midday Peak Hour

- The intersection of Niagara Falls Boulevard and Erie Avenue/ Shawnee Road currently operates with an overall average delay of 35 seconds (LOS C).

Under the background traffic conditions, the delay is projected to increase by 2 seconds to 37 seconds (LOS D). With the addition of the site generated traffic associated with the full build out of the Wal-Mart project and proposed signal timing adjustments, the overall delay of the intersection will operate with an average delay of 38 seconds (LOS D). This represents an increase in delay of only 1 second compared to background conditions.

- The southbound Niagara Falls Boulevard left-turn lane currently operates with an average delay of 23 seconds (LOS C). Under the background traffic conditions, the delay is projected to increase by 1 second to 24 seconds (LOS C). With the addition of the site generated traffic associated with the full build out of the Wal-Mart project and proposed signal timing improvements, the southbound left-turn lane will operate with an average delay of 32 seconds (LOS C). This represents an increase in delay of 8 seconds compared to background conditions.
- The southbound Niagara Falls Boulevard through lanes currently operate with an overall average delay of 48 seconds (LOS D). Under the background traffic conditions, the delay is projected to increase by 1 second to 49 seconds (LOS D). With the addition of the site generated traffic associated with the full build out of the Wal-Mart project and proposed signal timing adjustments, the through lanes will operate with an average delay of 37 seconds (LOS D). This represents a reduction in delay of 12 seconds compared to background conditions.
- The southbound Niagara Falls Boulevard right-turn lane currently operates with an average delay of 19 seconds (LOS B). Under the background traffic conditions, the delay is projected to continue to operate with an average delay of 19 seconds (LOS B). With the addition of the site generated traffic associated with the full build out of the Wal-Mart project and proposed signal timing adjustments, the right-turn lane will operate with an average delay of 8 seconds (LOS A). This represents a reduction in delay of 11 seconds compared to background conditions. This movement experiences an improvement in LOS of one letter grade.
- The northbound Niagara Falls Boulevard left-turn lane currently operates with an average delay of 49 seconds (LOS D). Under the background traffic conditions, the delay is projected to increase by 3 seconds to 52 seconds (LOS D). With the addition of the site generated traffic associated with the full build out of the Wal-Mart project and proposed signal timing adjustments, the northbound left-turn lane will operate with an average delay of 60 seconds (LOS E). Although this movement experiences an LOS drop of one letter grade, there is only an increase in delay of 8 seconds compared to background conditions.
- The northbound Niagara Falls Boulevard through lanes currently operate with an average delay of 35 seconds (LOS C). Under the background traffic conditions, the delay is projected to increase by 1 second to 36 seconds (LOS D). With the addition of the site generated traffic associated with the full build out of the Wal-Mart project and proposed signal timing adjustments, the through lane will operate with an average delay of 35 seconds (LOS D). This represents a reduction in delay of 1 second compared to background conditions.
- The northbound Niagara Falls Boulevard right-turn lane currently operates with an average delay of 18 seconds (LOS B). Under the background traffic conditions, the delay is projected to increase by 1 second to 19 seconds (LOS B). With the addition of the site generated traffic associated with the full build out of the Wal-Mart project and proposed signal timing

adjustments, the right-turn lane will operate with an average delay of 15 seconds (LOS B). This represents a reduction in delay of 4 seconds compared to existing conditions.

- The eastbound Erie Avenue left-turn lane currently operates with an average delay of 21 seconds (LOS C). Under the background traffic conditions, the delay is projected to continue to operate with an average delay of 21 seconds (LOS C). With the addition of the site generated traffic associated with the full build out of the Wal-Mart project and proposed signal timing adjustments, the through lane will operate with an average delay of 28 seconds (LOS C). This represents an increase in delay of 7 seconds compared to background conditions.
- The eastbound Erie Avenue through lane currently operates with an average delay of 42 seconds (LOS D). Under the background traffic conditions, the delay is projected to increase by 4 seconds to 46 seconds (LOS D). With the addition of the site generated traffic associated with the full build out of the Wal-Mart project and proposed signal timing adjustments, the through lane will operate with an average delay of 73 seconds (LOS E). This movement experiences an LOS drop of one letter grade and represents an increase in delay of 27 seconds compared to background conditions.
- The eastbound Erie Avenue right-turn lane currently operates with an average delay of 18 seconds (LOS B). Under the background traffic conditions, the delay is projected to increase by 4 seconds to 22 seconds (LOS C). With the addition of the site generated traffic associated with the full build out of the Wal-Mart project and proposed signal timing adjustments, the through lane will operate with an average delay of 28 seconds (LOS C). This represents an additional delay of 6 seconds compared to background conditions.
- The westbound Shawnee Road left-turn lane currently operates with an average delay of 28 seconds (LOS C). Under the background traffic conditions, the delay is projected to increase 14 seconds to 42 seconds (LOS D). With the addition of the site generated traffic associated with the full build out of the Wal-Mart project and proposed signal timing adjustments, the westbound left-turn lane will operate with an average delay of 68 seconds (LOS E). This represents an increase in delay of 26 seconds from background conditions. This movement experiences a drop in LOS of one letter grade.
- The westbound Shawnee Road through lane currently operates with an average delay of 32 seconds (LOS C). Under the background traffic conditions, the delay is projected to increase by 1 second to 33 seconds (LOS C). With the addition of the site generated traffic associated with the full build out of the Wal-Mart project and proposed signal timing adjustments, the through lane will operate with an average delay of 41 seconds (LOS D). Although this movement experiences an LOS drop of one letter grade, the increase in delay is only 8 seconds compared to background conditions.
- The westbound Shawnee Road right-turn lane currently operates with an average delay of 10 seconds (LOS A). Under the background traffic conditions, the delay is projected to decrease by 1 second to 9 seconds (LOS A). With the addition of the site generated traffic associated with the full build out of the Wal-Mart project and minor signal timing improvements, the through lane will operate with an average delay of 8 seconds LOS A). This represents a reduction in delay of 1 second from background conditions.

- In evaluating the impact of the site generated traffic associated with the full build out of the Wal-Mart project on background traffic conditions at the intersection of Erie Avenue and Wurlitzer Drive, the following impacts can be expected:
    - Overall intersection LOS would decrease during the weekday AM peak hour from a LOS B (with average delay of 12 seconds) to a LOS C (with average delay of 21 seconds);
    - Overall intersection LOS would decrease during the weekday PM peak hour from a LOS A (with average delay of 9 seconds) to a LOS C (with average delay of 27 seconds); and,
    - Overall intersection LOS would decrease during the Saturday midday peak hour from a LOS A (with average delay of 9 seconds) to a LOS B (with average delay of 20 seconds).
- 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. 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 is 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 Wurlitzer Drive extension 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.
- In evaluating the impact of the site generated traffic associated with the full build out of the Wal-Mart project on background traffic conditions at the intersection of Erie Avenue and Walck Road, the following impacts can be expected:
    - Overall intersection LOS would decrease during the weekday PM peak hour from a LOS C (with average delay of 21 seconds) to a LOS D (with average delay of 39 seconds).
    - The overall intersection LOS remains constant for the weekday AM peak hour and the Saturday midday peak hour.
- In evaluating the impact of the site generated traffic associated with the full build out of the Wal-Mart project on background traffic conditions at the intersection of Erie Avenue/ Wheatfield Street and Twin Cities Memorial Highway/ Division Street, the following impacts can be expected:
    - Overall intersection LOS would decrease during the weekday PM peak hour from a LOS D (with average delay of 48 seconds) to a LOS E (with average delay of 69 seconds).
    - Overall intersection LOS would decrease during the Saturday midday peak hour from a LOS E (with average delay of 66 seconds) to a LOS F (with average delay of 139 seconds).
    - Overall intersection LOS during the weekday AM peak hour would remain constant.
- The Bluebird Drive access may impact access to the adjacent JLA Automotive business at the corner of Wurlitzer Drive and Bluebird Drive, however, the business has two access points, one on Bluebird Drive and one on Wurlitzer Drive.

- The Wal-Mart is expected to generate 5-7 tractor trailer truck deliveries each day, with up to 12 additional smaller truck deliveries.

Mitigations

The applicant will provide the following mitigation measures:

- The applicant will pay for all proposed transportation improvements as illustrated in the FEIS and Findings Statement.
- The proposed primary access road from Niagara Falls Boulevard will consist of one inbound lane and two outbound lanes at the approach to Niagara Falls Boulevard (a left turn and a right turn lane).
- Install a new traffic signal at the intersection of Niagara Falls Boulevard and the primary access road which will be operational when the Wal-Mart store opens for business.
- Coordinate the new traffic signals on Niagara Falls Boulevard at the primary access with the traffic signal at the intersection of Niagara Falls Boulevard and Erie Avenue/ Shawnee Road and the traffic signal at the intersection of Niagara Falls Boulevard and Ruie Road.
- Convert the existing two-way center turn lane on Niagara Falls Boulevard to a dedicated left turn lane for the northbound left turn approach to the primary access road, and provide a left turn signal phase.
- Install a left turn signal phase for the northbound Niagara Falls Boulevard left turn approach to Ruie Road.
- The proposed Wurlitzer Drive access will utilize the existing Bluebird Drive and will consist of one inbound lane and two outbound lanes (a left turn and a right turn lane).
- Restripe northbound Wurlitzer Drive at the intersection with Bluebird Drive to include one thru lane and one right turn lane into Bluebird Drive.
- Restripe southbound Wurlitzer Drive at the intersection with Bluebird Drive to include one thru lane and one left turn lane into Bluebird Drive.
- The existing left turn lane on eastbound Erie Avenue at Wurlitzer Drive will be lengthened to 360 feet and an exclusive left turn signal phase will be provided.
- Restripe southbound Wurlitzer Drive at the intersection with Erie Avenue to include one shared left and thru lane and one right turn lane with an exclusive right turn signal phase.
- At the request of the City, as an offset to improve overall traffic in the area, the applicant is proposing 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.
- Reconfigure the signal at Erie Avenue and Wurlitzer Drive into a four-way directional signal head.
- The eastbound Walck Road approach to Erie Avenue will be restriped from a one-lane approach to a two-lane approach, consisting of a left turn lane and a shared through/ right lane.
- Perform signal timing optimization at the intersection of Niagara Falls Boulevard and Erie Avenue/ Shawnee Road.
- Perform signal timing optimization at the intersection of Erie Avenue/ Walck Road.

- Perform signal timing optimization at the intersection of Erie Avenue/ Wheatfield Street and Twin Cities Memorial Highway/ Division Street.
- Truck traffic related to the Wal-Mart site will be directed to use the primary access road from Niagara Falls Boulevard and remain on signed truck routes.
- The project will incorporate a sidewalk into the Wal-Mart site from the existing sidewalks along Niagara Falls Boulevard and Wurlitzer Drive.
- A bicycle rack will be installed at the front of the store.

Findings

The Planning Commission concludes that the following additional mitigation measures shall be incorporated into the project:

- The site will have two access points, a primary access on Niagara Falls Boulevard and secondary full access at Wurlitzer Drive (via Bluebird Drive).
- The proposed 3-lane road providing primary access to the site from Niagara Falls Boulevard will remain a private road since the City is not interested in taking over the road due to maintenance and other related costs.
- According to the NYSDOT highway right-of-way plans, there is not sufficient space within the right-of-way of Niagara Falls Boulevard to construct a right turn lane and include snow storage space and a 5-foot sidewalk. In order to accommodate this right turn lane, property from the adjacent Wurlitzer Business Park will likely need to be obtained. A right turn lane shall be constructed on southbound Niagara Falls Boulevard at the primary access drive. The Planning Commission directs the applicant to continue to work with NYSDOT and the adjoining property owner(s) on the installation of this right turn lane. The turn lane shall not take the form of a slip ramp to act as an alternative to the right turn lane.
- The secondary Bluebird Drive access shall incorporate full access at Wurlitzer Drive and be stop controlled for outbound Bluebird Drive only. No stop control shall be incorporated on Wurlitzer Drive at Bluebird Drive to allow Wurlitzer Drive to flow without interruption. (The TIS recommends an all way stop control at the intersection, however, the Planning Commission does not want the LOS for Wurlitzer Drive to be impacted, therefore, they will only accept a stop control on Bluebird Drive).
- Access for the two outparcels along Bluebird Drive shall be controlled and permitted only on Bluebird Drive. Access for these outparcels will not be permitted on Wurlitzer Drive or Erie Avenue.
- Access for the two outparcels along Niagara Falls Boulevard shall be controlled and permitted only on the primary access drive. Access for these outparcels should not be permitted on Niagara Falls Boulevard to restrict additional curb cuts to near the signalized intersection. 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.
- Following a meeting with the NYSDOT, the Planning Commission understands that further mitigation at the intersection of Niagara Falls Boulevard and Erie Avenue/ Shawnee Road 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, overall LOS at the intersection of Niagara Falls Boulevard and Erie Avenue/ Shawnee Road will remain somewhat constant, although certain approaches will experience increased delay at peak hours. Without the necessary right-of-way to allow for additional lanes, this intersection will need to be monitored following the opening of the Wal-Mart.

- The Planning Commission will require that the applicant retests the traffic volumes six months to one year after the opening of the store to validate projected traffic volumes at key locations, including the intersections of Niagara Falls Boulevard and Erie Avenue/ Shawnee Road, Erie Avenue and Wurlitzer Drive, and Erie Avenue/ Wheatfield Street and Twin Cities Memorial Highway/ Division Street, which are likely to experience the greatest impact. The new data collection will provide an accurate review of the post-opening traffic conditions and shall be presented to the Planning Commission. Any further unanticipated mitigation to address traffic issues associated with the project can be required at this time, if deemed necessary by the Planning Commission. This information will also be used in evaluating the future development of the outparcels.
- Signal optimization should be performed for the intersection of Erie Avenue/ Wheatfield Street and Twin Cities Memorial Highway/ Division Street and focused on reducing the delay for the westbound Erie Avenue left turn movement to Twin Cities Memorial Highway. This left turn movement currently operates at a LOS F during the weekday AM and PM peak hour and the Saturday midday peak hour. An analysis of signal optimization of this intersection indicates that the LOS for the left turn movement can be improved without significant impacts to other approaches at the intersection, allowing all intersection approaches to operate at an acceptable LOS. The results of the follow-up traffic study will be used to evaluate if signal optimization has addressed the intersection LOS and to determine if further signal optimization is needed or if additional mitigation at this intersection is needed.
- Future development of the outparcels will require separate site plan review and approval by the Planning Commission. At this time, the Planning Commission will require traffic impact studies for the individual outparcels to determine the compounded traffic impacts. The Traffic Impact Study indicates that the development of the outparcels are responsible for as much as 50% of the traffic generated from the full build out of the project. The Planning Commission may control the use, layout, and access to the site, if it deems necessary, to mitigate further traffic impacts.
- Overnight truck and RV parking will not be permitted and will be posted as such and enforced by Wal-Mart.

The Planning Commission finds that traffic conditions in the vicinity of the Wal-Mart site are projected to degrade with or without the full build out of the Wal-Mart project and that the mitigation measures proposed will minimize the potential impacts of the project on transportation to the maximum extent practicable.

G. Noise and Odor

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 area surrounding the site.

Impacts

The project may result in the following impacts to noise and odor:

- The Wal-Mart store will generate noise in the form of construction activities, delivery trucks, vehicular traffic, refrigeration trucks at loading docks, trash compactors, garbage collection, parking lot maintenance, and HVAC units.
- The Wal-Mart will not produce any noxious or harmful odors and any mild odors produced from cafeteria vents and the garden center are not expected to be significant.

Mitigations
The applicant will provide the following mitigation measures:

- Noise from the HVAC units atop the Wal-Mart building will be softened by the building parapet.
- Noise generated from the site will be softened by the landscaped berm and existing vegetation within and around the site.
- Truck access to the site will be from the primary access from Niagara Falls Boulevard and directed around the north side of the building, away from nearby residential areas.
- All loading docks will be placed on the north side of the building away from nearby residential areas.
- Wal-Mart will post restrictions on truck idling and time of delivery.
- All fertilizers and other garden chemicals will be stored in containers to confine potential odors.

Findings
The Planning Commission finds that the mitigation measures proposed will minimize the potential noise and odor impacts of the project to the maximum extent practicable.

H. Public Health and Safety

Impacts
The project may result in the following impacts to public health and safety:

- Large retail stores, such as this, may pose problems to fire fighting efforts.
- The stormwater detention pond has the potential to cause health and safety impacts if not constructed and maintained properly.
- The number of police and fire response calls to this area may increase due to vehicle lockouts and minor shoplifting reports associated with large retail developments.
- The Wal-Mart and development of the outparcels will result in additional traffic to adjacent streets.

Mitigations
The applicant will provide the following mitigation measures:

- Four fire hydrants will be included on the site and pumps will be installed to meet the required water pressure for fire suppression.
- Surveillance cameras will be utilized to constantly monitor the parking areas.
- The stormwater detention basin will not retain standing water and therefore will not become a breeding area for mosquitoes.
- The stormwater basin will be fenced to restrict access and will be maintained by routine mowing.
- Pedestrian striping across access drives and throughout the site will enhance pedestrian safety.
- Other features such as parking lot maintenance and rodent and insect control will be implemented to minimize impacts to public health and ensure safety.
- There is an 18-inch no-vegetation zone surrounding the Wal-Mart building to discourage rodents and other pests from habitation.

Findings:
The Planning Commission concludes that the following additional mitigation measures shall be incorporated into the project:

- There are currently no gas pumps proposed for the Wal-Mart and if gas pumps are ever proposed, a separate site plan review process, and the possible need for a Supplemental EIS, by the Planning Commission will be required.

The Planning Commission finds that the mitigation measures proposed will minimize the potential impacts of the project on public health and safety to the maximum extent practicable. This determination of no adverse impacts is based on no gasoline pumps being included with the project.

I. **Growth and Character of the Community and Historic, Cultural, or Archeological Resources**
The character of the site will change in that an abandoned entertainment venue and bus facility will be demolished and replaced with a large retail use, permitted under the M-1 zoning district. The character of the surrounding area may be impacted by changes to the transportation system. The main access road will improve access to not only the Wal-Mart site but to the Wurlitzer Business Park as well. Several under-utilized City rights-of-way will be closed to help shield adjacent residential properties from site related impacts.

The New York State Office of Parks, Recreation, and Historic Preservation has indicated that the proposed Wal-Mart Supercenter will not impact the National Register eligible Wurlitzer Complex. With respect to the Melody Fair Complex, the facility has been abandoned and has not operated consistently for over ten years. Moreover, the venue is not considered a historically significant site by any Federal, State, or local historic preservation agency. There are currently no plans for any of the outparcels, but development will be in accordance with the City of North Tonawanda Zoning Code and will undergo a separate review by the Planning Commission.

A Phase 1A and 1B Cultural Resource Survey was conducted for the project which found that no cultural or archeological resources would be impacted by the project.

Impacts
The project may result in the following impacts to the growth and character of the community:

- A vacant entertainment venue and bus facility will be demolished and replaced with a 185,312+/- square foot retail building, permitted under the M-1 zoning district.
- The project also includes the creation of four separate outparcels, one of 1.5+/1 acres and one of 6.8+/- acres fronting Niagara Falls Boulevard, and one of 1.3+/- acres and one of 1.5+/- acres fronting Bluebird Drive at the rear of the site.
- The surrounding area will be impacted mostly by increased traffic and transportation improvements to the nearby road system.
- The project will have a minimal impact on the school district since it will not directly add students.
- This development may spur additional development in the area for businesses looking to locate near the Wal-Mart.
- The construction of the Wurlitzer Drive extension will slightly alter some traffic patterns in the area.

Mitigations
The applicant will provide the following mitigation measures:

- The Wal-Mart building has been designed to compliment the adjacent Wurlitzer Building and will include berming, screening, and landscaping to reduce its impact on adjacent properties and neighborhoods.

- The City has indicated that this area of Niagara Falls Boulevard is known as the "Gateway to the City". The entrance to the Wal-Mart from Niagara Falls Boulevard has been enhanced to include monument signage and landscaping.
- Any development of the outparcels will need to undergo a separate site plan review process by the Planning Commission, and will incorporate similar architectural, signage, and landscaping requirements.
- The applicant has agreed to forego participation in the New York State 485-B property tax exemption program and is expected to contribute $229,700 in taxes to the City of North Tonawanda School District, $89,000 in County property taxes, and $124,800 in City property taxes.
- It is estimated that the Wal-Mart will contribute $2,100,000 in sales tax for the County, $122,480 of which is likely to be shared with the City.
- The Wal-Mart is expected to employ about 400 people.

Findings:
The Planning Commission concludes that the following additional mitigation measures shall be incorporated into the project:

- 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 on the project site, as the City owns these properties.

The Planning Commission finds that the mitigation measures proposed will minimize the potential impacts of the project on the growth and character of the community and historic, cultural, or archeological resources to the maximum extent practicable.

Conclusion:
After evaluating the cumulative environmental, economic, and social impacts of the proposed Wal-Mart Supercenter development, the City of North Tonawanda Planning Commission is adopting the feasible, prudent, and practicable alternative that best balances environmental impacts with social, economic, and other essential considerations, and that allows for mitigation of all environmental impacts to the greatest extent reasonable and practicable.

Table 1: Intersection of Niagara Falls Boulevard at Erie Avenue/ Shawnee Road

		Existing			Background			Total Traffic w/ Mitigation		
		AM	PM	Sat.	AM	PM	Sat.	AM	PM	Sat.
NF Blvd	SBL	C (21)	C (30)	C (23)	C (23)	C (34)	C (24)	C (23)	F (132)	C (32)
	SBT	E (71)	D (38)	D (48)	F (80)	D (39)	D (49)	F (89)	D (43)	D (37)
	SBR	B (19)	B (18)	B (19)	B (19)	B (18)	B (19)	B (14)	B (18)	A (8)
	NBL	C (34)	E (55)	D (49)	C (34)	E (63)	D (52)	F (104)	F (86)	E (60)
	NBT	C (30)	D (52)	C (35)	C (32)	E (56)	D (36)	D (37)	E (69)	D (35)
	NBR	B (17)	C (25)	B (18)	C (21)	C (28)	B (19)	B (18)	C (21)	B (15)
Erie	EBL	C (22)	C (21)	C (21)	C (23)	C (21)	C (21)	C (26)	C (24)	C (28)
	EBT	D (53)	D (51)	D (42)	E (68)	E (61)	D (46)	F (122)	F (102)	E (73)
	EBR	C (29)	B (16)	B (18)	C (30)	B (20)	C (22)	D (37)	C (21)	C (28)
Shawnee	WBL	F (159)	D (53)	C (28)	F (314)	F (205)	D (42)	F (132)	F (100)	E (68)
	WBT	D (37)	C (33)	C (32)	D (40)	C (35)	C (33)	D (40)	C (34)	D (41)
	WBR	A (10)	A (9)	A (10)	B (11)	A (7)	A (9)	B (10)	A (6)	A (8)
Overall		E (59)	D (41)	C (35)	F (83)	E (59)	D (37)	E (68)	E (57)	D (38)

Definitions of Level of Service for Signalized Intersections

Level of Service (LOS) describes the quality of operation in terms of delay to the driving public. The LOS analysis provides a basis for assessing the potential impact of traffic; both in terms of how traffic conditions would change and whether the existing transportation system would be adequate for the additional traffic. Level of Service for signalized intersections is defined in terms of control delay. Control delay is a component of delay that results when a control signal causes a lane group to reduce speed or stop. It is measured by comparison with the uncontrolled condition. Delay is a measure of driver discomfort, frustration, fuel consumption, and lost travel time. Specifically, level-of-service criteria are stated in terms of control delay per vehicle for a 15-minute analysis period. LOS Levels range from A to F and are defined as follows.

Level of Service	Stopped Delay Per Vehicle (seconds)
A	0 - 10.0
B	>10.0 - 20.0
C	>20.0 - 35.0
D	>35.0 - 55.0
E	>55.0 - 80.0
F	>80.0

Level-of-Service A describes operations with very low control delay, i.e., less than 10.0 seconds per vehicle. This occurs when progression is extremely favorable and most vehicles arrive during the green phase. Most vehicles do not stop at all. Short cycle lengths may also contribute to low delay.

Level-of-Service B describes operations with control delay in the range of 10.1 to 20.0 seconds per vehicle. This generally occurs with good progression and/or short cycle lengths. More vehicles stop than for Level A, causing higher levels of average delay.

Level-of Service C describes vehicles with control delay in the range of 20.1 to 35.0 seconds per vehicle. These higher delays may result from fair progression and/or longer traffic signal cycle lengths. Individual cycle failures may begin to appear in this level. The number of vehicles stopping is significant at this level, although many still pass through the intersection without stopping.

Level-of-Service D describes operations with control delay in the range of 35.1 to 55.0 seconds per vehicle. At level D, the influence of congestion becomes more noticeable. Longer delays may result from some combination of unfavorable progression or long traffic signal cycle lengths. Many vehicles stop and the proportion of vehicles not stopping declines. Individual cycle failures are noticeable.

Level-of-Service E describes operations with control delay in the range of 55.1 to 80.0 per vehicle. This is considered the limit of acceptable delay. These high delay values generally indicate poor progression and long traffic signal cycle lengths. Individual cycle failures are frequent occurrences.

Level-of-Service F describes operations with control delay in excess of 80.0 seconds per vehicle. This is considered unacceptable by most drivers. This condition often occurs with over-saturation, i.e., when arrival flow rates exceed the capacity of the intersection. It may also occur at high volume/capacity ratios below 1.00 with many individual traffic signal cycle failures. Poor progression and long cycle lengths may also be major contributing causes to such delay levels.

Rounding of control delay

FRA typically rounds control delay to the nearest integer value for display purposes when presenting this data in a traffic impact study. As a result, there may occur situations when similar delays are shown that may actually be separated by up to 0.4 seconds (Example: 34.8 seconds and 35.2 seconds of delay. Both would be presented in a LOS Table as having a delay of 35 seconds). This is even more confusing when this occurs across LOS breakpoints of 10, 20, 35, 55, or 80 seconds. In that case, you can have a similar delay with a different Level of Service. This situation occurs in our analysis, as an example, at the intersection of Niagara Falls Boulevard with Erie Avenue/Shawnee Road for the Niagara Falls Boulevard northbound through lanes, which operates at LOS C (delay of 35 seconds) under existing conditions, but drops to a LOS D (still a delay of 35 seconds) with Total Traffic with Mitigation.

Certification of Findings to Approve:

Having considered the Draft and Final Environmental Impact Statement, and having considered the preceding written facts and conclusions relied on to meet the requirements of 6 NYCRR Part 617.11, this Statement of Findings certifies that:

1. The City of North Tonawanda Planning Commission has considered the relevant environmental impacts, facts, and conclusions disclosed in the DEIS and the FEIS and their supporting materials;
2. The Planning Commission has weighed and balanced the relevant environmental impacts with social, economic, and other considerations;
3. The requirements of 6 NYCRR Part 617 pertaining to Article 8 of the Environmental Conservation Law (State Environmental Quality Review [SEQR]) have been met; and
4. Consistent with social, economic, and other essential considerations from among the reasonable alternatives available, the action to be carried out is the one that avoids or minimizes, to the maximum extent practicable, adverse environmental impacts disclosed in the DEIS and FEIS, and that adverse environmental impacts will be minimized or avoided to the maximum extent practicable by incorporating, as conditions to this decision, those mitigating measures that were identified as practicable.

Filing:
The City's designees are hereby directed to file and distribute this Findings Statement as required by 6 NYCRR Part 617 pertaining to Article 8 of the Environmental Conservation Law (State Environmental Quality Review [SEQR]).

Certification:
These findings were adopted by majority vote of the City of North Tonawanda Planning Commission at a duly called meeting held on June 2, 2008.

City of North Tonawanda Planning Commission
Name of Agency

Signature of Responsible Official

Gary Przewozny
Name of Responsible Officer

Chairman
Title of Responsible Official

June 2, 2008
Date

City of North Tonawanda, 216 Payne Avenue, North Tonawanda, NY 14120
Address of Agency

A copy of this notice sent to:

Lawrence V. Soos, Mayor of North Tonawanda
Brett M. Sommer, Common Council President
Catherine G. Schwandt, Alderman-at-large
Dennis Pasiak, 1st Ward Alderman
Kevin J. Brick, Jr., 2nd Ward Alderman
Nancy Donovan, 3rd Ward Alderman
William Paton, Zoning Board of Appeals Chairman
Edward S. Rutkowski, P.E., NYS Department of Transportation, Region 5
Steven J. Doleski, Regional Permit Administrator, NYS Dept. of Environmental Conservation, Region 9
United States Army Corps of Engineers, Buffalo District
Gary J. Franklin, Superintendent, North Tonawanda Department of Public Works
Dale Marshall, P.E., North Tonawanda City Engineer
Thomas Jaccarino, North Tonawanda City Clerk
Cosimo R. Capozzi, North Tonawanda Building Inspector
Paul Dorf, North Tonawanda Water/Wastewater Superintendent
Amy E. Fisk, Niagara County Planning Board
Timothy E. Demler, Supervisor, Town of Wheatfield
FRA Engineering, P.C., Project Sponsor
Bergmann Associates, Project Sponsor
Wal-Mart Stores, Inc., Applicant