DRAFT ENVIRONMENTAL IMPACT STATEMENT

WAL-MART EXPANSION
STORE NO. 2043-04, WARSAW, NY

2348 NYS Route 19
Town of Warsaw
Wyoming County, New York

Project Sponsor / Applicant:
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Bentonville, AR 72716-0550

Lead Agency:
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January 2009 - Revised 2/20/09

Date of Lead Agency Acceptance:

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Date of Public Hearing:

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Close of Public Comment Period:

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Additional Consultants Involved in EIS Preparation

Terrestrial Environmental Specialists, Inc. 23 County Route 6, Suite A Phoenix, NY 13135	Wetlands Delineation Report
Rochester Museum & Science Center Regional Heritage Preservation Program 657 East Avenue Rochester, NY 14607	Cultural Resource Management Report
Tierney Geotechnical Engineering 3445 Winton Place, Suite 117 Rochester, NY 14623	Subsurface Exploration and Geotechnical Investigation
PB2 Architecture and Engineering 710 West Roseland Drive Rodgers, AZ 72756	Architectural Plans and Drawings
Harter Secrest Emery 1600 Bausch & Lomb Place Rochester, NY 14604	Document Preparation/Coordination

Organization of DEIS

This DEIS was prepared in accordance with the Officially Adopted Scoping Outline (presented in Appendix A) and its format follows the Outline. The entire DEIS, including appendices, is included in this bound volume.

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I. EXECUTIVE SUMMARY

A. Description of Action

This Draft Environmental Impact Statement (DEIS) has been prepared by the project applicant, Wal-Mart Real Estate Business Trust ("Applicant" or "Project Sponsor"), in compliance with Article 8 of the Environmental Conservation Law, the State Environmental Quality Review ("SEQRA") Act, and its implementing regulations at NYCRR Part 617.

The 27.3 acre "Project Site" is located at 2348 NYS Route 19 in the Town of Warsaw, NY. The "Project" involves the expansion of an existing 76,800± square foot Wal-Mart into a 148,000± square foot Wal-Mart Supercenter. The "Supercenter" designation refers to the general merchandise and grocery components of the store that may include a food center, garden center, merchandise, vision center, bakery, deli, and recycle center. Proposed operating hours of the Wal-Mart Supercenter will be 24 hours. The building expansion will primarily occur on the south side and rear (west side) of the existing building. Parking lot facilities will be expanded to the north and east of the building. Stormwater management ponds will be located to the rear (west side) of the building.

B. Summary of Existing Environmental Setting, Potential Impacts, and Mitigation Measures

1. Geology, Soils, and Topography

The existing topography of the Project Site generally decreases slightly from the east to the west. The Project Site has been partially filled in order to achieve the finished grades for the existing store and paved areas. The subsurface conditions encountered in the test borings performed at the Project Site generally consist of compacted fill or lacustrine (glacial lake) deposits consisting of mixtures of silt, fine sand, and clay.

Based upon the existing and proposed grades, fill is required within the addition footprints in order to attain the proposed design finished floor elevation. The amount of fill required will range from a minimum of 1 foot (in proximity to the existing building) to up to 10 feet (along the western portion of the new expansions). Up to 15 feet of earthwork fill may be required within the pavement areas in order to attain the proposed finished design pavement elevations. A retaining wall will be provided to accommodate the grade change from the parking lot north of the store to the nearby existing pond in the northwest portion of the site.

During construction, the contractor will be required to abide by the stipulations of a Stormwater Pollution Prevention Plan (SWPPP) prepared in compliance with the NYSDEC General Permit for Stormwater Discharges from Construction Activities (GP-0-08-001), which requires provisions of methods for controlling dust, erosion and sediment, and stormwater runoff until construction is completed. Construction will be sequenced to limit areas which are to be stripped of vegetation or pavement to less than 5 acres at any given time.

Disturbed portions of the Project Site where construction activity has stopped shall be seeded and stabilized as shown on the attached Erosion and Sediment Plans. Partial demolition of the existing store will be conducted in a manner consistent with NYS and Federal OSHA laws as to safety. Demolition debris will be transported to an approved, licensed disposal site as required.

2. Surface Water and Groundwater Resources

A total of four US Army Corps of Engineers ("Corps")-jurisdictional wetlands exist on the Project Site. The Project has been designed to avoid all wetland areas. Project Site plans will call for adequate erosion and sediment control protections to prevent silt-laden water from entering wetlands during construction. A Stormwater Management Plan will be prepared in accordance with GP-0-08-001to control erosion and sediment transport.

The rear of the Project Site along Oatka Creek is in an area classified as Zone A which is a floodplain with a 100 year flood elevation of approximately 974 feet Above Mean Sea Level (AMSL) as discussed in Section III.B.1. The Oatka Creek floodplain will not be affected by the fill at the Project Site because all the proposed grading will occur in areas outside the 100-year flood elevation. The proposed construction and grading at the Project Site will have no impact on flood levels upstream or downstream of the Project.

Under existing conditions, all of the developed impervious area drains southerly onto the adjacent Tops Plaza immediately to the south of the Project Site. This runoff is piped into a stormwater detention basin (the “Tops Plaza Basin”) constructed on the Tops Plaza site, which controls runoff and discharges into an open swale draining westerly to Oatka Creek. The remaining, undeveloped, portion of the Project Site drains westerly across the open space onsite, eventually emptying into Oatka Creek. The onsite developed areas are drained through storm sewers to the Tops Plaza. These storm sewers will continue to be utilized under proposed post-development drainage conditions. There will be an increase in stormwater peak runoff flow rates and volumes as a result of the proposed development, but this increase will not adversely impact the stormwater management system, as the existing storm sewers and detention basin were originally designed and sized to accept runoff from this area following its ultimate development as a paved area.

No net increase will occur in stormwater runoff magnitude directed southerly to the Tops Plaza basin. The majority of the increased site runoff will be piped to a stormwater quality basin situated west of the building, at the base of the fill slope, but outside the existing flood plain and wetland limits. This basin will be designed to comply with the requirements of the New York Stormwater Management Design Manual. It will discharge by overflow to overland flow westerly toward Oatka Creek.

No adverse impacts to groundwater are anticipated. The Project Site is currently served by a sanitary sewer which drains to the Village of Warsaw Wastewater Treatment Plant. As an independent action to be undertaken by the Town, the creation of a Town sanitary sewer district serving the Project Site and neighboring areas should have a positive impact on groundwater resources when other areas within the proposed sewer district switch from septic systems or leach fields to public sewers, thereby reducing the potential for groundwater contamination from leaking septic or holding tanks or failing leach fields.

3. Impact on Terrestrial and Aquatic Ecology

According to the New York State Department of Environmental Conservation (NYSDEC), there are no records of threatened or endangered species known to exist on or in the immediate vicinity of the Project Site. During several site visits to the Project Site no state-listed endangered or threatened species of animals or plants or significant habitats were observed. No federal-listed endangered species were observed. The Project Site consists of developed land, open fields, deciduous forest upland, and wetlands. Much of the Project Site is already

developed or consists of previously disturbed areas and open fields. Project development will lead to a loss of some open field habitat. However, this vegetative community is not rare and is common in this area of the country. No existing wildlife communities on-site are considered rare. It is anticipated that the development of the Project Site will displace the wildlife assumed to currently occupy the Project Site to adjacent areas.

4. Historical and Cultural Resources

No historical or archaeological sites have been identified near the Project Site. A Phase I Cultural Resources Reconnaissance Survey (Appendix H) did not reveal any evidence the Project Site is a culturally significant archeological site. No impacts to historical or cultural resources are anticipated.

5. Air Quality

The Project will not increase traffic volumes, reduce source-receptor distances, or change other existing conditions to such a degree as to jeopardize attainment of the National Ambient Air Quality Standards (NAAQS). Therefore, the Project is not anticipated to significantly impact air quality. Airborne particulates (dust) may occur during the construction phase of the Project. Steps such as wetting soil surfaces and covering of trucks and other dust sources will be included as part of the specifications of the construction contract.

6. Aesthetic Resources

The Project Site consists of a 27.3 acre parcel comprised of the existing Wal-Mart store approximately 76,800 square feet in size. The remaining developed areas of the parcel consist of access roads and parking lots. An excavated pond is located north of the Wal-Mart store, with farmland and residential structures beyond. Tops Plaza is located to the south. Commercial properties exist to the east, followed by NYS Route 19 and commercial development across the street. Undeveloped farmland and Oatka Creek is located to the west.

A large percentage of the expansion will be along the rear of the store, which will not be visible to the public. The Project will provide and updated appearance to the store, which will complement the architecture of the surrounding developments. Decorative architectural details include the use of canopies, architectural standing seam metal roof and glass, and metal storefront system. Building mounted architectural accent lighting is included as well as a tall parapet wall around the entire building to provide visual screening of the roof top equipment. Landscaping is being added to provide a visual buffer from adjacent development. Existing lighting will be replaced with dark sky-compliant flat glass fixtures in the parking areas located at the Project Site. No adverse impacts to aesthetic resources are anticipated.

7. Transportation

Shoppers currently access the Project Site either via the northern right-in, right-out entrance or the main southern entrance. Existing pedestrian facilities in the vicinity of the Wal-Mart plaza include a sidewalk on the west side of NYS Route 19 extending from the south Wal-Mart plaza driveway to the south. Existing levels of service at the Saltvale Road and north Wal-Mart plaza driveway intersections are acceptable at LOS B or better for all individual intersection approach lanes. The south Wal-Mart plaza driveway, the bank driveway and the Buffalo Road approaches to Route 19 exhibit LOS F during at least one of the peak hours. The intersection

of Route 19 with Duncan Street operates with LOS A overall. Route 19 operates at LOS A and Duncan Street operates at LOS C. Traffic flow at the intersection of Route 19 with Court Street (traffic circle at Soldiers' and Sailors' Monument) is fair to very good during the peak hours, with LOS A for Route 19, LOS C or better for East Court Street and LOS D or better for West Court Street. The intersection of Route 19 with US Route 20A operates with LOS B during the Friday peak hour and LOS A during the Saturday peak hour. Route 19 operates at LOS B or better and US Route 20A operates at LOS B or better. Left turn lanes on Route 19 were observed to adequately accommodate vehicle queue lengths at the south Wal-Mart plaza driveway, the bank driveway, Buffalo Road, Doody Road, at Duncan Street and at US Route 20A .

Growth of background traffic between 2008 and 2010 is expected to have little impact on levels of service and vehicle delay, except some impact to delays on driveways and the Buffalo Road approach to Route 19. The Project is projected to generate 172 and 335 new vehicle trips during the Friday PM and Saturday mid-day peak hours, respectively. Levels of service at the Saltvale Road and north Wal-Mart plaza driveway intersections are projected to be acceptable at LOS B or better for all individual intersection approach lanes. The Buffalo Road approach to Route 19 is projected to continue to exhibit levels of service of F. The Doody Road approach to Route 19 is projected to operate at LOS F and C during the Friday and Saturday peak hours respectively. The intersection of Route 19 with Duncan Street is projected to operate at LOS A overall. Route 19 is projected to continue to operate at LOS A and Duncan Street is projected to continue to operate at LOS C. Traffic flow at the intersection of Route 19 with Court Street is projected to continue to operate at LOS A for Route 19, LOS C or better for East Court Street and LOS D or better for West Court Street. The intersection of Route 19 with US Route 20A is projected to continue to operate at LOS B during the Friday peak hour and LOS A during the Saturday peak hour. Route 19 is projected to continue to operate at LOS B or better and US Route 20A is projected to continue to operate at LOS B or better.

Installation of a traffic signal is recommended at the intersection of NYS Route 19 with the south driveway. As an unsignalized intersection, vehicles turning left from the south Wal-Mart plaza driveway onto Route 19 North are expected to exhibit excessive delay. Installation of the traffic signal is expected to reduce overall driver frustration and vehicle delay at this intersection. The traffic signal is projected to help decrease the delay at nearby stop controlled streets intersecting Route 19 because of the platooning affect the traffic signal will have on Route 19 traffic, providing increased opportunities to execute left turns onto Route 19. The proposed traffic signal will improve both pedestrian and vehicle safety. Pedestrian crosswalks, push buttons and signals will be included on the north and west sides of the Route 19 intersection with the south plaza driveway. The intersection meets NYSDOT traffic signal warrants.

8. Energy / Utility Facilities

The Project Site, along with its immediate neighbors, is provided with sanitary sewer service by means of an agreement with the Village of Warsaw. A sanitary pump station and force main were installed to pump and convey sanitary waste from the Project Site to an existing Village sanitary sewer located along Buffalo Road near the Village line, approximately ¼ mile south of the Project Site. The Town has expressed a desire to form a sewer district to include the Project Site and adjacent parcels and those bordering on both sides of NYS Route 19 between the Project Site and the Village line. It is currently envisioned that the sewer district would utilize the existing force main along the west side of NYS Route 19 to continue to carry

sewage to the Village. The existing sanitary pump station, located in the open space between the Wal-Mart and Tops stores, would be relocated when the Wal-Mart is expanded. The Village's sewage treatment plant has a capacity of 1.2 million gallons and the current average daily flow is 400,000 gallons. Therefore, there is adequate capacity at the treatment plant to handle the small increase in the flow expected from the proposed Project.

The existing Wal-Mart store is looped by an 8-inch water main. This loop around Wal-Mart will be relocated since it is located within the proposed expansion footprint. New services, fire and domestic will be extended into the building to accommodate the new configuration of the building. The Project is not anticipated to adversely impact water supplies.

Existing storm sewers take runoff from the developed portion of the Project Site to the existing stormwater basin at the Tops Plaza. The undeveloped lands behind (west of) and north of the store currently are graded to continue to drain westerly towards Oatka Creek. The Project will increase impervious area and stormwater runoff volume in some areas on the Project Site. The existing parking lot in front of the store will continue to drain into the existing storm sewers. A small addition to the Project Site parking lot, located between the existing McDonalds and Five Star Bank parcels, will drain into the existing storm sewer system, which was designed to handle this impervious area. Other areas where additional impervious surfaces are added will be collected by catch basins and conveyed to a proposed wet pond located west of the Wal-Mart store. Proposed surface water impacts and stormwater management system will require approval from NYSDEC in the form of a State Pollutant Discharge Elimination System (SPDES) General Permit for Construction Activities GP-0-08-001.

Electric, Natural Gas, and Telephone are available at the existing site. No adverse impacts to existing electric, natural gas, or telephone lines are anticipated.

9. Noise and Odor

Existing noise generators on-site include traffic noise from existing roadways, parking lots, loading docks, and garbage collection. Noise also emanates from the outside garden center intercom, compressor units for grocery refrigeration and freezers at the rear of the store, and HVAC systems on the roof of the store. These activities will continue almost unchanged from the existing conditions, which are not believed to have resulted in any significant noise impacts to neighboring property owners. Noise resulting from construction will be temporary.

Existing on-site odors include vehicle emissions from roadways and parking lots adjacent to the Wal-Mart store, garbage dumpsters, trash compactors, and a vent for an existing restaurant within the store with a vent located on the rooftop. The proposed garbage compactor and enclosed dumpster for this Project will be located at the rear of the store away from other commercial and residential properties and out of sight from the public view.

10. Public Health

The existing Project Site provides convenient and safe retail shopping opportunities to the public. The proposed Wal-Mart expansion will continue to provide a safe environment to the public. Outdoor lighting, surveillance cameras, and security personnel exist on-site to ensure safety to the public. Parking lot and internal roadway systems provide pavement markings and signage to provide safety for vehicles and pedestrians. Existing and proposed stormwater facilities are designed to adequately handle stormwater runoff from the property. To reduce

noise and exhaust created by idling Wal-Mart delivery trucks, loading docks will continue to be located towards the rear of the store. Wal-Mart delivery truck engines are designed to automatically shut off if the truck idles over 3 minutes, which reduces noise and air pollution. The installation of a traffic signal at the intersection of NYS Route 19 and the south Wal-Mart plaza driveway will improve both vehicle and pedestrian safety. The proposed stormwater pond for the Project will incorporate mosquito abatement measures in its design. No adverse impacts to public health, safety, and welfare are anticipated as a result of the Project.

11. Growth and Community Character

The Project Site is situated in a rural area in the Town of Warsaw, NY along NYS Route 19 just north of the Village of Warsaw. The area is characterized by a mix of retail businesses, restaurants, and office buildings. The prominent land use in the vicinity of the Project Site is commercial business. The Project Site is currently zoned as "B" Business. Under the proposed Project, existing land use of the Project Site will essentially remain unchanged. The existing Wal-Mart store will be expanded to the west and south to provide more retail products, grocery and services to customers. Additional parking will be added to the north and east of the store. No changes to the current zoning of the Project Site are required or proposed. The efforts by the Town to concurrently create a sewer district encompassing the Project Site and lands to the south may encourage additional development within the area due to the removal of constraints associated with limited leach field capacity. However, no significant growth or development is anticipated to occur as a result of the Project as most of the NYS Route 19 corridor is already developed.

Due to existing Project Site constraints such as the adjacent commercial businesses, wetlands, Oatka Creek and associated floodplains, a parking variance will be required to provide 9.5' x 20' parking spaces where 10' x20' spaces are required according to the Town of Warsaw Zoning Ordinance. A parking variance will also be required for the proposed 672 spaces when, based upon the proposed gross floor area of 125,763 square feet, 838 spaces are required. A variance will also be required for the proposed 4 loading dock spaces when, based on the proposed square footage, 7 loading docks are typically required. Due to the undeveloped nature of the west (rear) of the Project Site and the existing infrastructure on the south (side) of the Project Site, the Applicant feels that a landscape buffer is unnecessary or unfeasible. Therefore, a variance will be required to not provide a landscape buffer at the rear or side yards where it would normally be required. In regard to site signage, a variance will be required to permit a total of five signs, one of which is the existing ground mounted sign that will be updated, where a maximum of two signs are permitted. A variance will also be required to permit signs large than twenty-four square feet where a maximum of twenty-four square feet is permitted.

The Project is in compliance with the goals and policies of the Town of Warsaw Comprehensive Plan. The Project Site is zoned for large commercial retail business development. The Project will result in the increase of revenue to the community through taxes collected and provide additional jobs for the community. Appropriate landscaping and design improvements seek to avoid undesirable traffic impacts and improve the general attractiveness of an existing retail store.

It is anticipated that the Project will provide an increase in property tax revenues to the Town of Warsaw, the Warsaw Central School District, and Wyoming County. Since the Project will not result in any significant change in the type of service demands or the level of service demands, it is anticipated that the existing emergency services will also be adequate to meet

the post-development demands generated by the Project Site. The anticipated increase in property tax revenues from the Project will not be offset by the additional costs of government services provided to the Project Site. It is assumed that the Applicant will utilize the Real Property Tax Law Section 485-b abatement program, which is a development incentive program which the Town of Warsaw, Warsaw Central School District and Wyoming Courts participate in.

C. Project Alternatives

Under the no-action alternative, the existing store would continue to operate under existing conditions. The shared left / through lane at the south access driveway would continue to operate at LOS F during peak hours. An increase in sales tax revenue would not occur if the store expansion does not take place. Local shoppers would tend to patronize Wal-Mart Supercenters in other communities, such as LeRoy and Geneseo, thus tending to reduce sales tax revenues

The proposed Project is in conformance with all existing zoning with the exception of parking space dimension and quantity, loading space quantity, landscaped buffering, and signage. The current design has been reduced in store size and in parking space ratio to reduce or eliminate environmental impacts associated with wetlands disturbance, grading in the 100 year flood plain, green space reduction, aesthetics, and traffic generation. (Appendix C displays an earlier Site Plan layout with a larger store and identifies its impacts.)

In order to conform to existing zoning parking requirements, the Project Site would require significant modification through one or more several drastic and cost prohibitive options. Such options include purchasing and demolishing existing adjacent businesses to utilize those areas for parking or relocating the store further to the west impacting on-site wetlands and floodplains. These options would be more costly and result in significant impacts to the environment and community. Another option would be for the store to abandon the existing plaza and relocate to another site to construct a code complaint store. The Applicant has no other properties under control within this municipality or the market area identified for this facility.

The required number of loading spaces required by the Town zoning ordinance could be constructed, but they would not be necessary to successfully operate the store and would constitute a waste of resources and space. The permitted number and size of signs allowed under Town zoning could be installed. However, this would increase the likelihood that patrons might have trouble locating the store. The store is setback from the highway and a compliant sign would not be legible to the traveling public.

The proposed Site Plan has been modified so all stormwater management facilities and parking expansions are not located outside the 100 year floodplain.

D. Cumulative Impacts

No reasonably foreseeable projects in the region will result in cumulative impacts to the area in addition to the proposed Wal-Mart store expansion. With a traffic signal installed at the intersection of NYS Route 19 and the south Wal-Mart plaza driveway, no cumulative traffic impacts are anticipated. The increase in stormwater runoff associated with the Project will be treated by both existing and proposed stormwater management facilities designed to comply with NYSDEC Stormwater quantity and quality standards. No cumulative impacts to flooding or water quality will result from the Project. All construction and proposed grading will occur outside of the 100-year flood elevation of Oatka Creek. The Project will have no cumulative impact on the flood

levels or floodplains of Oatka Creek. No other potential cumulative impacts are foreseeable as a result of the Project. There are no indications that any cumulative impacts would place any resource near a threshold of permanent environmental degradation.

E. Growth Inducing Impacts

Additional economic activity brought about by the presence of the Wal-Mart expansion has the potential to strengthen commercial activity in the area. The creation of a Town sanitary sewer district including the Project Site, Five Star Bank, McDonalds, Tops Plaza, and other parcels along both sides of NYS Route 19 between the Project Site and Village line may spur growth in the area and increase the demand for other utilities. The creation of a Town sanitary sewer district could also tend to encourage additional development within the sewer district because of the removal of constraints associated with limited leach field capacity. However, the planned district is already largely developed and increased development is not anticipated to be significant. Further, the available water supply is very ample and no problems with serving a greater demand are foreseen. Although more traffic will result from the Project and any growth it may induce, highway improvements will take place that maintain and/or improve existing traffic levels of service.

F. Irretrievable Commitment of Environmental Resources

Some non-renewable, natural or man-made resources will be consumed or committed to other uses during the construction and lifetime of the proposed Project. The development of vacant or underutilized land would irretrievably commit those parcels to other uses. All materials and energy consumed in the anticipated construction are irreversible and irretrievable commitments. The energy consumed in transportation to and from the proposed site by automobiles and delivery trucks will be gasoline and diesel fuel. Commitments of a portion of the available capacity in the municipal water supply, wastewater collection and treatment, electric and gas, and solid waste handling and disposal facilities will also occur. The human effort involved in constructing and maintaining the proposed project, along with the capital expended are also irreversible and irretrievable commitments of resources.

G. Conclusion

This DEIS assesses the potential environmental impacts associated with the Project and concludes that all potentially significant impacts will be satisfactorily mitigated and addressed to the greatest extent possible.

SECTION II

INTRODUCTION

Draft Environmental Impact Statement

WAL-MART EXPANSION
2348 NYS Route 19
Town of Warsaw
Wyoming County, NY

II. INTRODUCTION

A. Project Site Location and Project Description

The Project Site is located at 2348 NYS Route 19 in the Town of Warsaw, Wyoming County, New York. The Project Site consists of one irregular rectangular shaped lot consisting of approximately 27.3 acres. No land acquisition or transfers are planned. An existing Wal-Mart store, parking lot, access roads, a stormwater detention pond, and lawn areas exist on the Project Site. The existing Wal-Mart store is accessible from N.Y.S. Route 19. Figure IIA-1 contains the existing site plan of the parcel showing the locations of these features. The existing Wal-Mart Store is on tax parcel No. 61.2-50.122. A map showing the approximate outline of the parcel based on the Town of Warsaw tax map is shown on Figure IIA-2.

The Project Site is situated in a rural area in the Town of Warsaw, NY along Route 19. The Route 19 corridor is characterized by a mix of office and commercial retail. The area to the west of the Project Site is presently undeveloped, and consists of an open field with moderately high vegetation such as goldenrod, and sparse brush. Oatka Creek, a major tributary to the Genesee River, is located just west of the Project Site. Figure IIA-3 contains a United States Geological Survey (USGS) topographic map of the area showing the geographic natural features of the Project Site and surrounding areas. Figure IIA-4 contains a New York State Department of Transportation (NYSDOT) quadrangle sheet which also shows the location of the Project Site and surrounding features. Figures IIA-1 through IIA-4 are included in the Figures Section of this report.

The Project involves the expansion of an existing 76,800 square foot Wal-Mart into a 148,000 square foot Wal-Mart Supercenter. The "Supercenter" designation refers to the general merchandise and grocery components of the store that may include a food center, garden center, merchandise, vision center, bakery, deli, and recycle center. Proposed operating hours of the Wal-Mart Supercenter will be 24 hours. The building expansion will primarily occur on the south side and rear (west side) of the existing building. The site is zoned B- Business, which allows retail and grocery uses. The site also falls within the F-P Floodplain Overlay District. In association with the expansion, the Town will create a sewer district to accommodate the proposed Supercenter and adjacent businesses (presently serviced through a private agreement with the Village of Warsaw).

A number of proposed improvements are planned, including:

- the installation of a traffic signal at the intersection of the southern access drive and NYS Route 19;
- the construction of on-site stormwater management facilities including a stormwater management basin to the rear of the site;
- on-site utility improvements including the relocation of a sanitary pump station currently located between the existing building and Tops;
- additional site lighting and landscaping;
- expansion of the off-street parking to the north of the existing building and at the frontage of the property to the east (between the McDonalds and the bank fronting NYS Route 19).

Site grading will include substantial fill placed in order to accommodate the rear building expansion and northwest parking lot construction. Approximately 193 new parking spaces will be built, increasing total parking to approximately 672 spaces. Water, sanitary lines, and other utilities will be extended as appropriate to serve the expanded building. The DEIS will address

potential impacts of both the proposed expansion, with all associated improvements, and the creation of the sewer district.

Drawing C-2 in Appendix B contains the Site Plan depicting the proposed Project. Visual renderings of possible architectural/facade options for the appearance of the building are shown in Figure III F-1. Table IIC-1 in Section II.C.5 contains a list of potential Federal, State, and local agency permits, approvals, and variances required for this project.

B. Project Purpose and Need

The Project Sponsor's purpose and objectives in the Warsaw Wal-Mart expansion are as follows: 1) to provide a high quality, convenient and aesthetically pleasing department and grocery store to serve the regional market area at competitive prices; 2) to provide a retail facility that will complement the market area of the Town of Warsaw; 3) to enhance the existing NYS Route 19 commercial corridor with a development that is consistent with the existing zoning as well as the character and intent of the area; and, 4) extend existing retail sales by adding grocery products at lower prices while giving customers the convenience of shopping for many services and goods under one roof.

C. State Environmental Quality Review Process

1. Purpose and Process of SEQRA

The State Environmental Quality Review Act (SEQRA) (Environmental Conservation Law Article 6 NYCRR Part 617) provides a process for the consideration of potential significant adverse environmental impacts in the early planning stages of the approval, funding, or permitting process for proposed actions. By incorporating a systematic interdisciplinary environmental review in the early planning stages, projects can be modified as needed to avoid or minimize potential adverse impacts to the environment to the maximum extent practicable. All discretionary decisions of a state, regional, or local agency to approve, fund, or directly undertake an action that may affect the environment are subject to review under SEQRA. It is the intent of SEQRA that protection and enhancement of the environment and community resources be balanced with social and economic factors in the decision-making process.

To accomplish this interdisciplinary review of an action, government agencies are required to determine whether a proposed action may have a significant impact on the environment, and if so, prepare or request a Draft Environmental Impact Statement (DEIS) and subsequent Environmental Impact Statement (EIS). A DEIS identifies any relevant adverse environmental impacts and assesses reasonable alternatives to the proposed action. To coordinate the environmental review process, a Lead Agency is designated. When a private project sponsor is proposing an action, the Lead Agency is identified from involved local, regional or state agencies. For this Project, the Town of Warsaw Planning Board has been established as the SEQRA Lead Agency.

2. Project Classification and Lead Agency Designation

In accordance with 6 NYCRR Part 617 of the State Environmental Quality Review Act (SEQRA) implementing regulations, the Town of Warsaw Planning Board has classified the Project as a Type 1 Action for the purposes of environmental review based on a determination that the proposed action is a non-residential project that involves the physical alteration of over

ten (10) acres of land and that the action, occurring in a town with a population under 150,000, involves a facility of more than 100,000 square feet of gross floor area (these thresholds are 50% for expansions of 5 acres and 50,000 square feet). These thresholds for a Type 1 Action are set forth in 6 NYCRR Part 617.4(b). The SEQRA regulations require the Lead Agency to conduct a coordinated review for all Type 1 Actions. Therefore, the Town of Warsaw Planning Board initiated a coordinated review of the proposed Project on January 26, 2007 to request Lead Agency designation and to solicit comments from all Involved and Interested Agencies and the public.

In accordance with 6 NYCRR Part 617.7, upon receipt and review of the application materials submitted by the Project Sponsor, agency comments, and the SEQRA Environmental Assessment Form, the Town of Warsaw Planning Board declared itself Lead Agency on March 26, 2007. The Town of Warsaw Planning Board considered the potential environmental impacts of the proposed Project and determined that this action may result in significant impacts to the environment and that a Draft Environmental Impact Statement (DEIS) be prepared. The Town of Warsaw Planning Board issued a Positive Declaration to this effect on March 26, 2007. On May 17, 2007, the Town of Warsaw Planning Board approved a DEIS scoping document which provided an outline of potential environmental impacts which must be addressed by the Applicant in the DEIS.

On July 10, 2008 the Applicant advised the Town of Warsaw Planning Board that the proposed action had been revised to reflect a 140,204 square foot building and an expansion of 269 parking spaces to a total of 748 parking spaces (reduced from 179,410 square foot building and an increase of 482 parking spaces to a total of 936 parking spaces). The Applicant also requested that the scoping document approved by the Planning Board on May 17, 2007 be revised to reflect the amended action. Therefore, on July 28, 2008 the Planning Board passed a resolution adopting a revised DEIS scoping document to reflect the Applicant's amended action. Subsequent to this, the Applicant again revised the project size to accommodate a store of approximately 148,000 square feet area and 672 parking spaces (including cart corrals). The Town was notified of this modification by means of a letter from Harter Secrest & Emery, LLP, on behalf of the Applicant on November 6, 2008.

The following SEQRA documentation can be found in Appendix A:

- A completed SEQRA Full Environmental Assessment Form (Part I and II);
- The March 26, 2007 Town of Warsaw Planning Board's resolution declaring itself the Lead Agency under SEQRA.
- The March 26, 2007 Town of Warsaw Planning Board's decision that a Determination of Significance be made for a Positive Declaration requiring an EIS be prepared;
- Comments from potentially involved agencies concerning the Town of Warsaw Planning Board's request to be the Lead Agency under SEQRA.
- The May 17, 2007 DEIS scoping document which provides an outline of potential environmental impacts which must be addressed by the Applicant in the DEIS.
- The Town of Warsaw Planning Board's resolution accepting the May 17, 2007 scoping document for the DEIS as complete and as the official outline for the DEIS.
- The Applicant's request on June 30, 2008 that the DEIS scoping document approved by the Planning Board on May 17, 2007 be revised to reflect the Applicant's amended action.
- The July 28, 2008 DEIS scoping document revised to reflect the Applicant's amended action.

- The Town of Warsaw Planning Board's resolution accepting an amended July 28, 2008 DEIS scoping document which reflects the Applicant's amended action as complete and as the official outline for the DEIS.
- A letter dated November 6, 2008 from Harter, Secrest & Emery amending the building size and parking space number to reflect the most current Site Plan.

3. The Scoping Process

Under SEQRA, there are numerous opportunities for the public and governmental agencies to evaluate the proposed action, request additional information, or comment on the action. The first such opportunity for comment is during the SEQRA scoping process.

Scoping is an optional process under the SEQRA regulations. The Town of Warsaw Planning Board, as SEQRA Lead Agency, decided to conduct scoping for this Project. The purpose of the scoping process is to identify any potentially significant adverse environmental impacts to be addressed in the DEIS and eliminate consideration of those impacts that are irrelevant or not significant.

The objectives of project scoping are to:

- Identify/confirm significant environmental issues;
- Identify limits or extent of DEIS;
- Identify information needed to adequately address impacts;
- Identify potential mitigation measures;
- Identify the range of reasonable alternatives to be addressed; and
- Eliminate irrelevant or insignificant issues.

The issues to be studied in the DEIS are determined based on a full review of the EAF, the Positive Declaration, the site plan application and accompanying site plan, comments received from Involved and Interested Agencies and the general public.

The Project Sponsor submitted a draft *Scoping Document for the DEIS* to the Town of Warsaw in March 2007. As part of the DEIS process, and in accordance with SEQRA Part 617.8, the Town Planning Board conducted a public scoping meeting on April 19, 2007 at the County Court House in Warsaw. The Town received oral comments at this meeting and additional written comments were submitted. The Town also solicited comments from Involved Agencies. The comments received through these efforts were considered in the development of a *Final Scoping Document for the DEIS*.

The scoping sessions were conducted in order to gather public and agency input regarding the topics and methodology of study for the DEIS. The public scoping process ensures that the DEIS will be a concise, accurate, and complete document upon which all Involved and Interested Agencies can base their individual decisions regarding the proposed project. By including the public, as well as other agencies in the scoping process, the SEQRA Lead Agency can obtain additional information and specialized knowledge that may reduce the likelihood of additional issues arising during the public review period for the DEIS. The Town of Warsaw Planning Board, as SEQRA Lead Agency, has completed the scoping process and issued the *Final Scoping Outline for the DEIS*. The *Final Scoping Document for the DEIS* approved by the Lead Agency is contained in Appendix A.

4. DEIS, FEIS, and Findings Statement

This DEIS is set up to review those environmental impacts identified in the final *Scoping Document for the DEIS* approved by the Lead Agency as potentially significant, including land, air, water, aesthetic resources, transportation, noise, lighting, drainage, utilities, growth and character of the community, and other impacts. The DEIS is structured in a manner whereby issues are addressed in various sections of the document, with each section being integral to the total understanding of the respective topic.

According to the *State Environmental Quality Review Handbook*, a DEIS should contain a general discussion of existing conditions, adverse impacts and proposed mitigation requested by the lead agency in a reasonable level of detail. The SEQRA regulations provide that an EIS should address only those potentially significant adverse environmental impacts that can reasonably be anticipated, must be analytical and not encyclopedic, and should not contain more detail than is appropriate considering the nature and magnitude of the proposed action and the significance of its potential impacts (6 NYCRR Section 617.9(b)).

The purpose of the public comment period is to allow all involved agencies and the public to review the DEIS and comment on its content, so that the Lead Agency can proceed with a FEIS.

The public review period is an opportunity to review the proposed action. Commenting on the DEIS allows the public and agencies to have direct input into the decision-making process. The public comment period on the DEIS must be a minimum of 30 days, with public review time frames to be established by the Lead Agency, provided no changes are made to the SEQRA mandated timeframes.

Upon completion of the public review period, the Lead Agency must determine whether all areas of concern have been addressed and/or mitigation measures are adequate, in which case the Lead Agency is responsible for preparing a FEIS. The FEIS includes the DEIS, the substantive comments received, response to these comments, revisions to the DEIS, and reasons for these revisions. Once the FEIS is completed, the Lead Agency shall issue a Findings Statement after a minimum 10 day public review period.

The Findings Statement would demonstrate that the proposed action minimizes or avoids adverse environmental effects to the maximum extent practicable, and that the proposed action incorporates practical mitigation measures identified in the SEQRA process. These demonstrations must be based on facts and conclusions that are derived from the DEIS, public and agency comments, and any hearing records. The considerations that have been weighed and the reasoning behind a decision to approve or not to approve an action would be provided at this time.

5. SEQRA Review Agencies

In the SEQRA process, there are three types of agencies: the Lead Agency, Involved Agencies, and Interested Agencies. The Lead Agency is the one Involved Agency that has the responsibility, under SEQRA, to coordinate the environmental review process for the proposed action. The Town of Warsaw Planning Board was designated as the Lead Agency for this action because this Board has the primary jurisdiction over the site plan review and approval of the Project. Through the coordinated review process, other agencies and other Town

departments were provided the opportunity to submit comments on the proposed action and concur with the designation of the Planning Board as the Lead Agency.

In addition to the Lead Agency, there are also Involved Agencies and Interested Agencies. Involved Agencies are agencies that have jurisdiction to fund, approve, or directly undertake an action. Interested Agencies are agencies that do not have (at the time of the environmental review) permitting, funding, or approval jurisdiction directly related to the proposed action, but may desire to participate in the review process because of their expertise or concern regarding the action. Table IIC-1 lists the Lead Agency, Involved Agencies, and Interested Agencies and their area of review and approval required for the Project.

Table IIC-1: SEQRA Review Agencies

	Area of Review	**Permit / Approval**
Lead Agency:		
Town of Warsaw Planning Board	Environmental review process (SEQRA), Site Plan review	SEQRA Findings Site Plan approval
Involved Agencies:		
New York State Department of Environmental Conservation (NYSDEC)	Wastewater disposal system, stormwater/drainage, surface water impacts, sewer district approval	NPDES Permit, SPDES GP-0-08-001
New York State Department of Transportation (NYSDOT)	Traffic analysis on NYS Route 19	NYSDOT Highway Work Permit
Wyoming County Public Health Department	Water and sewage systems	Backflow prevention device approval; sanitary sewer approval
Wyoming County Department of Planning & Development	Project review	239-m referral and recommendation
Wyoming County Highway Department	County road traffic analysis	County Highway Work Permit (if required)
Town of Warsaw Town Board	Creation of sewer district,	Utilities dedication and sewer district formation approval
Town of Warsaw Highway Department	Town road traffic analysis	Town Highway Work Permit (if required)
Town of Warsaw Zoning Board of Appeals	Parking and signage variances	Area Variances (2)
Town of Warsaw Zoning Officer	Zoning code review; Variance review	Interpretation on Wal-Mart square footage vs. Town square footage
Town of Warsaw Building Department	Code review of building	Building Permit
Interested Agencies:		
NYS Department of Health (NYSDOH)	Water Line extension, backflow prevention	
New York State Department of Agriculture and Markets	Impacts to farmland	
Wyoming County Board of Supervisors	Project review	
Wyoming County Department of Fire and Building Codes	Structures, site design and layout	
Wyoming County Agriculture and Farmland Protection Board	Impacts to farmland	

Table IIC-1: SEQRA Review Agencies (cont'd)		
	Area of Review	**Permit / Approval**
Wyoming County Soil and Water Conservation District	Environmental review	
Village of Warsaw Planning Board	Project review	
Warsaw Downtown Association	Project review	
Greater Warsaw Chamber of Commerce, Inc.	Project review	

6. Compliance with Federal, State and Local Law

The Project in the Town of Warsaw will be developed and constructed in compliance with the rules, regulations and standards set forth by federal, state and local agencies including:

- New York State Health Law
- New York State Environmental Conservation Law
- New York State Energy Conservation Law
- New York State Uniform Fire Prevention and Building Code
- Town of Warsaw Zoning Ordinances
- New York State Environmental Quality Review Act
- United States Clean Water Act

Pursuant to SEQRA, copies of the Notice of Completion of DEIS and the DEIS will be sent to all interested and involved agencies and published with the Environmental Notice Bulletin. The DEIS may be reviewed at the following additional location:

Warsaw Town Hall
27 North Main Street
Warsaw, NY 14569

SECTION III

EXISTING ENVIRONMENTAL SETTING, POTENTIAL IMPACTS, AND MITIGATION MEASURES

Draft Environmental Impact Statement

WAL-MART EXPANSION

2348 NYS Route 19
Town of Warsaw
Wyoming County, NY

III. EXISTING ENVIRONMENTAL SETTING, POTENTIAL IMPACTS, AND MITIGATION MEASURES

A. Geology, Soils, and Topography

Geology, soil, and topography information for this section of this report was obtained from the *Subsurface Exploration and Geotechnical Investigation For Proposed Wal-Mart Expansion Store No. 2043 - N.Y.S. Route 19 Warsaw, New York* prepared by Tierney Geotechnical Engineering (TGE) November 19, 2008. A copy of this document is contained in Appendix D.

1. Existing Environmental Conditions

a) Existing Environmental Surface Conditions

The Project Site is located at 2348 New York State (N.Y.S.) Route 19 in Warsaw, Wyoming County, New York. The Project Site is presently developed with the existing Wal-Mart Store No. 2043 and associated pavement and lawn areas. The area to the west of the site is presently undeveloped, and consists of an open field. Oatka Creek is located just west of the Project Site. No surficial evidence of bedrock was observed on the site, such as outcroppings or cuts. The existing Wal-Mart store is accessible from N.Y.S. Route 19.

The Project Site is located on the east side of the Oatka Creek valley (commonly known as Wyoming Valley) within the Allegheny Plateau physiographic province. The Project Site topography generally decreases from the east to the west. Surface runoff is directed away from the existing structure to sheet drain into the existing stormwater catch basins and storm sewer system, and or to the west and northwest. The existing site was partially filled in order to achieve the finished grades for the existing store and paved areas. The top of the existing fill slope (located to the west and to the east of the existing Wal-Mart Store) is at approximately elevation 990 feet and the bottom is at approximately elevation 974 feet. Approximately 4 feet of earthwork fill may have been performed within the eastern portion, and up to 15 feet in the western portion of the site. The finished floor elevation for the existing Wal-Mart building is at approximately elevation 993.80 feet.

b) Existing Subsurface Exploration and Conditions

The subsurface exploration performed at the Project Site consisted of a total of 43 test borings and 6 pavement cores performed from September 7, 2006 to November 30, 2006. The locations and depths of the borings and pavement cores are shown in Figure IIIA-1 and described in Table IIIA-1 below: (It is noted that Figure IIIA-1 was prepared as a part of the geotechnical engineer's subsurface investigation report based on an earlier design and depicts disturbance to the existing pond located north of the store. This figure will be updated at a later date to show that no disturbance is planned for the existing pond.)

Table IIIA-1: Subsurface Exploration

Number of Test Borings	Number of Pavement Cores	Number of Temporary Groundwater Wells	Location	Map Designations	Range of Depth (feet)
14			Within the footprint of the proposed building additions	B-1 through B-14	19.2 to 100
16			Proposed pavement areas	P-1 through P-16	10 to 12
	6		Existing pavement sections	C-1 through C-6	Through the entire section of the existing pavement
13			Proposed stormwater management area	DP-1 through DP-13	10 to 20
		2	Adjacent to completed boreholes B-8 and DP-5		

The subsurface conditions encountered in the test borings performed at the Project Site generally consist of lacustrine (glacial lake) deposits, consisting of mixtures of silt, fine sand, and clay. The subsurface conditions encountered this investigation was generally in agreement with the *Surficial Geologic Map of New York, Niagara Sheet, 1988*, which classifies the soil at the Project Site as lacustrine silt and clay (*lsc*). The lacustrine deposits are generally varied, and extend at this location to depths greater than 100 feet. Two borings (B-9 and B-11) were completed within the lacustrine (glacial lake) deposits at a depth respectively of 100 feet and 82 feet. Bedrock was not encountered at any of the test borings.

According to sheets 16 and 17 of the *Soil Survey of Wyoming County, New York* (USDA 1974) shown in Figure IIIA-2, the surficial soils encountered at the Project Site should consist primarily of *silt loam* of the *Herkimer unit (HeB).* A small area within the northern portion of the Project Site should consist of silty clay of the *Canadice unit (Ca)*. Based upon information inferred from the above referenced *Soil Survey*, the *Herkimer unit* is assigned to hydrologic group *"B"* which has a moderate infiltration rate when thoroughly wet. The *Canadice unit* is assigned to hydrologic group *"D"* which have a very slow infiltration rate (high runoff potential) when thoroughly wet.

Fill and/or possible fill was encountered at 26 of the 43 locations explored. The existing Project Site was filled in order to achieve the finished grades for the existing store and paved areas. Approximately 4 feet of earthwork fill may have been performed within the eastern portion, and up to 15 feet in the western portions of the Project Site. During construction of the existing store, the Project Site was pre-loaded with a surcharge fill and a significant number of vertical (wick) drains were installed within the entire building footprint, presumably to accelerate consolidation of underlying weak and/or compressible soils.

<u>Existing Subsurface Conditions at Proposed Wal-Mart Store Expansion</u>

The subsurface conditions disclosed by the test borings performed in or within proximity to the proposed store expansion generally consist of up to 8 inches of topsoil at the ground surface, generally underlain by fill. The fill generally consists of mixtures of silt, sand, gravel, and clay in varying proportions (i.e. silt and clay; clay and silt; sand and gravel; clayey silt). The fill varies in color (i.e. grayish-brown; brown; gray), is moist to very moist

(occasionally wet), and medium to hard in consistency (when comprised primarily of cohesive silt and clay) or compact to very compact in density (when consisting mainly of non-cohesive silt, sand, and gravel). With the exception of B-6, the existing fill is generally free of organics and other deleterious material, and was encountered to depths of 2 feet to 15 feet below the existing ground surface. In B-6, buried topsoil was encountered within the fill at depths ranging from 6 feet to 7 feet below the existing ground surface.

Beneath the fill, the borings encountered native soils consisting of mixtures of brown, grayish-brown and gray silt and clay (in varying proportions) with varying amounts of shale fragments, gravel, and sand. Seams and/or layers of fine sand and/or silt (with varying amounts of gravel) were occasionally encountered interbedded within these soils. These native overburden cohesive soils generally have a varied structure, are generally moist to very moist (occasionally wet), and are hard to medium in consistency to depths of approximately 18 feet to 30 feet. Below this depth, the cohesive native soils are generally wet and soft to very soft in consistency. With the exception of borings B-3 and B-4, the borings were generally completed within the soft to very soft native soils, at depths ranging from 25 feet to 100 feet. Boring B-3 was completed with sampler refusal at a depth of 19.2 feet within the possible sand and gravel fill material, and boring B-4 was completed with sample refusal at a depth of 20.3 feet within the hard clay and silt native soil.

Existing Subsurface Conditions at Proposed Pavement Areas

The subsurface conditions disclosed by the test borings performed in or within proximity to the proposed pavement areas generally consist of up to 8 inches of topsoil at the ground surface, generally underlain by fill (with the exception of borings P-4, P-5, P-14, P-15, and P-16). The fill generally consists of mixtures of silt, sand, gravel, and clay in varying proportions (i.e. silt and clay; clay and silt; sand and gravel; clayey silt). The fill varies in color (i.e. grayish-brown; brown; gray), is moist to very moist (occasionally wet), and medium to hard in consistency (when comprised primarily of cohesive silt and clay) or compact to very compact in density (when consisting mainly of non-cohesive silt, sand, and gravel). With the exception of P-7 and P-12, the existing fill is generally free of organics and other deleterious material, and was encountered to depths of 2 feet to 10 feet below the existing ground surface. In P-7, the fill contains “little” organics between 4 feet and 5 feet, and in P-12, buried topsoil was encountered beneath the fill between depths of 4 feet and 4.5 feet below the existing ground surface.

Beneath the fill, and below the topsoil at the locations of borings P-4, P-5, P-14, P-15, and P-16, the borings encountered native soils consisting of mixtures of brown, grayish-brown and gray silt and clay (in varying proportions) with varying amounts of shale fragments, gravel, and sand. Seams and/or layers of fine sand and/or silt (with varying amounts of gravel) were occasionally encountered interbedded within these soils. These native overburden cohesive soils generally have a varied structure, are generally moist to very moist, and are hard to medium in consistency. These borings were generally completed within these soils at depths ranging from 10 feet to 12 feet below the existing ground surface. Please note that at the locations of borings P-5, P-13, and P-14, grayish-brown to gray highly weathered shale fragments were generally encountered at depths ranging from 4 feet to 8 feet below the existing ground surface.

Pavement cores were obtained using a 3-inch diameter core bit within the existing pavement areas (C-1 through C-6). The pavement cores were advanced in order to evaluate the condition of the existing asphalt pavement sections. Based upon the

recovered pavement cores, the existing asphalt within the areas observed is generally in good condition.

c) Field Infiltration Test Results

Two infiltration tests (IF-1 and IF-2) were performed on October 31, 2008 to provide more information regarding the infiltration characteristics of the existing soils in accordance with the guidelines presented in the NYSDEC Stormwater Management Design Manual, Appendix D: Infiltration Testing Requirements. The purpose of these tests were to determine if infiltration rates are adequate to handle an alternative stormwater management system in that area based, in part, on infiltration. The location of infiltration tests IF-1 and IF-2 are shown in Figure IIIA-1. The following is a brief description of the infiltration testing method:

1. At the location of each infiltration test, the boring was hand excavated to a depth of approximately 4 feet, and the PVC casing installed in proximity to the bottom of the hole.
2. After completion of the PVC casing installation, the casing was filled with clean water to a depth of approximately 24 inches.
3. At the time of the infiltration test, the casing was refilled with approximately 24 inches of clean water (measured from the bottom of the casing). The water level was then monitored for 1 hour, and the drop from the top of the casing was measured and recorded. This procedure was repeated three additional times, for a total of four observations.

The infiltration test completed at the location of IF-1 did not result in any significant drop in the water levels within the casing, indicating that the soils being testing (at the depths tested) are essentially impervious. The infiltration test completed at the location of IF-2 indicates an average infiltration rate of 3.5 inches per hour. Detailed results of the tests are presented in the Geotechnical Study contained in Appendix D.

2. Potentially Significant Adverse Impacts

a) Proposed Construction and Earthwork Activities

The Project consists of proposed additions to the existing Wal-Mart store and new associated light and heavy duty pavement areas. The main building additions are proposed on the west and the south sides of the existing Wal-Mart store. Smaller additions are also proposed to the north and east sides of the existing store. The existing pond is located outside the limits of the expansion work and will not be impacted. Wetlands and woodlands located at the northwest corner of the property and along the western boundary near Oatka Creek will not be disturbed. The grassy area in the southwest corner of the property will largely remain as green space with the exception of a stormwater quality pond that will be constructed in this area. Drawing C-2 in Appendix B contains a Site Plan of the proposed Project.

The proposed building expansion will consist of a single story, slab-on-grade structure. The total expansion is anticipated to be approximately 63,400 square feet in plan area. The total footprint of the existing building and new additions will be approximately 148,000 square feet in plan area. The finished floor elevation for the new Wal-Mart store will be at the same elevation as the existing store, or at approximately 993.80 feet above mean sea

level. Existing subsurface conditions are generally suitable to support the proposed structures and pavement sections upon stable on site soils (including suitable fills), and/or properly compacted structural fill (on-site and/or imported placed in mass fill operations), and/or base course material. Based upon the existing and proposed grades, it is anticipated that the earthwork fill required within the addition footprints in order to attain the proposed design finished floor elevation of 993.80 feet will range from a minimum of 1 foot (in proximity to the existing building) to up to 10 feet (along the western portion of the new expansions). Most of the expansion footprint (approximately ¾ of the entire expansion footprint) will require 3 feet or less of earthwork fill, and the remaining ¼ of the expansion will require 3 to 10 feet of earthwork fill. The Grading and Drainage Plan on Drawing C-4 in Appendix B provides the existing and proposed elevations and locations of all excavations and fill anticipated for this Project.

Light and heavy duty pavement areas are associated with the new Wal-Mart store. Based upon local climatic conditions and experience with the Project area, it is likely that an Equivalent Single Axle Load (ESAL) of 35 will be used for Standard Duty Pavement, and an ESAL of 350 will be used for Heavy Duty Pavement. Based upon the existing and proposed grades, it is anticipated that up to 15 feet of earthwork fill could be required within the pavement areas in order to attain the proposed finished design pavement elevations.

A retaining wall will be provided to accommodate the grade change from the parking lot north of the store to the existing pond in the northwest portion of the site. A segmental retaining wall is anticipated, with a maximum reveal height of approximately 16 feet. The base of the wall will be kept a minimum of 10 feet from the limits of the wetlands surrounding the pond.

Site work can generally be performed by conventional open cut methods using standard construction techniques and equipment for excavations in the overburden soils. Earthwork will commence with the complete removal of all topsoil and organic subsoil, and any needed cut quantities from the proposed structures' footprints and pavement areas. Fill will be placed to raise the existing grades. Suitable on-site soil may be used as structural fill (to attain proposed subgrade elevation) to replace the removed unsuitable material. If imported structural fill is used it will be a material consisting of predominately granular soils, free from organic matter, clay, ice, debris, or other deleterious material. Off-site locations where fill may be obtained will be decided by the contractor.

The contractor will be given the option to provide the material from any qualified source so long as it meets specifications. Generally, this will be from a source which is permitted for this purpose and which is reasonably close to the site. The estimated amount of imported fill is approximately 25,000 cubic yards. This will be brought in during the early stages of the project. It is predicted that 50 to 100 trucks per day (each holding approximately 16 cy of material) will routinely come to the site between the site between the hours of 8am and 5pm during a period of 4 to 6 weeks for this purpose. Construction vehicle truck traffic will come from the north or the south along NYS Route 19.

Existing fill encountered in the test borings performed were generally free of substantial amounts of deleterious material (including organics) and the material was found to be generally compact. Therefore, existing fill will be left in place beneath the proposed foundations, floor slab, and pavement areas without significant undercuts.

b) Potential Impacts

During the demolition and construction phases of the Project, erosion or sediment runoff may occur if proper safeguards are not implemented. Soils which are left exposed without surface vegetation are susceptible to wind (dust) or water transport. This includes stockpiles of topsoil and native earth. Excessive erosion, left unchecked, will tend to foul storm sewers necessitating cleanout and replacement of surface layers. The stripping of excessive areas at one time will add to the duration of exposure to erosion and unnecessarily increase soil transport. During construction, the contractor will be required to abide by the stipulations of a Stormwater Pollution Prevention Plan (SWPPP) prepared in compliance with the NYSDEC General Permit for Stormwater Discharges from Construction Activities (GP-0-08-001), which requires provisions of methods for controlling dust, erosion and sediment, and stormwater runoff until construction is completed.

Proposed demolitions will create unsightly building and pavement debris. If proper demolition procedures are not followed, demolitions may cause injury to personnel or existing utilities on the Project Site. Any demolitions should be conducted in a manner consistent with NYS and Federal OSHA laws as to safety, and demolition debris should be transported to an approved, licensed disposal site.

During construction, noise will be generated from building demolition, earthmoving, building construction, and site work activities. It is anticipated that construction will extend for several months. While some noise from construction is inevitable, noise reduction techniques should be implemented to reduce the noise. Additional information on noise impacts are discussed in Section III.I.

3. Potential Mitigation Measures

During construction of the Project, erosion or sediment runoff will be controlled and mitigated. The development of the proposed Wal-Mart store expansion on the Project Site will include a stormwater management system designed to meet the requirements of NYSDEC GP-0-08-001 (Permit for Stormwater Discharges) which requires provision of methods for controlling dust, erosion and sediment, and stormwater runoff during construction. The contractor will be required to abide by the stipulations of the Stormwater Pollution Prevention Plan (SWPPP) prepared by the Applicant in compliance with the NYSDEC General Permit for Stormwater Discharges from Construction Activities (GP-0-08-001). Erosion and sediment control during construction activities will be performed according to the New York Guidelines for Urban Erosion and Sediment Control. Control measures will consist of temporary measures placed and maintained during construction, as well as permanent post-construction measures, as depicted in the Erosion and Sediment Control Drawing ESC-1 and ESC-2 included in Appendix B. Erosion control and slope stabilization may consist of a combination of siltation fencing, erosion control mats, seeding, "rip-rap", and retaining structures. Storm runoff will not be allowed to discharge freely down unprotected slopes. Stormwater runoff, particularly from pavement areas will be collected and discharged in a controlled manner (e.g., a catch-basin system or concrete lined channels). Erosion and Sediment Control Plan Site Maps are shown on Drawings ESC-1 and ESC-2 in Appendix B.

A review of Drawing ESC-1 and ESC-2 in Appendix B showing site layout reveals site disturbance will be kept to a minimum involving only those areas necessary for the building, pavements, stormwater basin, and adjacent slopes to blend back into existing

grades. The total area of disturbance will be approximately 7.14 acres. The balance of the Project Site will be preserved in its existing state. Silt fence will be provided to filter to any surface runoff which passes out of the construction zone. Construction will be sequenced as listed below to limit areas which are to be stripped of vegetation or pavement to under 5 acres at any given time.

Best Management Practices Sequence:

Phase I

1. Install stabilized construction exit(s) and SWPPP Entrance Sign.
2. Install appropriate inlet protection devices pertinent to the current limits of construction (see Phasing Plan).
3. Install silt fence(s) and silt dike(s) pertinent to the current limits of construction (see Phasing Plan). (Clear only those areas necessary to install silt fence).
4. Install protection around all storm sewer inlets pertinent to the current limits of construction (see Phasing Plan). Only underground inlet protection is allowed in active parking areas.
5. Prepare temporary parking and storage area.

Halt all activities and contact the civil engineering consultant (CEC) to perform inspection and certification of BMPS. General contractor shall schedule and conduct storm water pre-construction meeting with the CEC, Wal-Mart Construction Manager, Agency(ies), and ground-disturbing contractors before proceeding with construction.

6. Construct sediment trap, temporary sediment basin, and construct appropriate outfall structures (clear only those areas necessary to install SEDIMENT traps).
7. Install and stabilize hydraulic control structures (dikes, swales, check dams, etc.).
8. Begin clearing and grubbing the site in those areas pertinent to the current limits of construction (see Phasing Plan).
9. Begin grading the site in those areas pertinent to the current limits of construction (see Phasing Plan).
10. Start construction of building pad and structures pertinent to the current limits of construction (see Phasing Plan).

Phase II

1. Temporarily seed, throughout the current limits of construction (see Phasing Plan), denuded areas that will be inactive for 14 days or more.
2. Install utilities, underdrains, storm sewers, curbs and gutters pertinent to the current limits of construction (see Phasing Plan).
3. Install rip rap around outlet structures as each pertinent outlet structure is installed.
4. Permanently stabilize areas to be vegetated as they are brought to final grade.
5. Prepare site for paving/overlay the site in sections based on the current limits of construction (see Phasing Plan).
6. Pave/overlay areas pertinent to the current limits of construction (see Phasing Plan).
7. Install appropriate inlet protection devises for paved areas as work progresses.
8. Complete grading and installation of permanent stabilization over all areas including out lots that are pertinent to the current limits of construction (see Phasing Plan).
9. Call Wal-Mart's civil engineering consultant (CEC) after the site is fully stabilized and all ground activities (as a part of construction and/or landscaping) are complete for an inspection.
10. Remove all temporary erosion and sediment control devices after approval of the CEC and stabilize any areas disturbed by the removal of the BMP.
11. Continue daily inspection reports until the final daily inspection is signed off by the construction manager that the site is fully stabilized and the permit may be terminated.

Disturbed portions of the Project Site where construction activity has stopped shall be seeded and stabilized as shown on the Erosion and Sediment Plans (Appendix B). These areas shall be seeded no later than 14 days from the last construction activity occurring in

these areas. In the event that winter weather conditions exist which preclude seeding, stabilization with either crushed stone or an approved mulch product will be implemented, in accordance with the prepared SWPPP.

The SWPPP will contain provisions for spills that may occur on Project Site. The contractor will be required to maintain oil and grease absorbing materials and floatation booms on Project Site or readily available to contain and clean up fuel or chemical spills and leaks. All materials spilled, dropped, washed, or tracked from vehicles onto roadways or into storm drains must be removed immediately.

Prior to construction, a preliminary SWPPP will be prepared in accordance with the requirements of the NYSDEC's SPDES General Permit for stormwater discharge. The above listed sequence of construction operations and preventative erosion control requirements will be part of that plan. The contractor will be responsible for maintaining all pollution control measures outlined in the SWPPP and Erosion Control Plans. The SWPPP will be finalized after it is reviewed and approved by NYSDEC.

The Demolition Plan is included as Drawing C-1 in Appendix B. Partial demolition of the existing Wal-Mart facilities will be conducted in a manner consistent with NYS and Federal OSHA laws as to safety, and demolition debris will be transported to an approved, licensed disposal site. Prior to demolition occurring, all initial erosion control devices are to be installed. The contractor shall coordinate with the respective utility companies prior to the removal and/or relocation of utilities. The contractor is responsible for removing and disposing of demolition debris or excavated soil in a lawful manner at a location approved by the local governing authority. Any damages resulting from demolitions to existing utilities or structures to remain will be replaced at the contractor's expense.

Airborne particulates (dust) will occur during the construction phase of the Project. Steps such as wetting soil surfaces and covering of trucks and other dust sources will be included as part of the specifications of the construction contract.

Steps will be taken to reduce noise during the construction phase of the Project. Construction contractors will be required to use vehicles and equipment with proper mufflers to limit noise generation during construction/demolition activities.

B. Surface Water and Groundwater Resources

Surface water and groundwater resources information was obtained from the following documents included as appendices in this report:

- *Wetland Delineation Report for the Warsaw Wal-Mart Site, Town of Warsaw, Wyoming County, New York* prepared by Terrestrial Environmental Specialists, Inc. (TES) December 2008. A copy of this document is contained in Appendix E.

- *Floodplain Evaluation - Warsaw Wal-Mart* prepared by Bergmann Associates November 20, 2008. A copy of this document is contained in Appendix F.

- *Stormwater Management Report for Wal-Mart Store #2043-01* prepared by Bergmann Associates December 18, 2008. A copy of this document is contained in Appendix G.

- *Subsurface Exploration and Geotechnical Investigation For Proposed Wal-Mart Expansion Store No. 2043 - N.Y.S. Route 19 Warsaw, New York* prepared by Tierney Geotechnical Engineering (TGE) November 19, 2008. A copy of this document is contained in Appendix D.

1. Existing Water Resources

a) Existing Surface Water and Wetlands

Terrestrial Environmental Specialists, Inc. (TES) was contracted by Bergmann Associates, P.C. to perform a wetland investigation on the Project Site which consists of approximately 27.3 acres in size and is located west of NYS Route 19 and east of Oatka Creek. The wetland investigation consisted of a review of available background information and a field delineation of wetlands and other regulated waters. Agency resource information maps, soil descriptions, and aerial photographs were used during the field review of the Project Site to assist in the initial identification of potential wetland areas. The boundaries of wetlands and other water resources were delineated using the federal criteria for vegetation, soils, and hydrology (Environmental Laboratory 1987, Reed 1988, and USSCS 1989).

No mapped NYSDEC-regulated wetlands exist on the Project Site. Oatka Creek and one of its tributaries are located on the Project Site and are classified by the NYSDEC as Class C with C standards. Streams designated Class C with C standards are not state-protected streams.

While no mapped NYSDEC-regulated wetlands exist on the Project Site, a total of four US Army Corps of Engineers - jurisdictional wetlands were found to exist on the Project Site. These wetlands on the Project Site are referred to as Wetlands A, B, C, and D. The boundaries were flagged by TES with coded surveyor's ribbon using the methods described in the Corps 1987 Wetlands Delineation Manual. The delineated wetland boundaries are shown on Figure IIIB-1 and were surveyed by Bergmann Associates, P.C. The on-site wetlands total 6.07 acres.

<u>Wetland A</u>

Wetland A is an approximately 0.25-acre wet meadow located just south of the tributary to Oatka Creek and its tributary (Figure IIIB-1). Common plants recorded in Wetland A included fowl bluegrass (*Poa palustris*), soft rush (*Juncus effusus*), and green bulrush (*Scirpus atrovirens*). Hydric soil indicators in Wetland A included soils with low matrix chromas (redoximorphic features). Wetland hydrologic indicators included saturated soils and drainage patterns in wetlands. Water from Wetland A appears to drain periodically into the tributary to Oatka Creek. Therefore, it would be considered a Corps-jurisdictional wetland.

<u>Wetland B</u>

Wetland B is the area associated with the tributary to Oatka Creek. It is approximately 0.25 acre in size (Figure IIIB-1). On the Project Site, approximately 420 linear feet of stream is associated with Wetland B. Wetland B is dominated by deciduous forest wetland along the banks of the stream. Common plants recorded in Wetland B included eastern cottonwood, box elder trees and shrubs, comfrey, garlic mustard (*Alliaria petiolata*), grape,

and trailing nightshade (*Solanum dulcamara*). An aquic moisture regime was noted as the hydric soil indicator. Wetland hydrologic indicators include inundated and saturated soils, drift lines, and drainage patterns in wetlands. Since water from Wetland B empties into Oatka Creek, it is considered to be a Corps-jurisdictional area.

Wetland C

Wetland C is primarily the low-lying land that borders the east side of Oatka Creek. This area is approximately 3.33 acres in size and includes the creek corridor and edges as shown in Figure IIIB-1. On the Project Site, approximately 1,830 linear feet of Oatka Creek is associated with Wetland C. Common plants found in Wetland C included box elder, comfrey, and late goldenrod (*Solidago gigantea*). Other plants observed included reed canary grass (*Phalaris arundinacea*), red-oiser dogwood (*Cornus sericea*), Joe-pye-weed (*Eupatorium maculatum*), and willow (*Salix* sp.) trees and shrubs. Oatka Creek itself is a water of the U.S. and the wetlands along its edge have a number of wetland soils and hydrologic indicators. Redoximorphic features along with sediment deposits and drainage patterns were recorded. Other indicators observed included aquic moisture regimes, inundated/saturated soils, drift lines, watermarks, and water-stained leaves.

Wetland D

Wetland D is an approximately 2.24-acre excavated pond located in the northeast portion of the Project Site as shown in Figure IIIB-1. This wetland receives water from surface runoff from adjacent lands to the south and east and some runoff from offsite lands to the northeast. Common plants recorded in Wetland D included broad-leaf cattail (*Typha latifolia*), willow, and soft rush. Hydric soil indicators in Wetland D included soils with low matrix chromas and mottles (redoximorphic features). Wetland hydrologic indicators included inundation, water marks, sediment deposits, and water-stained leaves. Water from Wetland D has a hydrologic connection to Wetland A which drains periodically into the tributary to Oatka Creek. Therefore, it would be considered a Corps-jurisdictional wetland.

Additional information about each surface water and wetland can be found in the *Wetland Delineation Report* contained in Appendix E. The *Wetland Delineation Report* contains photos and data sheets of each wetland located on the Project Site.

b) Existing Floodplains

Oatka Creek flows along the northwest side of the Project Site. The location of the 100-yr floodplain at the Project Site is shown on the FEMA Flood Insurance Study (FIS) for the Town of Warsaw, New York as an unnumbered Zone A. Unnumbered Zone A areas show the approximate 100-year flood limits but have not been studied using detailed hydrologic and hydraulic methods. Information on existing 100 year flood levels at the Project Site is included in the Floodplain Evaluation Study contained in Appendix F. A copy of FEMA flood mapping of the Project Site is also included in Appendix F.

The Buffalo District USACE is conducting detailed HEC-HMS and HEC-RAS model studies of the Oatka Creek in the Town and Village of Warsaw. Preliminary versions of both of these models were provided by the USACE and reviewed for this project. Although the models do not represent the effective FIS, once completed, the results of the HEC-HMS and HEC-RAS model studies will provide a new Zone AE (detailed study) in the project

area. Preliminary floodplain mapping, created by the Buffalo District USACE, is included in Appendix F.

c) Existing Drainage Patterns

Appendix G includes a stormwater management report. This report describes the existing stormwater management design for the Project Site (refer to Figure IIA-1 for a general layout of the storm drainage on the existing site)**.** Under existing conditions, all of the developed impervious area drains southerly onto the adjacent "Tops Plaza" (owned by Developers Diversified Realty) immediately to the south of the Project Site. This runoff is piped into a stormwater detention basin (the "Tops Plaza Basin") constructed on the Tops Plaza site, which controls runoff and discharges into an open swale draining westerly to Oatka Creek. The remaining, undeveloped, portion of the Project Site drains westerly across the open space onsite, eventually emptying into Oatka Creek.

The onsite developed areas are drained through storm sewers to the Tops Plaza. The easterly most storm sewer line serving the Project Site extends southerly and is parallel to NYS Route 31 and located approximately 200 feet west of the centerline of NYS Route 31, roughly in line with the western property line of the McDonalds parcel. This line drains the Five Star Bank parcel, the McDonalds parcel, and the currently undeveloped open area located between the two.

A second storm sewer line is located approximately 100 feet east of the Wal-Mart storefront and also extends southerly onto the Tops Plaza site. This line collects all runoff from the parking field in front of the store. This storm sewer merges with the eastern storm sewer after entering the Tops Plaza site and the combined flow is carried southerly and westerly to the Tops Plaza basin.

A third storm sewer line is situated approximately 20 to 50 feet behind the store and drains southerly into the Tops Plaza site and the Tops Plaza basin. This line collects Project Site runoff from the existing store and the open and paved areas south of the store.

d) Existing Groundwater Resources

Free standing water was encountered at the following depths and elevations in the test borings listed in Table IIIB-1:

Table IIIB-1: Test Boring Groundwater Observations

Test Boring/Pit Number	Depth (ft)	Elevation (ft)	Remarks
B-8	13.2	976.8	Water level measured on 01/25/07
DP-5	5.6	969.4	Water level measured on 01/25/07

Free standing water was not encountered at any other test borings during drilling and/or upon completion. Based upon these observations, and the color and apparent moisture contents of the recovered soil samples, it appears that groundwater generally follows the existing ground surface. This indicates that groundwater may be encountered at a higher elevation within the eastern portion of the project site (up to approximately elevation 989 feet), and at decreasing elevations toward the western portion of the site (up to approximately elevation 976 feet). It should be noted that post drilling and excavations free water observations may not accurately represent groundwater levels as a result of the

short time allowed for stabilization of the water level. Groundwater levels will be influenced by seasonal and construction related fluctuations.

2. Potentially Significant Adverse Impacts to Water Resources

a) Potentially Significant Adverse Surface Water and Wetland Impacts

A site development project can adversely impact ambient water quality in many ways. During construction, erosion and sediment transport can create turbidity problems and introduce biological pollutants into streams such as Oatka Creek which forms the western boundary of the Project Site. Groundwater may be encountered during excavation activities. Uncontrolled runoff from stripped soil surfaces can clog and wash out stream channels. Construction vehicle fuel depots can spill gasoline and diesel fuel, which can penetrate groundwater aquifers or runoff into streams.

After project completion, water quality concerns may persist. Removal of surface vegetation may permit more pollutants to reach watercourses than in the pre-development condition. With the completion of the proposed retail buildings, roads, and parking areas, an increase in impervious ground cover will be created which may prevent infiltration and percolation of stormwater runoff from the Project Site. In addition, chemicals from sale products (such as fertilizers, paints, cleaning solvents) might be allowed to spill and enter the storm runoff, thus impacting water resources.

The Project will increase the amount of impervious area located on the site by 4.15 acres. The increased impervious areas include the building expansion and parking area expansion.

Preventative measures to eliminate or reduce surface water and wetland impacts will be taken on this Project. As shown on the Site Plan provided in Appendix B, existing wetlands will be avoided. The Project Site plans will call for adequate erosion and sediment control protections to prevent silt laden water from entering the wetlands during construction. As stated in the General Erosion and Sediment Control Notes on the drawings ESC-1 and ESC-2 in Appendix B, sufficient oil and grease absorbing materials and flotation booms shall be maintained on site or readily available to contain and clean-up fuel or chemical spills and leaks. If such precautions are taken, no significant adverse impacts to surface water and wetlands are anticipated.

b) Potentially Significant Adverse Floodplain Impacts

Whenever a project proposes development near a waterway or within a floodplain a floodplain evaluation should be performed to determine whether such development, when combined with all other existing and proposed development, will create adverse affects to floodplains. An adverse affect has the potential to occur when unacceptable increases in flooding and stream velocities during the 100-year flood discharge could result in damage to a proposed project or other properties. A floodplain evaluation is required to determine if either the existing or proposed facility encroaches on the Oatka Creek 100-year floodplain, and if so, to determine if the encroachment exceeds the maximum allowable 1.0 feet increase allowed under the National Flood Insurance Program (NFIP). Emergency Management Agency (FEMA) and the Town of Warsaw Zoning Code also require that proposed development in unnumbered Zone A areas consisting of more than 50 lots or 5 acres include base flood (100-year) elevation data. Thus, a detailed evaluation of the

existing and proposed development is required for this project to determine if the proposed construction activity will encroach on the floodplain.

A floodplain evaluation was completed by Bergmann Associates and outlined the findings in a memorandum dated, November 20, 2008. A copy of this memorandum is located in Appendix F. The floodplain evaluation used data from HEC-RAS computer modeling, FEMA Flood Insurance Maps and USACE Floodplain Maps near the Project Site to delineate the floodplain and determine potential floodplain impacts resulting from the Project. Detailed analysis and floodplain mapping of Oatka Creek is contained in Appendix F.

The floodplain elevation varies throughout the parcel. The following calculated floodplain elevations provided in Table IIIB-2 below were obtained from the floodplain memorandum:

Table IIIB-2: Floodplain Elevations

Location	**Floodplain Elevation from HEC-RAS**
South side of the site	974.44
South side of the Walmart building	973.90
North side of the Walmart building	973.39
North side of the site	972.88

The floodplain evaluation determined the rear of the Project Site along Oatka Creek is in an area classified as Zone A which is a floodplain with a 100 year flood elevation of approximately 974 feet Above Mean Sea Level (AMSL). The balance of the Project Site (above approximate elevation 974 feet AMSL) is designated Zone C - minimal flooding per a 1983 FEMA Flood Insurance Map (Panels No. 360950 B-0001 and 0002) contained in Appendix F. The existing and proposed store and all pavements will be set above the adjacent 100 year flood plain elevation. The Oatka Creek floodplain will not be affected by the fill at the Project Site because all the proposed grading will occur in areas outside the 100-year flood elevation. The proposed construction and grading at the Project Site will have no impact on flood levels upstream or downstream of the Project. Therefore, no adverse impacts to floodplains will result from the Project.

The NYSDEC raised a concern about impacts to the floodplain in a letter dated February 8, 2007. There will be no physical alterations to the bed or banks (within 50 feet of the stream) of Oatka Creek. All proposed grading operations will be performed outside of the 50 foot restriction zone as well as outside the 100 year flood plain. Therefore no discernible effects to the 100 year floodplain are anticipated. The proposed Grading and Drainage Plan on Drawing C-4 in Appendix B depicts the limits of proposed grading in relation to Oatka Creek.

c) Potentially Significant Adverse Drainage Impacts

The Stormwater Management Report in Appendix G details how the Project will be drained. A Grading and Drainage Plan is included in Appendix G and as Drawing C-4 in Appendix B. The three southerly draining storm sewer lines will continue to be utilized. The eastern most line will be subject to an insignificant increase in stormwater peak runoff flow rates and volumes as a result of the development of additional paving in the open

area between the McDonalds site and the Five Star Bank site. This Project will not, however, adversely impact the stormwater management system, as the existing storm sewers and detention basin were originally designed and sized to accept runoff from this area following its ultimate development as a paved area. Refer to the Stormwater Management Report in Appendix G. Appendix G-3 of the Stormwater Management Report compares existing and developed conditions.

The central storm line will continue to serve the front parking lot; however, it will also drain the building entrance vestibules added onto the front of the store. Since the area occupied by the vestibule additions is currently impervious pavement, there will be no difference in stormwater runoff magnitude associated with them. The front parking lot will also be extended an additional 60 feet to the north. This constitutes an increase in stormwater runoff; however, this expansion area will be drained to the west in order to ensure that the existing storm sewers and basin do not become overloaded.

The rear storm line will continue to be used, albeit in a relocated position. This line will serve a portion of the building roof runoff and pavement south of the building. The building portion to be drained in this fashion has been sized to ensure that there is no net increase in stormwater runoff magnitude directed southerly to the Tops Plaza basin.

Thus the existing drainage system to the Tops Plaza basin will be preserved without creating adverse impact to its operation.

The balance of the developed site, including the northern portion of the building and the expanded parking lot north of the building, will be piped to a stormwater quality basin situated west of the building, at the base of the fill slope, but outside the existing flood plain and wetland limits. This pond will be designed to comply with the requirements of the New York Stormwater Management Design Manual. It will discharge by overflow to overland flow westerly toward Oatka Creek.

Oatka Creek is a NYSDEC-designated "4th Order Stream" as it passes the Project Site, which indicates that it is a relatively large watercourse with a relatively large watershed. NYSDEC does not require stormwater quantity control when discharging to 4th order streams. As such, even though the development of the Project will increase stormwater flow rates and volumes to Oatka Creek, such increase is not considered an adverse environmental impact.

d) Potentially Significant Adverse Groundwater Impacts

No USEPA sole source aquifers or NYSDEC primary aquifers exist in the vicinity of the Project Site. No adverse impacts to groundwater are anticipated.

The Town's proposed independent action to create a Town sanitary sewer district, as discussed in Appendix I, would have a positive impact on groundwater resources. Many of the areas along the proposed sewer district are currently on septic systems or holding tanks. The availability of public sewer would tend to result in a slight increase in water usage, but it would also tend to reduce the potential for groundwater contamination from leaking septic or holding tanks or failing leach fields. Additional information on the proposed creation of a Town sanitary sewer district is provided in Section III.H.2 and Section VII.

3. Mitigation Measures for Potential Impacts to Water Resources

a) Surface Water and Wetland Mitigation

A Stormwater Management Plan will be prepared in accordance with GP-0-08-001. This plan will be available for review and comment by NYSDEC. It will address activities and practices during construction and in the permanently developed condition. Erosion and sediment transport will be controlled by the implementation of best management practices during and after construction to limit exposed earth duration, provide temporary and permanent seeding to stabilize ground surfaces, provide rip-rap and other means to dissipate energy of flowing water, provide filtration at stormwater catch basin inlets, provide temporary sediment basins to still incoming flows and effect settling of suspended earth solids in surface water runoff, and other actions. A full Stormwater Pollution Prevention Plan (SWPPP) will be kept on-site throughout construction and a copy will be filed with the Town of Warsaw. Appendix B Drawings ESC-1 and ESC-2 depict erosion control measures to be employed to control erosion and sediment transport during construction.

As shown on the Site Plan Drawing C-2 in Appendix B, all wetlands will be avoided. No impacts to onsite wetlands are anticipated. Therefore, no wetland mitigation is required.

b) Floodplain Mitigation

The Project is not anticipated to adversely impact floodplains since there will be no grading or disturbance within the 100-year floodplain. No mitigation measures are required or proposed.

c) Drainage Mitigation

As described in Appendix G, the Project Site will continue to utilize the existing stormwater drain lines currently extending southerly through the site.

The increased impervious area is mitigated by the construction of a 'wet pond' basin. The proposed basin will be located on the west side of the Walmart store. A wet pond is one of the NYSDEC approved practices to address water quality.

Storm drainage from the parking lot to the north of the building, the pavement in the rear of the building, and approximately half of the roof runoff will be collected in catch basins and conveyed in storm sewers to the proposed pond.

The basin will contain a forebay which aids in the settlement of suspended solids located within the stormwater. Next, the water will flow into the pond where it will be retained to provide more time for additional particles to settle out. Water will be discharged from the pond via an earthen weir. This will allow water to discharge in a wide pattern instead of confining it to a point source which could increase the chance for erosion of the downstream soils. The broad-crested earthen overflow weir will be designed to be resistant to erosion.

In a letter dated February 8, 2007, the NYSDEC inquired about maintenance of the stormwater area, the location of the initially proposed pond location, and the impacts to Oatka Creek.

The proposed 'wet pond' basin will be owned and maintained by the Applicant. As part of the SWPPP, maintenance responsibilities will be assigned along with detailing the required maintenance activities. In addition, frequencies will be assigned to the various maintenance activities. Appendix G of The NYSDEC Stormwater Design Manual provides maintenance inspection checklists for all of their accepted stormwater practices. The checklist includes various facets of the practice along with a frequency that each area should be inspected.

On the Site Plan drawing in the Applicant's initial site plan application to the Town, the basin was to be located within the 100-year floodplain. The current site plan attached in Appendix B has adjusted the location of the proposed basin to ensure there are no impacts to the floodplain.

There will be no physical alterations to the bed or banks (within 50 feet of the stream) of Oatka Creek. All proposed grading operations will be conducted outside of the 50 foot restriction. The proposed Grading Plan (Appendix B) depicts the limits of proposed grading in relation to Oatka Creek.

It should be noted that the existing stormwater basin located south of the Tops store is owned by Developers Diversified Realty. Therefore, the proposed maintenance plans will only cover the Project Site.

d) Groundwater Mitigation

The Project is not anticipated to adversely impact groundwater as provided in Section III.2.b. No mitigation measures are proposed.

C. Terrestrial and Aquatic Ecology

Terrestrial and aquatic ecology information for this section of this report was obtained from the *Wetland Delineation Report for the Warsaw Wal-Mart Site, Town of Warsaw, Wyoming County, New York* prepared by Terrestrial Environmental Specialists, Inc. (TES) on December 2008 (the "Wetland Delineation Report"). A copy of this document is contained in Appendix E.

1. Existing Environmental Setting

a) Endangered and Threatened Species

Conditions of wetland permitting and the New York State Environmental Quality Review Act (SEQRA) require that endangered and threatened species are addressed. The U.S. Fish and Wildlife Service (USFWS) and the New York State Department of Environmental Conservation (NYSDEC) were contacted regarding the known occurrences of federal and state-listed species on the Project Site. In a letter dated November 17, 2006 the NYSDEC responded to the information request and reported "*We have no records of known occurrences of rare or state-listed animals or plants, significant natural communities, or other significant habitats, on or in the immediate vicinity of your site."* A copy of this letter is provided in Appendix K.

The USFWS did not respond to the information request. Their website identifies the bald eagle (a delisted species) as a species known or likely to occur in Wyoming County. A copy of this information provided on their website is provided in Appendix K and in the

correspondence section of the Wetland Delineation Report contained in Appendix E. Bald eagles were not observed during visits to the Project Site. There are no eagle nests on the Project Site and appropriate habitat for this species is lacking. On January 24, 2007 Mr. Ken Roblee, a wildlife biologist at the NYSDEC Region 9 office, was contacted by phone regarding the presence of bald eagle nests in the Town of Warsaw. According to Mr. Roblee, there are no known records of nesting bald eagles in the Town of Warsaw. Further, there will be no disturbance near the woods along Oatka Creek so that no potential nesting habitat will be impacted.

During several site visits to the Project Site no state-listed endangered or threatened species of animals or plants or significant habitats were observed on site. No federal-listed endangered species were observed.

b) Site Ecology

The Project Site consists of developed land, open fields, deciduous forest upland, and wetlands. The developed area includes the Wal-Mart store, parking lot, roads, and lawn.

The open field occurs primarily between the Wal-Mart store and Oatka Creek and the tributary to Oatka Creek. These fields were dominated by red fescue (*Festuca rubra*), Canada goldenrod (*Solidago canadensis*), comfrey (*Symphytum officinale*), rough goldenrod (*Solidago rugosa*), and common teasel (*Dipsacus fullonum*). Scattered shrubs of tartarian honeysuckle (*Lonicera tatarica*), multiflora rose (*Rosa multiflora*), gray dogwood (*Cornus foemina* ssp. *racemosa*), and pussy willow (*Salix discolor*) were also present.

Three wetlands (Wetlands A, B, and C) were identified on the Project Site during a field visit on November 2, 2006. A fourth area (Wetland D) was delineated on April 13, 2007 after it was determined that it was an excavated pond, not a detention pond. This pond was delineated again on July 2, 2008. These areas are described in detail in Section III.B.1.a.

2. Potentially Adverse Ecological Impacts

Much of the Project Site is already developed or consists of previously disturbed areas and open fields. Project development will lead to a loss of some open field and wetland habitats. However, these vegetative communities are not rare and are common in this area of the country. No existing wildlife communities on-site are considered rare. It is anticipated that the further development of the land will displace the wildlife assumed to currently occupy the Project Site to adjacent areas. No impacts to endangered and threatened species are anticipated as there are no known endangered or threatened species in the vicinity of the Project Site according to state and federal agencies.

3. Ecological Mitigation Measures

The Project is not anticipated to adversely impact terrestrial upland ecology of the Project Site as discussed above. Mitigation for surface water and wetland impacts is discussed in Section III.B.3.a.

D. Historical and Cultural Resources

Historical and cultural resources information for this section of this report was obtained from the *Cultural Resource Management Report Phase I Cultural Resource Reconnaissance Survey For a Proposed Walmart Expansion on an Approximately 26-Acre Property* prepared by the Rochester Museum and Science Center (RMSC) on December 21, 2006 (the "Cultural Resources Report"). A copy of this document is contained in Appendix H. It should be noted that this report was based on an earlier layout which is depicted in Figure 6 of the Cultural Resources Report. The current layout reduces the limits of grading associated with the additional parking located north of the Wal-Mart store.

1. Existing Historical and Cultural Resources

Archeological site files checks were conducted at the Rochester Museum and Science Center's Regional Heritage Preservation Program (RMSC/RHPP) and at the New York State Office of Parks, Recreation and Historic Preservation (NYSOPRHP). The site files checks found no archaeological sites within 1.6 km (1 mi) of the Project Site.

Although no archaeological sites have been identified to date near the Project Site, this area in all probability hosted prehistoric activities by Native Americans. The Oatka Creek is a constant and reliable source of potable water; the soils are moderately fertile and spring inundations by the creek would replenish the nutrients in the soils. The wide valley itself provided shelter and the surrounding woodlands and side-cut stream gullies would have provided desired faunal, floral, and lithic resources. These attributes would suggest a high sensitivity for the potential of a prehistoric site being located within the Project Site but is tempered by the fact that no sites have been found.

Based upon historic map results and information about settlement prior to the documentation of historic maps, the Project Site would have a low potential for historic site sensitivity. Historic maps suggest that there are no historic sites located within the Project Site. Historic maps show that construction and settlement were confined to the east of NYS Route 19 until after 1976. Prior to recent development, the land usage for the level ground west of NYS Route 19 and east of the Oatka Creek appears to have been reserved for agricultural interests only.

2. Potentially Adverse Impacts to Historic or Cultural Resources

A Phase IA background research and Project Site visit revealed that almost 85% of the Project Site had already been disturbed by construction of the existing Wal-Mart facility. Therefore, Phase IB field investigations were only conducted for about 1.1 ha (2.8 acres) of the Project Site where disturbance was not obvious. The Phase IB field investigations consisted of the excavation of shovel test pits placed at 15 m (50 ft) intervals within all testable areas of the project area. Shovel test pit intervals were changed to 30 m (100 ft) where disturbance was encountered within any transect. A number of shovel test pits were found to either have the topsoils stripped - probably for grading and landscaping, or the topsoils were intermixed with layer 2 soils; most likely from previous plowing for agricultural purposes. 50% of all layers encountered were noted to have various mottling, stone, or gravel which suggested prior disturbance.

The results of these archaeological investigations did not reveal any evidence the Project Site is a culturally significant archaeological site. Within areas tested at 15 m (50 ft) intervals, on shovel test with on piece of historic ceramic was recorded. The fragment, a shard of blue

transfer-print white-ware, probably of very recent origin, was noted, but not kept. One shovel test pit contained a piece of broken drainage tile that was noted but, also not kept. Two shovel test pits contained pieces of coal and/or brick fragments as part of the fill. These artifacts were also noted but not kept.

The RMSC/RHPP concluded that additional archaeological investigations are not warranted for the Project Site. The development of the existing Wal-Mart facility has already disturbed an estimated 5.9 ha (14.7 ac) of the 7 ha (17.5 acre) Project Site. The remaining 1.1 ha (2.8 acres) of the Project Site that was subjected to Phase IB field investigations failed to produce any cultural material that was suggestive of an archaeological site.

In the summer of 2008 the Applicant contacted the New York State Office of Parks, Recreation, and Historic Preservation (NYSOPRHP) requesting comments and a review of the information contained within the Cultural Resources Report. In a letter dated September 22, 2008 NYSOPRHP replied "Based upon this review, it is the OPRHP's opinion that your project will have No Impact upon cultural resources in or eligible for inclusion in the State and National Registers of Historic Places." A copy of this letter is included in Appendix K.

3. Mitigation Measures for Historic or Cultural Resource Impacts

As discussed above, the Project is not anticipated to adversely impact historic or cultural resources. No mitigation measures are required or proposed.

E. Air Quality

1. Existing Air Quality Environmental Setting

Air quality in the Warsaw area is influenced by both fixed and mobile sources. Fixed sources include power generation and industrial facilities, home heating units, and other stationary combustion units; the predominant emissions from such units are sulfur dioxide and particulates. Mobile sources are generally defined as motor vehicles powered by internal combustion engines; the major emissions from these sources are carbon monoxide, nitrogen oxides, and hydrocarbons. In addition, the hydrocarbon emissions further react in the atmosphere to form another pollutant, photochemical oxidants.

The USEPA Green Book website: "USEPA http://www.epa.gov/air/oaqps/greenbook/ancl.html#NEW%201/DRK" was searched for "Currently Designated Nonattainment Areas for All Criteria Pollutants". Wyoming County was not listed as a nonattainment air quality area.

2. Potentially Significant Adverse Impacts to Air Quality

There is a potential for retail developments that generate additional vehicle traffic to negatively impact air quality. Under the requirements of the Clean Air Act Amendments of 1990 (CAAA90), the impact of certain projects on air quality must be studied to determine if they conform to the attainment of the National Ambient Air Quality Standards (NAAQS). Chapter 1.1 - Air Quality of the NYSDOT Environmental Procedures Manual (EPM) prepared by the NYSDOT Environmental Analysis Bureau (EAB) was used to determine if a microscale air quality study is required. Microscale analyses are performed to predict concentrations of carbon monoxide (CO) and $PM_{2.5/10}$ on a localized or microscale basis. After analyzing the results of the Traffic Impact Study (Appendix J), it was determined that an air quality analysis

is not required since the Project will not increase traffic volumes, reduce source-receptor distances, or change other existing conditions to such a degree as to jeopardize attainment of the NAAQS. Therefore, the Project is not anticipated to significantly impact air quality.

The proposed Project will use roof mounted HVAC and air exhaust units. These units do not involve any regulated air emissions from fixed sources, and will not release any direct air pollutant discharges.

It is anticipated that several truck deliveries at truck loading zones are likely to occur anytime during a typical 24-hour day. Truck idling can present air quality issues in loading dock areas if trucks are left idling for extended periods of time.

There is a potential for soils which are left exposed without surface vegetation to be susceptible to wind which creates airborne particles (dust) that could be transported off site. The potential for blowing dust is highest on dry summer days. The spring, fall, and winter seasons are usually wetter so the potential for dust will be less during those times.

3. Mitigation Measures for Potential Impacts to Air Quality

The largest impacts to air quality would result from increased amounts of vehicular traffic in the proposed parking areas and at intersections along NYS Route 19 near the Project Site. The amount of pollutants motor vehicles emit into the atmosphere is influenced by many factors including the speed of the vehicle, its operating mode, and the presence of emissions controls. It is a function of the internal combustion engine that, as vehicle speed increases, carbon monoxide and hydrocarbon emissions decrease, while nitrogen oxide emissions increase. Roadway improvements such as the installation of three-phase traffic signals at the intersection of Route 19 with the south Wal-Mart plaza driveway and the bank driveway are expected to accommodate any volume increases on the road network serving the Project Site. The internal circulation system has been designed as efficiently as possible to ensure the smooth flow of traffic and minimize unsafe conflicts between vehicles and pedestrians. This means that there is minimal time in which vehicles will be idling and most subject to incomplete combustion.

Truck idling can present air quality issues in loading dock areas if trucks are left idling for extended periods of time. It is the policy of Wal-Mart to fully comply with Environmental Conservation Law Title 6 NYCRR Part 217-3 which states "No person who owns, operates or leases a heavy duty vehicle including a bus or truck . . . shall allow or permit the engine of such heavy duty vehicle to idle for more than five consecutive minutes when the heavy duty vehicle is not in motion, except as otherwise permitted by section 217-3.3 of this Subpart." Wal-Mart currently has air quality truck idling policies that are more stringent than the New York State regulation above. Wal-Mart has in place a "No Idling Policy" for their fleet of trucks. They have installed an Auxillary Power Unit (APU) on each of their trucks. The APUs were implemented across their fleet of +/- 7,000 trucks. After 3 minutes of idling, the APU automatically comes on; the main engine does no run past 3 minutes of idling. The APU eliminates the use of the tractor's main engine and powers all heating, cooling, and communication. This very small diesel engine accomplishes this task at optimum efficiency. The implementation of APUs provides a more efficient use of energy with significant fuel savings. Overall, benefits include: reduction of fuel consumption, reduction of carbon dioxide emissions, and reduced noise impacts to the surroundings. As a result of Wal-Mart's "No Idling Policy" and the installation of APUs on all of their trucks, no significant adverse impact to air quality from truck idling are anticipated.

As previously discussed, airborne particulates (dust) may occur during the construction phase of the Project. Steps such as wetting soil surfaces and covering of trucks and other dust sources will be included as part of the specifications of the construction contract.

F. Aesthetic Resources

1. Existing Visual Environmental Setting

The Project Site is situated in a rural area in the Town of Warsaw, NY on NYS Route 19 in an area characterized by a mix of office and commercial retail.

The Project Site consists of one parcel which is comprised of the existing Wal-Mart Store #2043 and associated parking lot. The parcel consists of an irregular rectangular shaped lot consisting of approximately 27.3 acres. The Wal-Mart store is approximately 76,800 square feet in size. The building consists of a one story steel, block sided and brick constructed structure with a flat roof. The building structure appears to be in good overall condition.

Operations inside the store include a pharmacy and Subway restaurant. An outdoor seasonal garden center exists directly adjacent to the store. The garden center serves as seasonal use for outdoor type product sales. The remaining developed areas of the parcel consist of access roads and parking lots. All parking areas and access roads appeared to be in relatively good condition. The current parking lot lighting consists of 3 foot tall concrete bases, 39 foot tapered steel poles and a combination of flat and sag glass (glass lens extends down from the bottom of the fixture housing) 1000 watt metal halide light fixtures.

Located on the Project Site is a gravel fire access road which starts at the north side of the building near the garden center and continues around the building to the south side where the loading docks are located. An excavated pond is located north of the Wal-Mart store. Areas adjacent to the excavated pond, Wal-Mart store, and parking lots are generally mowed. Beyond the excavated pond north of the Project Site agricultural farmland and residential structures are apparent.

To the east of the Project Site commercial buildings include Five Star Bank and McDonalds, followed by NYS route 19 and commercial development across the street. To the south of the Project Site are commercial establishments that encompass a Tops Plaza which also includes the following establishments: Rentway, Cutting Crew, Radio Shack, Country Critters Pet Store, Sear Optical, and Dollar General.

A sanitary pump station, with a fenced above ground control panel and vent, exists near the southern boundary of the Project Site. The area immediately west of the Project Site is undeveloped farmland. Oatka Creek, with woods along its banks, also flows west of the Project Site. North of the Project Site, the undeveloped land is open with a well developed wooded hedgerow visually screening the site from residences further north.

Appendix L– “Aerial Photos”, provides aerial views of the existing Project Site and Main Street that depict the architectural elements of the Village.

2. Potentially Significant Adverse Impacts to Aesthetic Resources

After completion of the proposed Project, the visibility of the Wal-Mart building will remain essentially unchanged. A large percentage of the expansion will be along the rear of the store, which will not be visible from adjacent developments. The Project will be consistent with that of the existing development patterns present along the NYS Route 19 corridor. The Project will provide an updated appearance to the store, which will complement and enhance the appearance of the area.

Due to vegetation, topography, and proposed site layout, an extended viewshed of the Project does not exist beyond the limited views from the adjacent properties, thus providing limited views to the general public. The placement of the building approximately 500 feet from NYS Route 19 behind an existing bank building and McDonald's restaurant will limit the visibility of the Project from the public thoroughfare. As part of the Project, all light fixtures will incorporate the use of shielded flat glass fixtures to eliminate glare and reduce any spillage to off-site areas. As shown on the Xeriscape Plan (Drawing C-6) in Appendix B, landscaping will be provided on parking lot islands and along the eastern and northern property boundary to provide an aesthetically pleasing environment and soften the appearance of the parking lot and plaza building.

While the visibility of the building will remain unchanged, its appearance to those viewing it will be enhanced. The enhancements will result from the more muted color tones and additional architectural elements as shown in Figure IIIF-1. No significant adverse impacts to aesthetic resources are anticipated. Additional information on proposed aesthetic enhancements is provided below.

a) Lighting

It is the intention of the Applicant to reduce or eliminate sky glow, light trespass, and glare in the vicinity of the Project Site to the greatest extent possible while still providing a safe and adequately lit outdoor parking lot for the public. The current site lighting is comprised of flat and sag glass fixtures. Due to the optics of the sag glass fixtures and the amount of light spill they produce, they will be replaced with dark sky - compliant flat glass fixtures. Several fixtures were added in the new parking areas in order to provide adequate lighting. The layout of all of the light fixtures shown on the Lighting Photometric Plan (Drawing LT-1) in Appendix B will provide a minimum of 1.8 footcandles in the parking area while assuring cutoff at the edges of the property lines. The proposed lighting plan reduces or eliminates light trespass beyond the Project Site boundaries.

The Lighting Plan includes photometrics that extend 50-feet beyond the Walmart parcel. It should be noted that the plan does not account for illumination attributable to sources outside the project site. There are no residences within 300 feet of the project site.

b) Landscaping

The expansion of parking into the open area adjacent to NYS Route 19 will be visually softened by extensive tree planting between the parking area and the highway and also between the lot and the McDonalds parcel, as depicted in the Xeriscape Plan (Drawing C-6) in Appendix B. Similarly, landscaping will be provided along the east and north edges of the parking lot expansion behind the bank to provide visual screening from the east and north. Additional plantings and landscaping will also be provided inside the parking lot as

shown on Drawing C-6 in Appendix B, to break up and beautify the parking fields. Tree species proposed in landscaped areas include Red Oak, Colorado Blue Spruce, Austrian Pine, and Locust. Shrub species include Sea Green Juniper, Blue Chip Juniper, Carefree Delight Rose, and Magic Carpet Spiraea. A large Autumn Brilliance Serviceberry tree will also be planted in the storefront sidewalk. The parking lot will also be restriped and resurfaced to give a fresh appearance. All of these measures will enhance the visual effects of the Project Site.

c) Architecture

The Applicant has developed a building façade design that will complement the architecture of the surrounding developments. The Architectural Elevations and building mounted signage details are included in Figure IIIF-1. Design elements break the front facade view into smaller units. These include varied roof lines and utilize a variety of building materials to increase the visual interest of the building façade. The scale of the façade is further broken up through the introduction of multiple setbacks and three-dimensional features applied to the façade.

The building façade is primarily comprised of four building materials. These include, by amount of façade covered from largest to smallest:

- Colored, exposed aggregate precast concrete
- "Trespa" composite phenolic flat panels
- Exterior insulation finish system (EIFS)
- Architectural masonry

Decorative architectural details include the use of canopies, architectural standing seam metal roof and glass and metal storefront system.

The façade in the region from the ground to 8'0 above is enhanced with features of human interest such as sconce lighting, plantings, benches and an iconic tree. This area also sports canopies near the entrances. These features are intended to create a scale that is people friendly in the area that minimizes the size of the building to pedestrians approaching it.

Building mounted architectural accent lighting is included. This improves safety, adds to the aesthetic interest of the building and aids in wayfinding. Wayfinding is further enhanced through the use of bollard lighting away from the entry vestibules. At vestibules, safety bollards are unlit to avoid conflicts with the entry lighting.

A tall rooftop parapet wall around the entire building will provide visual screening of the roof top equipment. Parapets vary from 7' typically in front to 5' in the rear of the building.

The fencing at the garden center is enclosed by ornamental metal panels set between masonry columns. The height of the proposed fencing is approximately 12 feet. Masonry walls will provide screening at the trash compactors and at the truck receiving docks.

An alternative building façade view is included as Figure IIIF-3. This is the "Lifestyle Prototypical Variation" and is also currently approved by use for Wal-Mart. Features differing from the enhanced prototypical design shown on Figure IIIF-1 are:

- Adding a shed roof on both sides of both entry vestibules;

- Raising both entry vestibule roofs and adding windows;
- Moving the "Market and Pharmacy" sign off the Grocery entry vestibule to make way for the windows;
- Adding masonry wainscoting to a height of approximately 3 feet above the floor to the left of the Grocery entrance;
- Changing the color of the awning on both sides of the General Merchandise entry vestibule.

During the Site Plan approval process there will be discussion of the building appearance with the Planning Board and the opportunity for the Applicant to work with the Town to develop the most appropriate store elevation views.

Appendix L of the DEIS provides views of the store fronts along both sides of Main Street in the Village as well as the adjacent DDR-owned Tops plaza. During the Site Plan Review, discussion of local architectural character will be undertaken.

The proposed signs are shown on the Architectural Elevations found in Figure IIIF-1.

d) Signage

The details of proposed building mounted signs are found in Figure IIIF-2. 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.
- 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 Warsaw 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 Town of Warsaw business license, and shall provide evidence of a current, valid Workman's Compensation Insurance policy.

3. Mitigation Measures for Aesthetic Resources Impacts

Based upon the fact that the visibility of the Project Site will be essentially unchanged and its appearance upgraded, it is concluded that there will be no significant detrimental visual or aesthetic impacts resulting from the Project. The aesthetics of the Project Site will be enhanced. Therefore, no additional mitigation measures are necessary or required.

G. Transportation

Transportation and traffic information for this section of this report was obtained from the *Traffic Impact Study Version 2, Retail Development on New York State Route 19 Located Between Saltvale Road and Buffalo Road, Town of Warsaw, Wyoming County, New York* prepared by Bergmann Associates on January 2009. A copy of this document is contained in Appendix J.

1. Existing Transportation Setting

Existing traffic conditions of the study area have been evaluated and included in this section of the DEIS. A regional project location and roadway map is shown in Figure IIIG-1. A site location road map is shown in Figure IIIG-2. Evaluated intersections are numbered 1 through 7 in Figure IIIG-2.

a) Existing Roadway System

<u>NYS Route 19</u>

NYS Route 19 is a north-south rural minor arterial that borders the east side of the Wal-Mart plaza. NYS Route 19 is a two lane roadway north of the south Wal-Mart plaza driveway, providing normal two-way traffic flow with one lane in each direction. Exclusive left turn lanes are provided at the south Wal-Mart plaza driveway. The northbound left turn lane is approximately 350 feet long and the southbound left turn lane is approximately 140 feet long. One southbound right turn lane is also provided at the south Wal-Mart plaza driveway and the storage length is approximately 290 feet. NYS Route 19 is a three lane roadway south of the south Wal-Mart plaza driveway, with one lane in each direction and

one center two way left turn lane. Travel lanes are 11 feet wide and the paved shoulders are approximately 4 feet wide near the Wal-Mart plaza and 6 feet wide near Buffalo Road.

Alignment of the road is generally straight near the development with a horizontal curve to the north between the north Wal-Mart plaza driveway and Saltvale Road. The profile of NYS Route 19 is slightly rolling. The posted speed limit is 40 mph between Buffalo Road and the north Wal-Mart plaza driveway, 30 mph south of Buffalo Road and 55 mph north of the Wal-Mart plaza. NYS Route 19 is free flow between Saltvale Road and Buffalo Road with stop sign controlled side streets including: Saltvale Road, the north Wal-Mart plaza driveway, the south Wal-Mart plaza driveway, the bank driveway opposite the south Wal-Mart plaza driveway, Buffalo Road and Doody Road.

NYS Route 19 is five lanes wide at US Route 20A with two through lanes in each direction and one left turn lane for each direction. Traffic is controlled by a two-phase actuated traffic signal at this intersection. Lane widths were measured to be approximately 11 feet at US Route 20A and parking lanes are provided on the east and west sides of the street. Right turns on red are prohibited on the southbound approach to Route 20A.

Saltvale Road (County Road 7)

Saltvale Road is Wyoming County Road #7. It is a southwest-northeast route in the Town of Warsaw. Saltvale Road is a two lane roadway located north of the Wal-Mart plaza, and provides normal two-way traffic flow with one lane in each direction. Travel lanes were measured to be 11 feet wide with 3-4 foot wide paved shoulders near NYS Route 19. The posted speed limit is 45 mph near NYS Route 19.

Buffalo Road (County Road 1)

Buffalo Road is Wyoming County Road #1. It is an east-west route in the Village and Town of Warsaw. Buffalo Road is a two lane roadway located south of the Wal-Mart plaza, and provides normal two-way traffic flow with one lane in each direction. Travel lanes were measured to be 11 feet wide with 3-4 foot wide paved shoulders near NYS Route 19.

Doody Road

Doody Road is a local east-west street in the Village of Warsaw. Doody Road is a two lane roadway located south of the Wal-Mart plaza, and provides access to residences and the Wyoming County Department of Social Services. Doody Road provides normal two-way traffic flow with one lane in each direction with no shoulders. Travel lanes were measured to be 11-12 feet wide.

Duncan Street

Duncan Street is a local east-west street in the Village of Warsaw. Duncan Street is a two lane roadway located south of the Wal-Mart plaza, and provides access east of Route 19 to residences, businesses and the Wyoming County Community Hospital. Duncan Street provides normal two-way traffic flow with one lane in each direction.

Court Street

Court Street is a local east-west street in the Village of Warsaw. Court Street is a two lane roadway located approximately 1.5 miles south of the Wal-Mart plaza, and provides access to residences and the Warsaw Schools. Court Street provides normal two-way traffic flow with one lane in each direction.

Soldiers' and Sailors' Monument stands at the intersection of Route 19 (North Main Street) and Court Street. Traffic must keep right of the monument at this intersection, where Route 19 traffic is free flow and Court Street traffic must stop and yield to Route 19 traffic. Stop signs are posted on the East and West Court Street approaches to Route 19. Traffic approaching Route 19 via East or West Court Street must stop at the stop sign and wait for a gap in Route 19 traffic. A left turn maneuver from Court Street requires the driver to 1) stop at the stop sign, 2) wait for an acceptable gap in traffic approaching from the left, 3) proceed into the circle, keeping right of the monument, 4) and then yield to traffic approaching from the right before proceeding on Route 19. Traffic was observed to flow freely on Route 19 even with two vehicles queued one behind the other on the north side of the monument.

US Route 20A

US Route 20A is an east-west major arterial route in the Town and Village of Warsaw. US Route 20A is a two lane roadway located approximately 1.5 to 2.0 miles south of the Wal-Mart plaza, and provides normal two-way traffic flow with one lane in each direction. Travel lanes were measured to be approximately 12 feet wide near NYS Route 19. On the west side of Route 19 parking lanes are provided on the north and south sides of the street. On the east side of the Route 19, no parking is permitted. The posted speed limit is 30 mph within the Village. A 20 mph speed limit school zone is located west of Route 19 near the Warsaw Elementary School.

b) Existing Traffic Volumes

Bergmann Associates conducted manual turning movement counts at seven intersections on NYS Route 19: at Saltvale Road, at the north Wal-Mart plaza driveway, at the south Wal-Mart plaza driveway, at Buffalo Road / Doody Road, Duncan Street, Court Street and at US Route 20A. See Figure IIIG-2 for a map containing the seven intersections. The traffic counts at the subject intersections 1 through 4, described above were collected on Friday, November 17, 2006 between 3:00 PM and 7:00 PM and on Saturday, November 18, 2006 between 11:00 AM and 2:00 PM except at the Wal-Mart plaza driveways where traffic was counted from 11AM to 3 PM additionally on Friday. The counts at intersections 5 through 7 were conducted between 2:30 PM and 6:00 PM on a Friday and between 11:00 AM and 2:00 PM on a Saturday.

A growth rate of 2.2% compounded annually was applied to the 2006 traffic counts to project the 2008 existing peak hour traffic volumes. The NYSDOT 2005 Traffic Data Report for New York State was utilized to research the historic growth of traffic in the study area on NYS Route 19. The study area growth per year was determined to be approximately 2.2%, retained from the original February 2007 TIS. The 2008 traffic volumes are shown in Figure GIII-3.

The traffic volumes were not adjusted for season of the year because November traffic volumes are 2.5% higher than the annual average according to the NYSDOT 2006 Traffic Data Report for factor group 30 (Route 19).

Additional intersections were studied in January 2009. Manual turning movement counts were conducted at three additional intersections on Route 19: at Duncan Street, Court Street and US Route 20A. These intersections are labeled in Figure 2. The traffic counts were conducted when school was in session on Friday January 9 from 2:30 PM to 6:00 PM and also on Saturday January 10 from 11:00 AM to 2:00 PM.

The traffic counts were compared with various Route 19 and Route 20A counts from June 2006 and August 2005. The intersection count volumes compared favorably and were therefore not adjusted for seasonal variation. The count data represents above normal conditions for January.

A comparison of counts performed at Duncan Street with counts performed previously at Buffalo Road / Doody Road was also favorable. A 5% increase to Route 19 volume at Duncan Street was applied for the Saturday peak hour.

The traffic count time periods were chosen because the combined traffic of the adjacent streets and similar land developments generally peak during these time periods. The traffic counts were recorded by 15-minute increments to enable identification of specific peak hours and traffic peaking characteristics within the peak hour. The study area Friday PM and Saturday mid-day peak hours were determined to be 4:00 PM to 5:00 PM and 11:15 AM to 12:15 PM respectively. The exceptions occurred at Court Street and US Route 20A where the peak hour began at 11:30 AM on Saturday. The Friday PM peak hour occurred at 4:30 PM at US Route 20A. Detailed count data can be found in Appendix A of the Traffic Impact Study. A copy of the Traffic Impact Study is contained in Appendix J of this DEIS.

The traffic volumes were not adjusted for season of the year because November traffic volumes are 2.5% higher than the annual average according to the NYSDOT 2006 Traffic Data Report for factor group 30 (Route 19).

Data was obtained from the NYSDOT regarding the existing traffic volume along Route 19. This data is from station 460004 which is located near the Buffalo Road / Doody Road Intersection. The report titled “New York Department of Transportation Classification Count Average Weekday Data Report” was reviewed for the existing heavy truck traffic volumes. This data report is from June 2006. A copy of this report is included in Appendix N.

Our analysis takes into account truck traffic which is defined as F-8 to F-13, “truck traffic.” These designations are defined on the attached data sheets and include trucks with 4 or more axles . This includes Wal-Mart delivery trucks. The data indicates a total truck volume of 57 and 62 trucks northbound and southbound, respectively. It is anticipated that current traffic distribution will not change significantly.

c) Existing Levels of Service

Level of Service (LOS) analysis is a means of determining the ability of an intersection to accommodate traffic volumes. The analysis is based on intersection street geometrics, traffic controls and traffic maneuvers. The analysis produces an indication of the Level of Service at which an intersection is functioning or is expected to function for future conditions.

The Level of Service procedures are provided in the Highway Capacity Manual (HCM) published by the Transportation Research Board, 2000. Version 7 of Synchro was utilized

to determine the LOS for the subject intersections. Synchro implements the methods of the HCM for signalized and unsignalized intersection analyses. Analysis of intersection operations using SimTraffic was also performed. SimTraffic offers a microscopic simulation of traffic flow considering interaction between driver and vehicle characteristics, geometry, and traffic control. Analysis using SimTraffic offers a method of assessing vehicle delay at stop sign controlled approaches where a nearby traffic signal affects gaps in traffic.

Level of Service is defined by letter characters that range from A to F, with A representing the best traffic operating conditions that have little or no delay and F characterizing the worst conditions that have significant delay. LOS A through D are usually considered acceptable and LOS E is usually considered representative of conditions where improvements are needed. LOS F operating conditions are typically unacceptable and improvements are needed, in the form of traffic control, geometric changes or a combination of both.

Levels of service for signalized and unsignalized intersections are identified by the average control delay experienced by vehicles in seconds/vehicle. LOS for signalized intersections is determined for each traffic movement and the total intersection. The range of seconds of delay defining level of service is different for signalized and unsignalized intersections, so the LOS results should not be compared to one another. Full definitions of levels of service for signalized and unsignalized intersections are included in Appendix B of the Traffic Impact Study. Table IIIG-1 shows the range of delay defining LOS for signalized intersections. Table IIIG-2 shows the range of delay defining LOS for signalized intersections.

Table IIIG-1: Level of Service for Signalized Intersections

LOS	CONTROL DELAY PER VEHICLE (sec)
A	Less than or equal to 10.0
B	Greater than 10.0 to no more than 20.0
C	Greater than 20.0 to no more than 35.0
D	Greater than 35.0 to no more than 55.0
E	Greater than 55.0 to no more than 80.0
F	Greater than 80.0

Table IIIG-2: Level of Service for Unsignalized Intersections

LOS	CONTROL DELAY PER VEHICLE (sec)
A	Less than or equal to 10.0
B	Greater than 10.0 to no more than 15.0
C	Greater than 15.0 to no more than 25.0
D	Greater than 25.0 to no more than 35.0
E	Greater than 35.0 to no more than 50.0
F	Greater than 50.0

Existing Traffic Operations

The existing traffic operations during the peak hours at the subject intersections range from LOS A to F for all traffic movements according to Synchro. Level of service analysis results for the intersections are provided in Table IIIG-3 and described below. Detailed level of service analysis results are contained in Appendix B of the Traffic Impact Study.

All Route 19 approaches at study area intersections are free flow and operate at LOS A. The Saltvale Road approach to Route 19 is stop sign controlled and operates at LOS B during the peak hours according to Synchro.

The north Wal-Mart plaza driveway exit lane approach to Route 19 is a right turn only controlled by a stop sign and operates at LOS B during the Friday PM peak hour and LOS A during the Saturday Mid-day peak hour. The south Wal-Mart plaza driveway exit consists of one shared left turn / through lane and one exclusive right turn lane. The shared left / through lane operates at LOS F during the peak hours and the right turn lane operates at LOS B. The stop sign controlled bank driveway located opposite the south Wal-Mart plaza driveway operates at LOS F during the peak hours.

The Buffalo Road approach to Route 19 exhibits level of service F and E during the Friday PM and Saturday Mid-day peak hours respectively according to Synchro. The Doody Road approach to Route 19 operates at LOS E and C during the Friday and Saturday peak hours respectively.

The 2008 Synchro average vehicle delay during the Friday PM peak hour on the Buffalo Road approach is 97 seconds as shown in Table IIIG-3. The SimTraffic delay is 30 seconds. Actual delays are estimated to be approximately 64 seconds, the average of 97 and 30 seconds.

The intersection of Route 19 with Duncan Street operates with LOS A overall. Route 19 operates at LOS A and Duncan Street operates at LOS C.

Traffic flow at the intersection of Route 19 with Court Street (traffic circle at Soldiers' and Sailors' Monument) is fair to very good during the peak hours, with LOS A for Route 19, LOS C or better for East Court Street and LOS D or better for West Court Street. The school peak hour was observed to be 2:30 to 3:30 PM with Synchro results shown in Table 3. A crossing guard was observed to take control of intersection operations at short intervals during the 2:40 to 3:15 PM time period. At times Route 19 traffic was stopped by the crossing guard for a short time for students to cross and for buses to pass, but the level of service was observed to be fair to good with acceptable flow. Actual delays on Court Street during the Saturday peak hour were measured and compare very favorably to the delays shown in Synchro. Overall traffic flow was observed to provide fair to very good levels of service. Detailed Court Street delay data is shown in Appendix A and detailed Synchro results are shown in Appendix B.

The intersection of Route 19 with US Route 20A operates with LOS B during the Friday peak hour and LOS A during the Saturday peak hour. Route 19 operates at LOS B or better and US Route 20A operates at LOS B or better.

Left turn lanes on Route 19 were observed to adequately accommodate vehicle queue lengths during the traffic counts and field visits at the south Wal-Mart plaza driveway, the bank driveway, Buffalo Road, Doody Road, at Duncan Street and US Route 20A. Left turn lane storage areas were not observed to fill to capacity during the field visits and turning movement counts.

TABLE IIIG-3: EXISTING SYNCHRO LEVEL OF SERVICE RESULTS

Intersection	Approach		2008 Existing			
			Fri PM Peak Hour		Sat Midday Peak	
			LOS	Control Delay (sec/veh)	LOS	Control Delay (sec/veh)
NYS Route 19 at	Westbound	LR	B	12.7	B	10.9
Saltvale Road	*Westbound*	*Approach*	*B*	*12.7*	*B*	*10.9*
	Northbound	TR	A	0.0	A	0.0
Unsignalized	*Northbound*	*Approach*	*A*	*0.0*	*A*	*0.0*
	Southbound	LT	A	0.1	A	0.0
	Southbound	*Approach*	*A*	*0.1*	*A*	*0.0*
NYS Route 19 at	Eastbound	Right	B	10.8	A	9.8
North Wal-Mart	*Eastbound*	*Approach*	*B*	*10.8*	*A*	*9.8*
Plaza Driveway	Northbound	Through	A	0.0	A	0.0
	Northbound	*Approach*	*A*	*0.0*	*A*	*0.0*
Unsignalized	Southbound	Through	A	0.0	A	0.0
	Southbound	Right	A	0.0	A	0.0
	Southbound	*Approach*	*A*	*0.0*	*A*	*0.0*
NYS Route 19 at	Eastbound	LT	F	160.7	F	93.3
South Wal-Mart	Eastbound	Right	B	13.6	B	12.3
Plaza Driveway	*Eastbound*	*Approach*	*E*	*42.6*	*D*	*31.3*
	Westbound	LTR	F	364.3	F	106.1
Unsignalized	*Westbound*	*Approach*	*F*	*364.3*	*F*	*106.1*
	Northbound	Left	A	9.4	A	8.9
	Northbound	TR	A	0.0	A	0.0
	Northbound	*Approach*	*A*	*5.6*	*A*	*5.5*
	Southbound	Left	A	7.8	A	7.6
	Southbound	Through	A	0.0	A	0.0
	Southbound	Right	A	0.0	A	0.0
	Southbound	*Approach*	*A*	*0.2*	*A*	*0.0*
NYS Route 19 at	Eastbound	LTR	F	97.0	E	37.5
Buffalo Road and	*Eastbound*	*Approach*	*F*	*97.0*	*E*	*37.5*
Doody Road	Westbound	LTR	E	36.1	C	17.6
	Westbound	*Approach*	*E*	*36.1*	*C*	*17.6*
Unsignalized	Northbound	Left	A	9.3	A	9.0
	Northbound	TR	A	0.0	A	0.0
	Northbound	*Approach*	*A*	*0.6*	*A*	*0.4*
	Southbound	Left	A	8.5	A	8.5
	Southbound	TR	A	0.0	A	0.0
	Southbound	*Approach*	*A*	*0.0*	*A*	*0.1*

LR: Shared Left and Right TR: Shared Through and Right

LT: Shared Left and Through LTR: Shared Left, Through, and Right

TABLE IIIG-3: EXISTING SYNCHRO LEVEL OF SERVICE RESULTS (cont'd)

Intersection	Approach		2008 Existing			
			Fri PM Peak Hour		Sat Midday Peak	
			LOS	Control Delay (sec/veh)	LOS	Control Delay (sec/veh)
NYS Route 19 at	Eastbound	LTR	A	0.0	A	0.0
Duncan Street	*Eastbound*	*Approach*	*A*	*0.0*	*A*	*0.0*
	Westbound	LT	C	30.7	D	47.6
	Westbound	Right	A	9.7	B	17.2
Signalized	*Westbound*	*Approach*	*C*	*20.2*	*C*	*32.9*
	Northbound	Left	A	0.0	A	0.0
	Northbound	TR	A	5.1	A	2.7
	Northbound	*Approach*	*A*	*5.1*	*A*	*2.7*
	Southbound	Left	A	3.2	A	2.1
	Southbound	TR	A	5.8	A	2.6
	Southbound	*Approach*	*A*	*5.8*	*A*	*2.6*
	Overall		A	7.0	A	4.3
NYS Route 19 at	Eastbound	LTR	C	24.4	B	14.9
Court Street	*Eastbound*	*Approach*	*C*	*24.4*	*B*	*14.9*
	Westbound	LTR	C	15.2	B	11.7
STOP on Court St	*Westbound*	*Approach*	*C*	*15.2*	*B*	*11.7*
	Northbound	LTR	A	1.3	A	1.1
	Northbound	*Approach*	*A*	*1.3*	*A*	*1.1*
	Southbound	LTR	A	0.0	A	0.0
	Southbound	*Approach*	*A*	*0.0*	*A*	*0.0*
NYS Route 19 at	Eastbound	LTR	D	27.6		
Court Street*	*Eastbound*	*Approach*	*D*	*27.6*		
	Westbound	LTR	C	16.3		
* SCHOOL PEAK	*Westbound*	*Approach*	*C*	*16.3*		
2:30 TO 3:30 PM	Northbound	LTR	A	1.6		
	Northbound	*Approach*	*A*	*1.6*		
STOP on Court St	Southbound	LTR	A	0.1		
	Southbound	*Approach*	*A*	*0.1*		
NYS Route 19 at	Eastbound	LTR	B	15.2	B	12.1
Route 20A	*Eastbound*	*Approach*	*B*	*15.2*	*B*	*12.1*
	Westbound	LTR	B	11.6	A	5.9
Signalized	*Westbound*	*Approach*	*B*	*11.6*	*A*	*5.9*
	Northbound	Left	B	11.6	A	8.2
	Northbound	TR	A	7.9	A	7.0
	Northbound	*Approach*	*A*	*8.7*	*A*	*7.2*
	Southbound	Left	B	14.2	A	9.6
	Southbound	TR	B	10.0	A	7.5
	Southbound	*Approach*	*B*	*11.0*	*A*	*8.0*
	Overall		B	11.3	A	8.2

LR: Shared Left and Right TR: Shared Through and Right

LT: Shared Left and Through LTR: Shared Left, Through, and Right

d) Existing Off-Site Pedestrian Traffic and Facilities

Existing facilities in the vicinity of the Wal-Mart plaza include a sidewalk on the west side of Route 19 extending from the south Wal-Mart plaza driveway to the south. Significant pedestrian activity north of the south Wal-Mart plaza driveway is not expected because it is a rural area. The Warsaw schools are located more than 1.5 miles to the south of the Wal-Mart plaza. Warsaw Elementary School is located between West Court Street and West Buffalo Street and Warsaw High/Middle School is located north of West Court Street. Crossing guards are provided to help school children cross Buffalo Street near the elementary school and to cross Route 19 at Court Street.

Crosswalks are provided for pedestrians to cross Route 19 at several intersections between the Wal-Mart plaza and Buffalo Street (Route 20A). The intersections are Buffalo Road/Doody Road, Doody Street, Duncan Street, Highland Avenue, Reid Avenue, North Street, Court Street, Frank Street, Genesee Street and Buffalo Street (Route 20A). The Duncan Street and Buffalo Street intersections are signalized with pedestrian pushbuttons to cross Route 19.

Pedestrian traffic volumes were observed to be low during the intersection turning movement counts. Pedestrian traffic was counted at the four intersections where turning movements were conducted and detailed data is included in Appendix A. No pedestrians were observed at the intersection of Route 19 with Saltvale Road during the 7 hours total (traffic was counted for 4 hours on Friday and 3 hours on Saturday). Only 4 pedestrians were counted at the intersection of Route 19 with Buffalo Road and Doody Road during the 7 hours. The Route 19 intersections with the two plaza driveways were counted for a total of 11 hours over the two days. There were two pedestrians at the north driveway intersection and 18 at the south driveway intersection.

The degree of impact to a location is related to the distance from the Wal-Mart because trip volumes are distributed to the various roads in the regional road system. Generally, the farther a location is from Wal-Mart the lower the impact. The greatest impact on vehicle and pedestrian traffic occurs at nearby intersections. When studying the impact to intersections on Route 19, impacts at Court Street are less than impacts at North Street, which are less than impacts at Buffalo Road / Doody Road because Court Street is the furthest side street from Wal-Mart and traffic is distributed to/from side streets along Route 19.

The school crossing located at the North Street intersection can be identified by the school crossing signs on Route 19. The impact of development traffic at this location is projected to be low at less than an 8% increase to Route 19 traffic during the weekday hour of peak traffic. The impact decreases when progressing southward away from Wal-Mart.

Adequate gaps in traffic on Route 19 were observed to occur, allowing pedestrians to safely cross Route 19. Route 19 was observed between Elm Street and Rochester Street to study pedestrians between 3:00 PM and 3:30 PM on a school day. School children were generally observed to take 5 to 10 seconds to cross Route 19. Adequate sight distances are available for pedestrians to see oncoming traffic to the north and south on Route 19 at all of the crosswalk locations presented above. Based on a study of gaps in Route 19 traffic, pedestrians wait an average of 40 seconds for an acceptable gap in Route 19 traffic before crossing. The gap study data is contained in Appendix G of the Traffic Impact

Study. The New York State Manual of Uniform Traffic Devices recommends at least one gap per minute. Approximately 1.5 gaps per minute were observed for crossing Route 19 based on the gap study performed during the weekday PM peak hour.

e) Existing On-Site Pedestrian and Vehicular Circulation

Shoppers currently access the site either via the northern right-in, right-out entrance or the main southern entrance. Parking is in front of the store, with additional parking, much of it employee parking, north of the store. Cars do not travel behind the store. Truck deliveries utilize the main entrance and loading dock area behind the store. Some garden center deliveries are made immediately north of the garden center, with trucks accessing the area from the parking lot in front of the store and exiting at the main southern entrance.

At present, pedestrians are not easily accommodated by the Wal-Mart store. Virtually all pedestrian shopper traffic is presumed to come from the south. A sidewalk along NYS Route 19 terminates at the southwest corner of the main Project Site entrance. A sidewalk does extend to the Tops Plaza storefront from the NYS Route 19 sidewalk at the south end of the Tops plaza. To serve the Wal-Mart with a sidewalk directly from NYS Route 19, there is very little space to extend the sidewalk north across the McDonalds parcel. To access the Wal-Mart store, pedestrians must either walk up the sidewalk at the south end of the Tops Plaza and across in front of the Tops Plaza storefronts to reach the Wal-Mart or walk across the busy site main entrance and through the Wal-Mart parking lot.

According to an assistant store manager, Wal-Mart currently receives on average five (5) large truck deliveries per day. This includes Wal-Mart trucks and direct store delivery vendor trucks. The truck traffic currently enters the site via the southern access drive and proceeds to the loading docks located on the southwest corner of the building.

f) Summary of Existing Conditions

Study area intersections are seven intersections on Route 19: at Saltvale Road, the north Wal-Mart plaza driveway, the south Wal-Mart plaza driveway / the bank driveway, at Buffalo Road / Doody Road, Duncan Street, Court Street and at US Route 20A. Existing levels of service at the Saltvale Road, the north Wal-Mart plaza driveway, Duncan Street, Court Street and at the US Route 20A intersections are acceptable at LOS C or better for all individual intersection approach lanes. The south Wal-Mart plaza driveway, the bank driveway and the Buffalo Road approaches to Route 19 exhibit LOS F during at least one of the peak hours. Left turn lanes on Route 19 were observed to adequately accommodate vehicle queue lengths at the south Wal-Mart plaza driveway, the bank driveway, Buffalo Road / Doody Road, Duncan Street and at US Route 20A.

2. Potentially Significant Adverse Traffic Impacts

An expansion of the existing 76,800± square foot Wal-Mart located on the west side of NYS Route 19 south of Saltvale Road in the Town of Warsaw is proposed. This section of the DEIS evaluates the estimated future traffic conditions and impacts as a result of the proposed development.

a) Trip Generation Estimates

The trip generation estimate for the proposed Project is based on data obtained from traffic counts at the existing plaza driveways and Wal-Mart Supercenter data. A summary of the trip estimate is provided in Table IIIG-4. Table IIIG-5 contains the projected increase to traffic entering and exiting the Wal-Mart plaza.

TABLE IIIG-4: SUPERCENTER TRIP GENERATION

TRIPS GENERATED DURING THE:		**FRIDAY PM PEAK HOUR**	**SATURDAY MID-DAY PEAK HOUR**
LAND USE	SIZE	TOTAL TRIPS	TOTAL TRIPS
Wal-Mart Supercenter	**155,000 S.F.**	4.74 * 155 = 735	6.17 * 155 = 956

TYPE OF TRIP	ENTERING	EXITING	ENTERING	EXITING
Shared Trips (20%)	73	73	101	90
Pass-By Trips (20%)	73	73	101	90
Primary Trips (60%)	222	221	305	269
Total Trips	**368**	**367**	**507**	**449**

Trip rates obtained from traffic counts conducted at existing Wal-Mart Supercenters.
Pass-By Trips originate from Route 19 and would pass by the site if the Wal-Mart expansion was not there.

Trips generated by the expansion will consist of shared trips, primary (new) trips and pass-by trips. Shared trips will patronize two or more land uses within the development and represent less trips entering and exiting the plaza. Primary trips are a direct result of the development and represent new traffic to the surrounding traffic system. Pass-by trips do not represent new traffic to the surrounding street system. The source of pass-by trips is traffic that is projected to exist on NYS Route 19 without regard to the expansion. Pass-by trips represent an increment to traffic entering and exiting the plaza.

The percentage of pass-by trips was determined to be 20% for the development traffic based upon count data and data taken from the ITE Trip Generation Handbook. The remaining trips are primary (new) trips added to the surrounding street system.

TABLE IIIG-5: PLAZA TRIP INCREASE

TRIPS GENERATED DURING THE:		FRIDAY PM PEAK HOUR		SATURDAY MID-DAY PEAK HOUR	
TYPE OF TRIP		TOTAL TRIPS		TOTAL TRIPS	
LAND USE	SIZE	ENTERING	EXITING	ENTERING	EXITING
Proposed Wal-Mart Trips (less shared trips)	155,000 S.F.	589		765	
		295	*294*	*406*	*359*
Existing Wal-Mart Trips (less shared trips)	76,800 S.F.	359		319	
		181	*178*	*169*	*150*
Additional Plaza Trips	79,833 S.F. Expansion	230		446	
		114	*116*	*237*	*209*
Pass-By Trips (25%)		29	29	59	52
Primary Trips (75%)		85	87	178	157

b) Trip Distribution Projections

This phase of the traffic analysis involved distribution of the projected peak hour traffic generated by the development to the surrounding roadway system. The projected traffic volumes calculated during the trip generation phase were distributed onto the roadway system based on existing traffic patterns.

The distribution reflects the percentage of traffic generated by the expansion projected to travel through the study area intersections. The percentage of primary trips projected to come from or go to the north on Route 19 is 18%. Eighty percent (80%) is projected to use Route 19 south of the Wal-Mart plaza. The percentage of primary trips on US Route 20A is 25% to the east and 15% to the west. The population of the Village and Town of Perry is expected to draw approximately 10% more traffic to/from the east than to/from the west. Southern Warsaw, Wethersfield, Gainesville, Castile, etc. are expected to draw approximately 25% of the Wal-Mart traffic based on population statistics. The percentage of primary trips on Duncan Street is 0% and on Court Street is 0% to the east and 2% to the west. The percent distribution of the development generated primary traffic is shown in Figure IIIG-4.

The distribution of development pass-by traffic considered the directional distribution of traffic on Route 19. The traffic counted during the peak hours on NYS Route 19 at the Wal-Mart plaza driveways was utilized. The percent distribution of the development generated pass-by traffic is shown in Figure IIIG-5. The projected assignment of primary traffic is shown in Figure IIIG-6 and pass-by traffic is shown in Figure IIIG-7.

The Applicant anticipates that after the expansion there will be, on average, three Wal-Mart delivery trucks and six direct store delivery vendor trucks per day. This is an increase of 4 trucks per day over the current volume of delivery trucks. Smaller direct store delivery trucks will also be making deliveries to this store. These trucks will be the size of a small “bread” delivery truck.

c) Future Traffic Evaluation

(1) 2010 No-Build Traffic

A growth rate of 1% compounded annually was applied to 2008 traffic volumes to project 2010 No-Build peak hour traffic volumes. The NYSDOT 2006 Traffic Data Report for New York State was utilized to research the historic growth of traffic in the study area on NYS Route 19. The trend indicated from recent data shows a lower rate of growth than determined at the time of the original February 2007 TIS. The projected 2010 No-Build traffic at the subject intersections is shown in Figure IIIG-8. Figure IIIG-8 represents traffic expected to use the subject intersections in 2010 without the retail development.

(2) 2010 No-Build Levels of Service

The projected 2010 Synchro peak hour traffic operations at the subject intersections are similar to existing operations, ranging from LOS A to F. Synchro level of service analysis results are provided in Table IIIG-6. Detailed level of service analysis results are contained in Appendix C of the Traffic Impact Study.

All Route 19 approaches at study area intersections are projected to continue to operate at LOS A. The Saltvale Road approach to Route 19 is projected to continue to operate at LOS B during the peak hours.

The north Wal-Mart plaza driveway exit lane approach to Route 19 is projected to operate at the same peak hour levels of service in 2010.

The south Wal-Mart plaza driveway exit consists of one shared left turn and through lane and one exclusive right turn lane. The shared left and through lane is projected to continue to operate at LOS F and the right turn lane at LOS B. The bank driveway level of service is project to be LOS F during the peak hours.

Levels of service at the intersection of Route 19 with Buffalo Road and Doody Road are projected to remain the same in 2010 with normal growth of traffic. The Doody Road approach to Route 19 operates at LOS E and C during the Friday and Saturday peak hours respectively. The Buffalo Road approach to Route 19 is projected to exhibit level of service F and E during the Friday PM and Saturday Mid-day peak hours respectively with average delays of 112 and 38 seconds during the Friday and Saturday peak hours respectively. The Simtraffic estimates of average vehicle delay are 44 and 18 seconds for the Buffalo Road approach during the Friday and Saturday peak hours respectively. Based on the fact that the actual measure delays on this approach are approximately the average of the Synchro and SimTraffic estimates as shown in Section III.G.1.c, the delays are projected to be 78 and 28 seconds during the Friday and Saturday peak hours respectively.

TABLE IIIG-6: 2010 NO-BUILD LEVEL OF SERVICE RESULTS

Intersection	Approach		2010 No-Build			
			Fri PM Pk Hr		Sat Midday Pk Hr	
			LOS	Control Delay (sec/veh)	LOS	Control Delay (sec/veh)
NYS Route 19 at	Westbound	LR	B	12.8	B	10.9
Saltvale Road	*Westbound*	*Approach*	*B*	*12.8*	*B*	*10.9*
	Northbound	TR	A	0.0	A	0.0
Unsignalized	*Northbound*	*Approach*	*A*	*0.0*	*A*	*0.0*
	Southbound	LT	A	0.1	A	0.0
	Southbound	*Approach*	*A*	*0.1*	*A*	*0.0*
NYS Route 19 at	Eastbound	Right	B	10.9	A	9.8
North Wal-Mart	*Eastbound*	*Approach*	*B*	*10.9*	*A*	*9.8*
Plaza Driveway	Northbound	Through	A	0.0	A	0.0
	Northbound	*Approach*	*A*	*0.0*	*A*	*0.0*
Unsignalized	Southbound	Through	A	0.0	A	0.0
	Southbound	Right	A	0.0	A	0.0
	Southbound	*Approach*	*A*	*0.0*	*A*	*0.0*
NYS Route 19 at	Eastbound	LT	F	188.0	F	105.9
South Wal-Mart	Eastbound	Right	B	13.8	B	12.5
Plaza Driveway	*Eastbound*	*Approach*	*E*	*48.0*	*D*	*34.3*
	Westbound	LTR	F	437.9	F	121.3
Unsignalized	*Westbound*	*Approach*	*F*	*437.9*	*F*	*121.3*
	Northbound	Left	A	9.4	A	8.9
	Northbound	TR	A	0.0	A	0.0
	Northbound	*Approach*	*A*	*5.6*	*A*	*5.6*
	Southbound	Left	A	7.8	A	7.7
	Southbound	Through	A	0.0	A	0.0
	Southbound	Right	A	0.0	A	0.0
	Southbound	*Approach*	*A*	*0.2*	*A*	*0.0*
NYS Route 19 at	Eastbound	LTR	F	111.6	E	40.1
Buffalo Road and	*Eastbound*	*Approach*	*F*	*111.6*	*E*	*40.1*
Doody Road	Westbound	LTR	E	38.3	C	17.9
	Westbound	*Approach*	*E*	*38.3*	*C*	*17.9*
Unsignalized	Northbound	Left	A	9.4	A	9.1
	Northbound	TR	A	0.0	A	0.0
	Northbound	*Approach*	*A*	*0.6*	*A*	*0.4*
	Southbound	Left	A	8.5	A	8.5
	Southbound	TR	A	0.0	A	0.0
	Southbound	*Approach*	*A*	*0.0*	*A*	*0.1*

LR: Shared Left and Right TR: Shared Through and Right

LT: Shared Left and Through LTR: Shared Left, Through, and Right

TABLE IIIG-6: 2010 NO-BUILD LEVEL OF SERVICE RESULTS (cont'd)

Intersection	Approach		2010 No-Build			
			Fri PM Pk Hr		Sat Midday Pk Hr	
			LOS	Control Delay (sec/veh)	LOS	Control Delay (sec/veh)
NYS Route 19 at	Eastbound	LTR	A	0.0	A	0.0
Duncan Street	*Eastbound*	*Approach*	*A*	*0.0*	*A*	*0.0*
	Westbound	LT	C	30.9	D	47.6
	Westbound	Right	A	9.6	B	17.2
Signalized	*Westbound*	*Approach*	*C*	*20.4*	*C*	*32.9*
	Northbound	Left	A	0.0	A	0.0
	Northbound	TR	A	5.2	A	2.8
	Northbound	*Approach*	*A*	*5.2*	*A*	*2.8*
	Southbound	Left	A	3.2	A	2.1
	Southbound	TR	A	6.0	A	2.6
	Southbound	*Approach*	*A*	*2.9*	*A*	*2.6*
	Overall		A	7.1	A	4.3
NYS Route 19 at	Eastbound	LTR	D	25.4	C	15.2
Court Street	*Eastbound*	*Approach*	*D*	*25.4*	*C*	*15.2*
	Westbound	LTR	C	15.5	B	11.8
STOP on Court St	*Westbound*	*Approach*	*C*	*15.5*	*B*	*11.8*
	Northbound	LTR	A	1.3	A	1.1
	Northbound	*Approach*	*A*	*1.3*	*A*	*1.1*
	Southbound	LTR	A	0.0	A	0.0
	Southbound	*Approach*	*A*	*0.0*	*A*	*0.0*
NYS Route 19 at	Eastbound	LTR	D	28.8		
Court Street*	*Eastbound*	*Approach*	*D*	*28.8*		
	Westbound	LTR	C	16.6		
*SCHOOL PEAK	*Westbound*	*Approach*	*C*	*16.6*		
2:30 TO 3:30 PM	Northbound	LTR	A	1.6		
	Northbound	*Approach*	*A*	*1.6*		
STOP on Court St	Southbound	LTR	A	0.1		
	Southbound	*Approach*	*A*	*0.1*		
NYS Route 19 at	Eastbound	LTR	B	15.5	B	12.2
Route 20A	*Eastbound*	*Approach*	*B*	*15.5*	*B*	*12.2*
	Westbound	LTR	B	11.8	A	5.9
Signalized	*Westbound*	*Approach*	*B*	*11.8*	*A*	*5.9*
	Northbound	Left	B	12.1	A	8.3
	Northbound	TR	A	8.1	A	7.2
	Northbound	*Approach*	*A*	*8.9*	*A*	*7.3*
	Southbound	Left	B	14.7	A	9.7
	Southbound	TR	B	10.3	A	7.6
	Southbound	*Approach*	*B*	*11.3*	*A*	*8.1*
	Overall		B	11.5	A	8.3

LR: Shared Left and Right TR: Shared Through and Right

LT: Shared Left and Through LTR: Shared Left, Through, and Right

The intersection of Route 19 with Duncan Street is projected to operate at LOS A overall. Route 19 is projected to continue to operate at LOS A and Duncan Street is projected to continue to operate at LOS C.

Traffic flow at the intersection of Route 19 with Court Street is projected to continue to operate at LOS A for Route 19, LOS C or better for East Court Street and LOS D or better for West Court Street. The intersection of Route 19 with US Route 20A is projected to continue to operate at LOS B during the Friday peak hour and LOS A during the Saturday peak hour. Route 19 is projected to continue to operate at LOS B or better and US Route 20A is projected to continue to operate at LOS B or better.

(3) 2010 Build Traffic

The total projected Build traffic volumes are the sum of 2010 background traffic and the projected development traffic. Primary vehicle trips are shown in Figure IIIG-6 and pass-by vehicle trips for the peak hours are presented in Figure IIIG-7. The sum of background traffic and all site-generated trips are shown in Figure IIIG-9. This condition represents traffic after full build out of the proposed development, the 2010 Build condition.

(4) 2010 Signal Warrant Analysis

A traffic signal is warranted on Route 19 at the intersection with the south Wal-Mart plaza driveway and the bank driveway because the projected traffic volumes meet the National Manual of Uniform Traffic Control Devices (National MUTCD) and the New York State Supplement for the following warrants:

- Warrant 1, Eight-Hour Vehicular Volume
- Warrant 2, Four-Hour Vehicular Volume
- Warrant 3, Peak Hour

Because the 85 percentile speed on NYS Route 19 is above 40 miles per hour, reduced warrants 1, 2 and 3 are used here and described below. Also, the right turning vehicles turning from the south Wal-Mart plaza driveway are reduced by 60% to account for vehicles that would turn right on red for the signalized condition. Year 2010 hourly traffic volumes on NYS Route 19 were determined using the eight hour 2006 turning movement counts at the south driveway. Hourly traffic volumes projected to exit the proposed development in 2010 were determined using the projected peak hour volume shown in Figure 10 and hourly variations in exiting retail type traffic published in Table 2 on page 1449 of ITE *Trip Generation* 7th edition. Detailed results, broken down by hour, are located in Appendix D of the Traffic Impact Study.

Reduced warrant 1 is met for 8 hours on a weekday and is met for the Saturday peak hour. Reduced warrant 1 is the Eight-Hour Vehicular Volume warrant. Condition B, Interruption of Continuous Traffic, applies for this case because the traffic volume on the major street is so heavy that traffic exiting the south driveway is projected to suffer excessive delay in entering the major street. For any one hour to satisfy this reduced (70%) warrant the volume of traffic on the artery must exceed 630 vehicles and the volume of traffic on the side road approach must exceed 70 vehicles.

For each hour during the weekday time period between 11:00 a.m. and 7:00 p.m. the volume on the south driveway approach is projected to be greater than 150 vehicles. This exceeds the threshold value of 70 vehicles. The volume of traffic on Route 19 at the south driveway is projected to be greater than 700 vehicles for each hour during the time period between 11:00 a.m. and 7:00 p.m. and exceeds the threshold value of 630 vehicles. Saturday peak hour volumes are projected to also exceed the threshold values.

Warrant 2, the Four-Hour Vehicular Volume warrant is also met. This warrant is projected to be met during the 11:00 a.m. to 7:00 p.m. weekday time period, more than the minimum four hours.

Warrant 3, the Peak Hour warrant is met. This warrant is projected to be met during the 2:00 p.m. to 6:00 p.m. weekday time period, more than the minimum one hour.

Table IIIG-7 contains the results for each of the three warrants for the intersection of NYS Route 19 with the south driveway.

TABLE IIIG-7:
2010 BUILD TRAFFIC SIGNAL WARRANT RESULTS
Route 19 @ the south Wal-Mart plaza driveway

National MUTCD Warrant	Hours Required	Warrant Met?
Warrant 1 - Eight-Hour Vehicular Volume	8	Yes
Warrant 2 - Four-Hour Vehicular Volume	4	Yes
Warrant 3 - Peak Hour	1	Yes

Installation of a traffic signal is recommended at the intersection of NYS Route 19 with the south driveway because warrants 1, 2 and 3 are satisfied under projected 2010 build conditions. A traffic signal is recommended because excessive vehicle delay projected for the unsignalized scenario. Unsafe driver behavior could result from delays on the south driveway approach with stop sign control.

(5) 2010 Build Levels of Service

The traffic operations during the peak hours at the subject intersections are projected to range from LOS A to F with full build out of the proposed development according to Synchro. Projected Synchro 2010 Build level of service results for the intersections are provided in Table IIIG-8 and described below. Detailed level of service analysis results are contained in Appendix E and F of the Traffic Study. Appendix E contains results with no traffic signal at the south driveway (with the driveway controlled by a stop sign) and Appendix F contains results with a three phase signal.

The Saltvale Road approach to Route 19 is projected to continue to operate at LOS B during the peak hours. The north Wal-Mart plaza driveway exit lane approach to Route 19 is projected to operate at LOS B.

The south Wal-Mart plaza driveway exit consists of one shared left turn and through lane and one exclusive right turn lane. The shared left and through lane is projected to operate at LOS F and the right turn lane at LOS C with stop sign control. The bank driveway level of service is project to be LOS F during the peak hours with stop sign

control. Installation of a traffic signal at the south Wal-Mart plaza driveway is expected as stated in Section D. A three phase signal is recommended with a protected northbound left turn and an overlapping protected eastbound right turn. As a three phase signalized intersection the overall intersection of Route 19 with the south Wal-Mart plaza driveway is projected to operate at LOS A during the Friday peak hour and LOS B during the Saturday peak hours as shown in Table IIIG-8 on the next page. The eastbound and northbound approaches are projected to operate at LOS A with the westbound and southbound approaches at LOS B.

The Doody Road approach to Route 19 is projected to operate at LOS E and C during the Friday and Saturday peak hours respectively. The Buffalo Road approach to Route 19 is projected to exhibit level of service F from Synchro during the peak hours with average delays of 240 and 145 seconds during the Friday and Saturday peak hours respectively. The SimTraffic estimates of average vehicle delay are 77 and 49 seconds for the Buffalo Road approach during the Friday and Saturday peak hours respectively without installation of a traffic signal at the south driveway. Based on the fact that the actual measure delays on this approach are approximately the average of the Synchro and SimTraffic estimates as shown in Section III.G.1.c, the delays are projected to be 159 and 97 seconds during the Friday and Saturday peak hours respectively under the 2010 Build condition. The change is a 81 and 69 second increase to average vehicle delay during the Friday and Saturday peak hours respectively from 2010 No-Build condition delays (78 and 28 seconds) using the same method based on actual measured delays.

Analysis using SimTraffic offers a method of assessing vehicle delay at stop sign controlled approaches where a nearby traffic signal affects gaps in traffic. The likelihood of vehicle platooning on Route 19 South at Buffalo Road increases with installation of a traffic signal at the south Wal-Mart plaza driveway. The SimTraffic estimates of average vehicle delay are 67 and 37 seconds for the Buffalo Road approach during the Friday and Saturday peak hours respectively with the traffic signal.

The length of existing Route 19 North and Route 19 South turn lanes at the south Wal-Mart plaza driveway are projected to adequately accommodate vehicle queues during the peak hours under the signalized 2010 Build condition based on Synchro and SimTraffic. Synchro and SimTraffic output is located in Appendix F of the Traffic Impact Study.

The intersection of Route 19 with Duncan Street is projected to operate at LOS A overall. Route 19 is projected to continue to operate at LOS A and Duncan Street is projected to continue to operate at LOS C.

Traffic flow at the intersection of Route 19 with Court Street is projected to continue to operate at LOS A for Route 19, LOS C or better for East Court Street and LOS D or better for West Court Street.

The intersection of Route 19 with US Route 20A is projected to continue to operate at LOS B during the Friday peak hour and LOS A during the Saturday peak hour. Route 19 is projected to continue to operate at LOS B or better and US Route 20A is projected to continue to operate at LOS B or better.

TABLE IIIG-8 - 2010 PEAK HOUR LEVEL OF SERVICE RESULTS

Intersection	Approach		2008 Existing				2010 No-Build				2010 Build			
			Fri PM Peak Hour		Sat Midday Peak		Fri PM Pk Hr		Sat Midday Pk Hr		Fri PM Pk Hr		Sat Midday Pk Hr	
			LOS	Control Delay (sec/veh)	LOS	Control Delay (sec/veh)	LOS	Control Delay (sec/veh)	LOS	Control Delay (sec/veh)	LOS	Control Delay (sec/veh)	LOS	Control Delay (sec/veh)
NYS Route 19 at	Westbound	LR	B	12.7	B	10.9	B	12.8	B	10.9	B	13.3	B	11.5
Saltvale Road	*Westbound*	*Approach*	*B*	*12.7*	*B*	*10.9*	*B*	*12.8*	*B*	*10.9*	*B*	*13.3*	*B*	*11.5*
	Northbound	TR	A	0.0	A	0.0	A	0.0	A	0.0	A	0.0	A	0.0
Unsignalized	*Northbound*	*Approach*	*A*	*0.0*	*A*	*0.0*	*A*	*0.0*	*A*	*0.0*	*A*	*0.0*	*A*	*0.0*
	Southbound	LT	A	0.1	A	0.0	A	0.1	A	0.0	A	0.1	A	0.0
	Southbound	*Approach*	*A*	*0.1*	*A*	*0.0*	*A*	*0.1*	*A*	*0.0*	*A*	*0.1*	*A*	*0.0*
NYS Route 19 at	Eastbound	Right	B	10.8	A	9.8	B	10.9	A	9.8	B	11.1	B	10.1
North Wal-Mart	*Eastbound*	*Approach*	*B*	*10.8*	*A*	*9.8*	*B*	*10.9*	*A*	*9.8*	*B*	*11.1*	*B*	*10.1*
Plaza Driveway	Northbound	Through	A	0.0	A	0.0	A	0.0	A	0.0	A	0.0	A	0.0
	Northbound	*Approach*	*A*	*0.0*	*A*	*0.0*	*A*	*0.0*	*A*	*0.0*	*A*	*0.0*	*A*	*0.0*
Unsignalized	Southbound	Through	A	0.0	A	0.0	A	0.0	A	0.0	A	0.0	A	0.0
	Southbound	Right	A	0.0	A	0.0	A	0.0	A	0.0	A	0.0	A	0.0
	Southbound	*Approach*	*A*	*0.0*	*A*	*0.0*	*A*	*0.0*	*A*	*0.0*	*A*	*0.0*	*A*	*0.0*
NYS Route 19 at	Eastbound	LT	F	160.7	F	93.3	F	188.0	F	105.9	F	826.0	F	*
South Wal-Mart	Eastbound	Right	B	13.6	B	12.3	B	13.8	B	12.5	C	15.9	C	16.2
Plaza Driveway	*Eastbound*	*Approach*	*E*	*42.6*	*D*	*31.3*	*E*	*48.0*	*D*	*34.3*	*F*	*196.3*	*F*	*2657.5*
	Westbound	LTR	F	364.3	F	106.1	F	437.9	F	121.3	F	*	F	1102.0
Unsignalized	*Westbound*	*Approach*	*F*	*364.3*	*F*	*106.1*	*F*	*437.9*	*F*	*121.3*	*F*	*	*F*	*1102.0*
	Northbound	Left	A	9.4	A	8.9	A	9.4	A	8.9	B	10.1	B	10.1
	Northbound	TR	A	0.0	A	0.0	A	0.0	A	0.0	A	0.0	A	0.0
	Northbound	*Approach*	*A*	*5.6*	*A*	*5.5*	*A*	*5.6*	*A*	*5.6*	*A*	*6.6*	*A*	*7.5*
	Southbound	Left	A	7.8	A	7.6	A	7.8	A	7.7	A	7.8	A	0.0
	Southbound	Through	A	0.0	A	0.0	A	0.0	A	0.0	A	0.0	A	0.0
	Southbound	Right	A	0.0	A	0.0	A	0.0	A	0.0	A	0.0	A	0.0
	Southbound	*Approach*	*A*	*0.2*	*A*	*0.0*	*A*	*0.2*	*A*	*0.0*	*A*	*0.2*	*A*	*0.0*
NYS Route 19 at	Eastbound	LT	-	-	-	-	-	-	-	-	C	24.1	C	25.4
South Wal-Mart	Eastbound	Right	-	-	-	-	-	-	-	-	A	2.9	A	2.8
Plaza Driveway	*Eastbound*	*Approach*	*-*	*-*	*-*	*-*	*-*	*-*	*-*	*-*	*A*	*7.6*	*A*	*8.8*
	Westbound	LTR	-	-	-	-	-	-	-	-	B	17.6	B	16.8
Signalized	*Westbound*	*Approach*	*-*	*-*	*-*	*-*	*-*	*-*	*-*	*-*	*B*	*17.6*	*B*	*16.8*
	Northbound	Left	-	-	-	-	-	-	-	-	A	8.2	B	10.3
	Northbound	TR	-	-	-	-	-	-	-	-	A	3.3	A	3.5
	Northbound	*Approach*	*-*	*-*	*-*	*-*	*-*	*-*	*-*	*-*	*A*	*6.5*	*A*	*8.5*
	Southbound	Left	-	-	-	-	-	-	-	-	B	12.5	A	0.0
	Southbound	Through	-	-	-	-	-	-	-	-	B	19.4	B	19.3
	Southbound	Right	-	-	-	-	-	-	-	-	A	4.5	A	5.0
	Southbound	*Approach*	*-*	*-*	*-*	*-*	*-*	*-*	*-*	*-*	*B*	*16.7*	*B*	*16.6*
	Overall		-	-	-	-	-	-	-	-	A	10.0	B	10.6
NYS Route 19 at	Eastbound	LTR	F	97.0	E	37.5	F	111.6	E	40.1	F	240.5	F	145.0
Buffalo Road and	*Eastbound*	*Approach*	*F*	*97.0*	*E*	*37.5*	*F*	*111.6*	*E*	*40.1*	*F*	*240.5*	*F*	*145.0*
Doody Road	Westbound	LTR	E	36.1	C	17.6	E	38.3	C	17.9	F	51.8	C	23.3
	Westbound	*Approach*	*E*	*36.1*	*C*	*17.6*	*E*	*38.3*	*C*	*17.9*	*F*	*51.8*	*C*	*23.3*
Unsignalized	Northbound	Left	A	9.3	A	9.0	A	9.4	A	9.1	A	9.7	A	9.6
	Northbound	TR	A	0.0	A	0.0	A	0.0	A	0.0	A	0.0	A	0.0
	Northbound	*Approach*	*A*	*0.6*	*A*	*0.4*	*A*	*0.6*	*A*	*0.4*	*A*	*0.5*	*A*	*0.3*
	Southbound	Left	A	8.5	A	8.5	A	8.5	A	8.5	A	8.7	A	8.9
	Southbound	TR	A	0.0	A	0.0	A	0.0	A	0.0	A	0.0	A	0.0
	Southbound	*Approach*	*A*	*0.0*	*A*	*0.1*	*A*	*0.0*	*A*	*0.1*	*A*	*0.0*	*A*	*0.1*
NYS Route 19 at	Eastbound	LTR	A	0.0	A	0.0	A	0.0	A	0.0	A	0.0	A	0.0
Duncan Street	*Eastbound*	*Approach*	*A*	*0.0*	*A*	*0.0*	*A*	*0.0*	*A*	*0.0*	*A*	*0.0*	*A*	*0.0*
	Westbound	LT	C	30.7	D	47.6	C	30.9	D	47.6	C	30.9	D	47.6
	Westbound	Right	A	9.7	B	17.2	A	9.6	B	17.2	A	9.6	B	17.2
Signalized	*Westbound*	*Approach*	*C*	*20.2*	*C*	*32.9*	*C*	*20.4*	*C*	*32.9*	*C*	*20.4*	*C*	*32.9*
	Northbound	Left	A	0.0	A	0.0	A	0.0	A	0.0	A	0.0	A	0.0
	Northbound	TR	A	5.1	A	2.7	A	5.2	A	2.8	A	5.7	A	3.3
	Northbound	*Approach*	*A*	*5.1*	*A*	*2.7*	*A*	*5.2*	*A*	*2.8*	*A*	*5.7*	*A*	*3.3*
	Southbound	Left	A	3.2	A	2.1	A	3.2	A	2.1	A	3.3	A	2.1
	Southbound	TR	A	5.8	A	2.6	A	6.0	A	2.6	A	6.6	A	3.1
	Southbound	*Approach*	*A*	*5.8*	*A*	*2.6*	*A*	*2.9*	*A*	*2.6*	*A*	*6.5*	*A*	*3.1*
	Overall		A	7.0	A	4.3	A	7.1	A	4.3	A	7.5	A	4.5
NYS Route 19 at	Eastbound	LTR	C	24.4	B	14.9	D	25.4	C	15.2	D	30.2	C	18.5
Court Street	*Eastbound*	*Approach*	*C*	*24.4*	*B*	*14.9*	*D*	*25.4*	*C*	*15.2*	*D*	*30.2*	*C*	*18.5*
	Westbound	LTR	C	15.2	B	11.7	C	15.5	B	11.8	C	16.8	B	13.2
STOP on Court St	*Westbound*	*Approach*	*C*	*15.2*	*B*	*11.7*	*C*	*15.5*	*B*	*11.8*	*C*	*16.8*	*B*	*13.2*
	Northbound	LTR	A	1.3	A	1.1	A	1.3	A	1.1	A	1.3	A	1.1
	Northbound	*Approach*	*A*	*1.3*	*A*	*1.1*	*A*	*1.3*	*A*	*1.1*	*A*	*1.3*	*A*	*1.1*
	Southbound	LTR	A	0.0	A	0.0	A	0.0	A	0.0	A	0.0	A	0.0
	Southbound	*Approach*	*A*	*0.0*	*A*	*0.0*	*A*	*0.0*	*A*	*0.0*	*A*	*0.0*	*A*	*0.0*
NYS Route 19 at	Eastbound	LTR	D	27.6			D	28.8			D	34.7		
Court Street*	*Eastbound*	*Approach*	*D*	*27.6*			*D*	*28.8*			*D*	*34.7*		
	Westbound	LTR	C	16.3			C	16.6			C	17.9		
* SCHOOL PEAK	*Westbound*	*Approach*	*C*	*16.3*			*C*	*16.6*			*C*	*17.9*		
2:30 TO 3:30 PM	Northbound	LTR	A	1.6			A	1.6			A	1.6		
	Northbound	*Approach*	*A*	*1.6*			*A*	*1.6*			*A*	*1.6*		
STOP on Court St	Southbound	LTR	A	0.1			A	0.1			A	0.1		
	Southbound	*Approach*	*A*	*0.1*			*A*	*0.1*			*A*	*0.1*		
NYS Route 19 at	Eastbound	LTR	B	15.2	B	12.1	B	15.5	B	12.2	B	18.0	B	14.4
Route 20A	*Eastbound*	*Approach*	*B*	*15.2*	*B*	*12.1*	*B*	*15.5*	*B*	*12.2*	*B*	*18.0*	*B*	*14.4*
	Westbound	LTR	B	11.6	A	5.9	B	11.8	A	5.9	B	12.9	A	5.8
Signalized	*Westbound*	*Approach*	*B*	*11.6*	*A*	*5.9*	*B*	*11.8*	*A*	*5.9*	*B*	*12.9*	*A*	*5.8*
	Northbound	Left	B	11.6	A	8.2	B	12.1	A	8.3	B	12.5	A	9.0
	Northbound	TR	A	7.9	A	7.0	A	8.1	A	7.2	A	8.4	A	8.2
	Northbound	*Approach*	*A*	*8.7*	*A*	*7.2*	*A*	*8.9*	*A*	*7.3*	*A*	*9.2*	*A*	*8.3*
	Southbound	Left	B	14.2	A	9.6	B	14.7	A	9.7	B	16.3	B	13.6
	Southbound	TR	B	10.0	A	7.5	B	10.3	A	7.6	B	10.6	A	9.0
	Southbound	*Approach*	*B*	*11.0*	*A*	*8.0*	*B*	*11.3*	*A*	*8.1*	*B*	*12.1*	*B*	*10.2*
	Overall		B	11.3	A	8.2	B	11.5	A	8.3	B	12.5	A	9.7

* = Control delay is greater than 9999.9 seconds.

LR: Shared Left and Right TR: Shared Through and Right

LT: Shared Left and Through LTR: Shared Left, Through, and Right

(6) Sight Distance

Stopping sight distances are adequate for vehicles approaching the north Wal-Mart plaza driveway location on Route 19 from both directions according to AASHTO recommendations. Stopping sight distances on Route 19 at the south Wal-Mart plaza driveway are adequate too.

The posted speed limit on Route 19 near the Wal-Mart plaza is 40 mph. Operating speeds on Route 19 were observed to range from 35 to 45 mph. The available and AASHTO recommended stopping sight distances (SSD) are summarized in Table IIIG-9.

TABLE IIIG-9: STOPPING SIGHT DISTANCES

Intersection	Approach	Available SSD	AASHTO Recommended for Design Speed
Route 19 @ North Wal-Mart Plaza Driveway (Design Speed = 45 mph)	Route 19 North (Northbound)	>500 ft	360 ft
	Route 19 South (Southbound)	>400 ft	360 ft
Route 19 @ South Wal-Mart Plaza Driveway (Design Speed = 45 mph)	Northbound	>500 ft	360 ft
	Southbound	>500 ft	360 ft

Motorists stopped on the right out north plaza driveway at the Route 19 stop sign will have adequate sight distance to view vehicles approaching from the north on Route 19 according to AASHTO recommendations as shown in Table IIIG-10.

The available and the AASHTO recommended intersection sight distances (ISD) are summarized in Table IIIG-10. The intersection sight distance based upon field investigation for vehicles exiting the south plaza driveway along NYS Route 19 is greater than 600 feet to the left and right with the location of the driver eye estimated to be 14.5' from edge of pavement of NYS Route 19 and 3.5' above the estimated driveway pavement elevation.

TABLE IIIG-10: INTERSECTION SIGHT DISTANCES

Major Roadway	Approach	Available ISD to the Left	Available ISD to the Right	AASHTO Recommended
Route 19	North Driveway	>500 feet	>500 feet	430 feet[1]
Route 19	South Driveway	>600 feet	>600 feet	530 feet[2]

[1] AASHTO recommended intersection sight distance for vehicles to turn right from a minor road to a two lane major road for a design speed of 45 mph along the major roadway.
[2] AASHTO recommended intersection sight distance for vehicles to turn left from a minor road to a three lane major road for a design speed of 45 mph along the major roadway.

d) Potentially Adverse Impacts to Off-Site Pedestrian Activity

Proposed traffic impact mitigation for the development is subject to NYSDOT Engineering Instruction (EI) 04-11 “Procedural Requirements for Pedestrian Accommodation”. The NYSDOT Pedestrian Generator Checklist required by this EI is contained in Appendix G of the Traffic Impact Study. The Pedestrian Generator Checklist aids in the determination of need for pedestrian accommodation.

The degree of impact to a location is related to the distance from the Wal-Mart because trip volumes are distributed to the various roads in the regional road system. Generally, the farther a location is from Wal-Mart the lower the impact. The greatest impact on vehicle and pedestrian traffic occurs at nearby intersections. When studying the impact to intersections on Route 19, impacts at Court Street are less than impacts at North Street, which are less than impacts at Buffalo Road / Doody Road because Court Street is the furthest side street from Wal-Mart and traffic is distributed to/from side streets along Route 19.

The school crossing located at the North Street intersection can be identified by the school crossing signs on Route 19. The impact of development traffic at this location is projected to be low at less than an 8% increase to Route 19 traffic during the weekday hour of peak traffic. The impact decreases when progressing southward away from Wal-Mart. Therefore, it is anticipated that existing pedestrian movements will not be significantly impacted as a result of the Project.

e) Proposed On-Site Pedestrian and Vehicle Circulation

Onsite traffic circulation will be largely as it exists today. Shoppers in vehicles will continue access the site either via the northern right-in, right-out entrance or the main southern entrance.

Parking will continue to be primarily in front of the store, with additional parking, much of it employee parking, north of the store. As shown on Site Plan Drawing C-2 in Appendix B, there are 83 parking spaces that are designated for Associate parking spaces. They will be designated by white pavement striping. This is in contrast to the remainder of the parking area which will be designated by yellow pavement striping. These spaces were selected for Associate parking spaces as they would be less desirable for customers due to their location. The aisles and parking layout will be largely unchanged. Cars will not travel behind the store.

The proposed parking area near Route 19 is within 500 feet of the main store entrance, is outside of the zoning setback limits and does not require any variances. It is a logical area to locate parking and provides extensive landscape plantings on the Route 19 side for visual screening and aesthetics. The proposed landscaping plantings adjacent to Route 19 will be species that are salt tolerant since they may be splashed by road spray.

The more remote spaces north of the store will only be utilized by shoppers when other parking is not available, typically during the peak Christmas shopping season days. Some of the parking in the north area as well as the parking out by NYS Route 19 will be for employees, as discussed above.

Truck deliveries will continue to utilize the main entrance and loading dock area behind the store. It is anticipated that at the completion of the project truck deliveries will average nine (9) trucks per day. This includes Wal-Mart and direct store delivery tractor trailers. In addition, there will be some smaller "bread" truck size delivery vehicles that will make deliveries. The increase in truck is traffic due to the expanded grocery and general merchandising components of the store. The anticipated increase is four trucks on average per day. Appendix N provides data on large truck traffic along Route 19, with an average daily traffic loading of 57 northbound and 62 southbound, for a total of approximately 120 large trucks per day. The increase of 4 large trucks per day associated with this project is not considered a significant adverse impact. No significant adverse structural effects to buildings in the Village are anticipated from the large truck traffic associated with the Project.

Traffic in the Village for Wal-Mart shopping purposes would be very similar to the existing patterns, except that shoppers that currently travel to Geneseo or Springville or Batavia Supercenters would now presumably patronize the local Wal-Mart store. Some garden center deliveries will be made immediately north of the garden center, with trucks entering from behind the store and exiting at the main southern entrance.

During construction, truck traffic will access the site via Route 19, a state highway which is intended to carry licensed truck traffic. Construction truck traffic impacts are temporary and are likely to be similar to those experienced when the original Wal-Mart store was constructed or when the Tops Plaza was constructed.

Onsite traffic circulation impacts associated with the proposed expansion include continued lack of adequate direct sidewalk access to the Project Site. With additional traffic generation associated with the building expansion, pedestrians will find it more difficult and inconvenient to access the store directly from NYS Route 19**.**

There are no good options for extending a sidewalk into the site due to the lack of space between the McDonald's site and Route 19. There were discussions with DDR, the owner of the Tops Plaza, on extending a sidewalk within its landscaped island along the south side of the main site entrance drive to direct pedestrians up to the northeast corner of the Tops store, from which pedestrians could cross the main entrance drive to reach the Wal-Mart Store. DDR was not receptive to this idea, since it already has a sidewalk connection from Route 19 to its plaza storefront at the south end of the plaza. This existing sidewalk also provides pedestrian access to the Wal-Mart site via the Tops plaza, as stated in section III.G.1.e. Little or no pedestrian traffic is anticipated from the north of the store.

The proposed expansion will eliminate the current impact to drive aisles and parking area access that are at times temporarily created by the existing storage containers and seasonal sales garden center. The expansion will provide adequate space within the building for sales and storage of merchandise. Therefore, there will be no layaway trailers on the Project Site.

f) Potentially Significant Adverse Traffic Impacts Summary

Growth of background traffic between 2008 and 2010 is expected to have little impact on levels of service and vehicle delay, except some impact to delays on driveways and the Buffalo Road approach to Route 19.

The development is projected to generate 172 and 335 new vehicle trips during the Friday PM and Saturday mid-day peak hours, respectively. Levels of service at the Saltvale Road and north Wal-Mart plaza driveway intersections are projected to be acceptable at LOS B or better for all individual intersection approach lanes. The Buffalo Road approach to Route 19 is projected to continue to exhibit levels of service of F. The Doody Road approach to Route 19 is projected to operate at LOS F and C during the Friday and Saturday peak hours respectively.

Installation of a traffic signal is recommended at the intersection of NYS Route 19 with the south driveway because warrants 1, 2 and 3 are satisfied under projected 2010 build conditions. As an unsignalized intersection, vehicles turning left from the south Wal-Mart plaza driveway onto Route 19 North are expected to exhibit excessive delay. Installation of the traffic signal is expected to reduce overall driver frustration and vehicle delay at this intersection. The traffic signal is projected to help decrease the delay at nearby stop controlled streets intersecting Route 19 because of the platooning affect the traffic signal will have on Route 19 traffic, providing increased opportunities to execute left turns onto Route 19.

Results of the sight distance analysis identified that sufficient stopping sight distance and intersection sight distance is available at the Wal-Mart plaza driveways on NYS Route 19.

Unavoidable temporary impacts during construction may include minor delays due to construction of the new traffic signal with pedestrian facilities at the main entrance. However, such impacts are temporary, localized, and minor in nature.

3. Proposed Traffic Mitigation Measures

As previously discussed in DEIS Section III.G.2.c.(4) and DEIS Section III.G.2.d, a traffic signal is warranted on Route 19 at the intersection with the south Wal-Mart plaza driveway and the bank driveway because the projected traffic volumes under 2010 build conditions meet the National Manual of Uniform Traffic Control Devices (National MUTCD) and the New York State Supplement for the following warrants:

- Warrant 1, Eight-Hour Vehicular Volume
- Warrant 2, Four-Hour Vehicular Volume
- Warrant 3, Peak Hour

When right turning vehicles turning from the south Wal-Mart plaza driveway were reduced by 60% to account for vehicles that would turn right on red for the signalized condition, warrant 1 is met for 8 hours on a weekday and is met for the Saturday peak hour.

Warrant 2, the Four-Hour Vehicular Volume warrant, is projected to be met during the 11:00 a.m. to 7:00 p.m. weekday time period, more than the minimum four hours.

Warrant 3, the Peak Hour warrant, is projected to be met during the 2:00 p.m. to 6:00 p.m. weekday time period, more than the minimum one hour.

As a result of warrants 1, 2, and 3 being satisfied under projected 2010 build conditions, the installation of a three-phase traffic signal is proposed at the intersection of NYS Route 19 with the south Wal-Mart plaza driveway. As an unsignalized intersection, vehicles turning left from the south Wal-Mart plaza driveway onto Route 19 North are expected to exhibit excessive

delay. Installation of the traffic signal is expected to reduce overall driver frustration and vehicle delay at this intersection. The traffic signal is projected to help decrease the delay at nearby stop controlled streets intersecting Route 19 because of the platooning affect the traffic signal will have on Route 19 traffic, providing increased opportunities to execute left turns onto Route 19.

The proposed traffic signal will improve both pedestrian and vehicle safety. Pedestrian crosswalks, push buttons and signals will be included on the north and west sides of the Route 19 intersection with the south plaza driveway. As presented in the Transportation Research Board publication NCHRP (National Cooperative Highway Research Program) Report 617 – Accident Modification Factors for Traffic Engineering and ITS Improvements, installation of a traffic signal significantly reduces right angle and left turn type accidents. Also, total economic costs (all crashes at the intersection included) are reduced significantly.

No other significant adverse traffic impacts are anticipated to result from the Project. Therefore, additional mitigation is neither required nor proposed.

H. Energy / Utility Facilities

1. Existing Utilities

a) Existing Sanitary Sewer

The Project Site, along with its immediate neighbors, is provided with sanitary sewer service by means of an agreement with the Village of Warsaw. Back in the early 1990's, the Wal-Mart site was initially developed as a part of an overall project that included the Five Star Bank, the McDonalds and the adjacent Tops Plaza. It is reported that these uses were initially developed as a single project on a single parcel. At the time, the developer entered into an agreement with the Village of Warsaw to accept sewage from the development, and a sanitary pump station and force main were installed to pump and convey sanitary waste from the users to an existing Village sanitary sewer located along Buffalo Road near the Village line, approximately ¼ mile south of the Project Site. This arrangement still exists.

Since that time, the overall area has been subdivided into several individual parcels, each of which continues to utilize the pump station and force main. At the same time, there are numerous other parcels along NYS Route 19 between the Project Site and Village line which would benefit by sanitary service. The Town has expressed a desire to form a sewer district to include these parcels and provide sanitary service to all. It is currently envisioned that the sewer district would utilize the existing force main along the west side of NYS Route 19 to continue to carry sewage to the Village. The existing sanitary pump station, located in the open space between the Wal-Mart and Tops stores, will be relocated when the Wal-Mart is expanded.

The Town of Warsaw has begun work on a study to create a sewer district to serve this area. A sewer district is not required in order to provide continued service to the Project, although it is strongly desired by the Town as a means to serve both the Project site and other properties between the site and the Village line. The Town has engaged the services of Wendel – Duchscherer Engineering to conduct a study and prepare a report identifying the recommended improvement district area, the proposed sanitary facilities to be constructed, the capital and recurring costs associated with constructing and operating the

facilities and administering the improvement district, and the rate structure to be imposed on the sewer district members. A preliminary copy of the report prepared by Wended Duchscherer is included in Appendix II.

b) Existing Water Supply

The plaza is currently serviced by an 8-inch ductile water main which is tapped off of the 10-inch water main located along the east side of NYS Route 19. The existing Walmart store is looped by an 8-inch water main. This loop around Walmart will be relocated since it is located within the proposed expansion footprint. New services, fire and domestic will be extended into the building to accommodate the new configuration of the building.

The Village of Warsaw provided flow test data from multiple locations throughout their distribution network. These tests were conducted on August 22, 2001 and were witnessed by Insurance Services Office, Inc. The closest flow test to the Walmart parcel was performed at the third hydrant north of Buffalo Road. The data for this test indicates that 2,460 gpm is available at a residual pressure of 90 psi and a static pressure of 132 psi. The calculated flow at 20 psi is 4,200 gpm. A copy of this data is located in Figure IIIH-1.

c) Existing Storm Sewer

The runoff from the roof of the Walmart store is currently piped out the rear of the store into a storm sewer header pipe, which flows southerly into the Tops Plaza Basin. This header pipe has a 24-inch nominal diameter upon entering the Tops Plaza property.

The entire Walmart parking lot drains easterly and westerly into a low 'trough' in the parking lot approximately 130 feet east of the store front, where it is collected in catch basins and piped south in storm sewers which increase in size from 18-inch diameter at the north (upstream) end to 36-inch at the point where the storm sewer enters the Tops Plaza basin. The storm sewers continue south in the Tops plaza and then west to the existing Tops Plaza stormwater basin.

A third storm line exists along the west edge of the outparcels fronting on NY Route 19; this line drains the outparcels, includes a stub to drain the undeveloped area between the two outparcels, and flows south to cross the main site entrance, then turns west and connects to the main storm sewer draining the Walmart parking lot at a structure on the east side of the entrance drive where the combined flow is piped into the Tops plaza.

The undeveloped lands behind (west of) and north of the store currently are graded to continue to drain westerly towards Oatka Creek. A pond, excavated for fill to raise the original store pad to its existing level, lies northwest of the store and collects some of the undeveloped runoff and in turn discharges by overflow westerly toward Oatka Creek.

Behind the Tops plaza an existing stormwater management basin accepts the piped runoff from the Walmart site, outparcels, and the plaza, then discharges this water through an outlet control structure, westerly toward Oatka Creek.

d) Existing Electric, Natural Gas, and Telephone

Electric, Natural Gas, and Telephone are available at the existing site. Natural Gas and Electric is provided by Rochester Gas & Electric and telephone service is provided by Frontier.

2. Potentially Significant Adverse Impacts to Utilities

a) Potentially Adverse Impacts to Sanitary Sewer

The Applicant contacted Gilbert Stearns with the Village of Warsaw on December 9, 2008 regarding the Village's sewage treatment plant. The treatment plant has a capacity of 1.2 million gallons and the current average daily flow is 400,000 gallons. Therefore, there is adequate capacity at the treatment plant to handle the small increase in the flow expected from the proposed Project. No potentially adverse impacts to the Village sanitary system associated with the Project are anticipated.

The potential for growth as a result of the creation of a new sanitary sewer district is analyzed in Section VII.

b) Potentially Adverse Impacts to Water Supply

The estimated peak water demand for a 143 Prototype Supercenter is 130 gpm for domestic and 2,000 gpm for fire flow conditions. The average domestic water demand for this size Supercenter is approximately 4,600 gallons per day, based on water usage records at hundreds of other Supercenters.

The Applicant contacted Gilbert Stearns of the Village of Warsaw on December 9, 2008. Mr. Stearns indicated the source of the Village's water supply system is the "headwaters of Cotton Road," which is surface water. He was unable to give the precise capacity of the water treatment plant, but did indicate that it is currently operating well below capacity and that the water supply system does not have any capacity issues. A slight increase in water usage may result from the Town's creation of the sewer district as the area switches from septic systems to sewers, but this increase is not anticipated to result in a significant adverse impact to the Town or Village's water supply.

c) Potentially Adverse Impacts to Storm Sewer

The Project will increase impervious area and stormwater runoff volume. The proposed Project includes expansion of the existing Walmart building, a small (approximately 160 ft x 110 ft) parking lot expansion between the Five Star Bank and McDonalds outparcels, pavement behind the expanded store for truck access, offloading and maneuvering purposes, and parking lot expansion north of the store. The total area to be converted from pervious to impervious area from the proposed development is estimated at 4.15 acres.

The small parking lot expansion (approximately 0.45 acres) between the bank and McDonalds will drain into the existing storm sewer that serves both outparcels. A 12-inch stub was provided during the initial site construction for this purpose since the proposed parking lot was banked for "future" parking.

The existing parking lot in front of the store will continue to drain into the existing storm sewers. There will be no change in pervious or impervious cover associated with this area.

The building expansion, the additional paving in the rear of the building, and the additional parking north of the store will increase in impervious area by approximately 4.15 acres. Instead of being piped southerly onto the Tops site, a portion of the roof runoff as well as the pavement runoff behind the building will be collected by catch basins and conveyed to a proposed wet pond, providing water quality treatment but not stormwater detention and will be located west of the Wal-Mart store. Discharge from the water quality basin will flow overland to Oatka Creek,which is classified as a "fourth-order stream"; as such, the site discharge is not required to be controlled with stormwater water quantity detention.

d) Potentially Adverse Impacts to Electric, Natural Gas, and Telephone

The Project is expected to have the following utility loads:
Connected Gas Load 15,247MBH
Connected Electric Load: 2,757 kVA
Diversified Electric Load: 2,738 kVA

No adverse impacts to existing electric, natural gas, or telephone lines are anticipated.

3. Mitigation Measures Resulting from Proposed Utility Usage

a) Sanitary Sewer Mitigation

The existing sanitary pump station will be relocated. The preferred relocation site is near the southeast corner of the site, as depicted on Drawing Number C-5 located in Appendix B. This location is closer to Route 19 and would shorten the force main length required to carry pumped flow to the Village sewer system. Landscaping would be provided to screen the above ground instrument panel and vent pipe. An alternative location would be just north of the Wal-Mart south property line and just west of the pavement behind the building; this site would be more remote from the public but would result in a longer force main.

If a Town Sewer District is formed, there will be regulations adopted as to charges associated with construction costs as well as usage fees. Additional water consumption will translate into higher user fees within the district, thus generating income for the Village and encouraging water usage conservation by users. Approval from the Town of Warsaw Town Board, the Wyoming County Public Health Department and the NYS Department of Environmental will be required for the creation of a sewer district. It is noted that the Town sewer district creation is not required in order to provide sanitary sewer service to the Project. The Project may proceed with or without the district, provided that the Town does not include the improvement district creation as a precondition for Project Site Plan approval.

b) Water Usage Mitigation

The Project is not anticipated to adversely impact water usage resulting in significant impacts to water supplies. No mitigation measures are required or proposed. Any water line extensions and backflow prevention devices will require approval from the Wyoming County Public Health Department and the New York State Department of Health.

c) Storm Sewer Mitigation

As stated in Section III.H.2.c, the Project will increase impervious area and stormwater runoff volume in some areas on the Project Site. The existing parking lot in front of the store will continue to drain into the existing storm sewers. Areas where additional impervious surfaces are added will be collected by catch basins and conveyed to a proposed wet pond located west of the Wal-Mart store. Proposed surface water impacts and stormwater management system will require approval from NYSDEC in the form of a State Pollutant Discharge Elimination System (SPDES) General Permit for Construction Activities GP-0-08-001.

d) Electric, Natural Gas, and Telephone Mitigation

The Project's estimated electric, gas, and telephone usage will not significantly impact utilities in the Town or Village of Warsaw. The Project will not adversely impact electric, natural gas, or telephone lines. No mitigation measures are required or proposed.

I. Noise and Odor

1. Existing Noise and Odors

a) Existing Noise

The Project Site is located in a commercial zone surrounded by roadways, commercial uses, a railroad line, residences, farm fields, and vacant lands. Principal noise generators in the vicinity of the Project Site include traffic on NYS Route 19 and adjacent parking lots. Occasional lawn-mowing, train whistles, and farming activities may also generate noise. Emergency vehicles traversing NYS Route 19 to and from the Wyoming County Community Health System (Hospital) approximately one mile away may produce noise from ambulance sirens.

Principal noise generators on-site include traffic noise from the existing roadways and parking lots adjacent to the Wal-Mart store. Periodic on-site parking lot maintenance in the form of sweeping and/or snow removal also produces some noise. Noise may also emanate from the existing truck loading docks, garbage collection, trash compactors, outside garden center intercom, and compressor units for grocery refrigeration and freezers at the rear of the store. HVAC systems are located on the roof of the store also generate minor amounts of noise.

b) Existing Odors

Odors in the surrounding area are created mainly from vehicular traffic on NYS Route 19 and the adjacent parking lots of area businesses along the corridor. Odors also come from exhaust units from food preparation kitchens at local restaurants in the vicinity of the Project. Existing on-site odors include vehicle emissions from roadways and parking lots adjacent to the Wal-Mart store, garbage dumpsters, trash compactors, and a vent for an existing restaurant within the store with a vent located on the rooftop.

2. Potentially Significant Adverse Noise and Odor Impacts

a) Potentially Significant Adverse Noise Impacts

Noise is typically measured in units called decibels (dB), which are ten times the logarithm of the ratio of the sound pressure squared to a standard reference pressure squared. In this analysis, all measured noise levels are reported in dBA or A-weighted decibels, which take into account level and pitch. Common noise levels in dBA are shown in Table IIII-1.

Table IIII-1: Common Noise Levels

ACTIVITIES	NOISE LEVEL (dBA)	APPARENT LOUDNESS	TYPICAL REACTION
Military jet, air raid siren	130	64 times as loud	Limited amplified speech
Amplified rock music	110	16 times as loud	Maximum vocal effort
Jet takeoff at 1500 ft, train horn at 100 ft	100	8 times as loud	-
Freight train at 50 ft	95	-	-
Heavy truck at 50 ft, busy city street, loud shout	90	4 times as loud	Very annoying, hearing damage (8 hours)
Busy traffic intersection, highway construction site	80	2 times as loud	Annoying
Highway traffic at 50 ft, roadside traffic, train horn at 1500 ft, noisy restaurant	70	Base reference	Telephone use difficult
Predominantly industrial area, light car traffic at 50 ft, city or commercial areas, outdoor recreation, residential areas close to industry, noisy office	60	1/2 as loud	Intrusive
Quiet office	50	1/4 as loud	Speech interference
Suburban area w/ medium transportation density, kitchen/bathroom	40	1/8 as loud	Quiet
Public library, living/dining/bedroom	30	1/16 as loud	Very quiet
Soft whisper at 15 ft	10	1/64 as loud	Just audible
Threshold of hearing	0	N/a	Not audible

Laboratory experiments and social surveys have demonstrated that annoyance or public reaction to an intruding noise is dependent on its relationship to the existing noise environment. For example, an increase in the noise environment due to a new noise source may be acceptable if existing noise levels are already high. Conversely, an increase may be unacceptable if the existing environment is very quiet. An assessment of the impact is measured by the human reaction (i.e., community response) to an increase in existing A-weighted noise. The level of human reaction to noise level increases is provided in the NYSDEC report entitled *Assessing and Mitigating Noise Impacts* and is summarized in Table IIII-2.

Table IIII-2: Human Reaction to Increases in Sound Pressure Level

INCREASE IN SOUND PRESSURE (DBA)	HUMAN REACTION
Under 5	Unnoticed to tolerable
5-10	Intrusive
10-15	Very noticeable
15-20	Objectionable
Over 20	Very objectionable to intolerable

The Project will generate some noise from various on-site activities, as listed below:

- construction activities
- standard delivery trucks
- vehicular traffic
- refrigeration at loading docks
- trash compactors
- garbage collection
- intercom speakers
- parking lot maintenance (sweeping and/or snow removal)
- HVAC units

Site development will involve the construction phase followed by the operational stage. During construction, noise will be generated during building demolition, earthmoving, building construction, and site work activities. It is anticipated that construction will extend for approximately one year.

Following construction, vehicle movement will generate noises as vehicles accelerate, brake, and idle, as with present conditions. Parking lot noises will be most noticeable with car door closing and possible honking horns. Noise from delivery trucks will occur as they enter and exit the Project Site. A Wal-Mart Supercenter of this size typically receives on average 9 large delivery trucks per day (including Wal-Mart delivery trucks) as well as smaller truck deliveries from individual vendors. However, Wal-Mart policies dictate that trucks are not allowed to idle longer than 5 minutes at a time so there will not be significant noise generated while trucks are unloaded. Additional information on Wal-Mart's "No Idling Policy" for their fleet of trucks is contained in Section III.E.3.

Refrigeration and air conditioning units and trash compactors will have a mild hum which should not be audible off site. Rooftop HVAC systems will be placed below the parapet wall of the store which to buffer noise. Rooftop HVAC units will generate noise at a steady rate, roughly equating to a humming noise, and are thus less perceptible than the distractions from instantaneous noise impacts. Outdoor intercom speakers may also provide momentary noise impacts. These activities will continue almost unchanged from the existing conditions, which have not resulted in any significant noise impacts to neighboring property owners.

Noise level studies done at similar locations where Wal-Mart stores have been proposed reveal that the anticipated noise levels from the fully operation Wal-Mart facility will be

similar to those encountered by everyday activities in a commercial corridor environment such as the surrounding area for this project.

The only residences in the general vicinity of the project site are located north of the site. The nearest residence is situated approximately 600 feet from the Wal-Mart building and approximately 300 feet from the parking lot. Following the proposed expansion project, the same residence will be located approximately 15 feet closer to the store and 60 feet closer to the parking lot. The relative noise increase associated with the very slight change in proximity should be indiscernible.

The store's loading dock and trash compactor/dumpster will be located in the rear behind the southern portion of the store (over 1000 feet away from the subject residences) and these residences will thus be well blocked from the noise by virtue of both the distance and the presence of the store between the noise generators and the residences.

The noises from the Project will be in the similar decibel range as the existing commercial corridor environment during typical daytime experience, so the noise levels associated with the store operations that reach adjacent businesses will be in the same operating range. It is concluded that no significant noise impacts will occur after the Project has been completed and the store is opened for retail business.

b) Potentially Significant Adverse Odor Impacts

The Project will not produce any noxious, harmful, or strong odors. Mild odors from the Project will be limited to those common to a typical commercial area and to those that already exist on-site. The Project will have a small restaurant with vents located on the rooftop. Per New York State Law, trucks delivering to the Project Site are not allowed to idle more than 5 minutes and therefore will produce odors only when entering and exiting the site.

Odor causing products for sale such as fertilizer will be located in the garden center. The location of the garden center will not change from its current location on the property. The garden center is located along the northeast wall of the store in the geographic center of the Project as shown on the Site Plan included in Appendix B. This location is situated away from adjacent commercial businesses such as the bank, McDonald's restaurant, and Tops Plaza. The current activity of selling fertilizer at this location has not resulted in any significant odor impacts and it is not anticipated to result in significant odor impacts in the future.

All solid waste generated will be disposed of at an approved local facility. Potential impacts of off-site solid waste disposal include increased truck traffic. If waste is not properly stored or removed possible impacts may include foul odors, rodent infestations, or potential health and environmental problems. As stated in Section III.I.2.a, the waste compactor and enclosed dumpster are located behind the loading dock area behind the store and is blocked from the residences by the building mass as well as the significant (over 1000 feet) distance. It is noted that Wal-Mart has developed programs to reduce solid waste generation by increased recycling and reduced wastage in its operations and expects to continue to see reductions in waste generation.

The nearest commercial areas to the Wal-Mart store are in the Tops plaza to the south. Typical mild odors produced from a Wal-Mart store will not be able to be detected by

adjacent property owners. Activities will continue almost unchanged from the existing conditions, which have not resulted in any significant odor impacts to neighboring property owners.

3. Noise and Odor Mitigation Measures

a) Noise Mitigation Measures

Noise resulting from construction is unavoidable and will be temporary. In the construction of the building, the building envelopes will be closed off at the earliest possible date to protect work from the elements; this will eliminate or significantly reduce construction noise emanating from inside the building. All construction activities shall be conducted in full compliance with existing regulations, including any local day and hour construction limitations. Local, state, and federal requirements mandate that certain classifications of construction equipment and motor vehicles be used to minimize adverse impacts. Site construction vehicles will be equipped with mufflers and appropriate exhaust systems to limit noise. No rock blasting will be required.

Once construction is complete and the store is open for business, on-site activities will continue almost unchanged from existing conditions. Existing commercial and retail activities are not believed to have resulted in any significant noise impacts to neighboring property owners. It is concluded that no significant noise impacts will occur due to the proposed Wal-Mart expansion project. Therefore, no new mitigation measures are required or proposed.

b) Odor Mitigation Measures

It is the responsibility of the Applicant to store waste in a sanitary manner at a location that will not expose odors to adjacent property owners or the public. The proposed garbage compactor and enclosed dumpster for this Project will be located towards the rear of the store away from other commercial and residential properties and out of sight from the public view. A large percentage of waste generated at this retail facility will be cardboard boxes and wood pallets which will be collected and hauled away for recycling. These waste products do not produce noxious odors. The remaining waste generated will be disposed of at an approved local facility. Waste will be properly stored and promptly hauled off site.

The Applicant intends to sell landscaping, fertilizer, and other seasonal products in the garden center as it has done so in the past. The location of the garden center will remain unchanged. All products that have the potential to cause odors, such as fertilizers, lawn chemicals, and other such materials are bagged and confined to covered areas and therefore do not produce odors.

J. Public Health, Safety, and Welfare

1. Existing Public Health, Safety, and Welfare

The existing Project Site provides convenient and safe retail shopping opportunities to the public. Outdoor lighting, surveillance cameras, and security personnel exist on-site to ensure safety to the public. Parking lot and internal roadway systems provide pavement markings and signage to provide safety for vehicles and pedestrians. Existing stormwater facilities are

adequate to handle stormwater runoff from the property. To reduce noise and exhaust created by idling Wal-Mart delivery trucks, loading docks are located towards the rear of the store. Wal-Mart delivery truck engines are designed to automatically shut off if the truck idles over 3 minutes, which policy reduces noise and air pollution. Additional information on Wal-Mart's truck idling policy is contained in Section III.E.3.

On December 11, 2008 the assistant store manager of the Wal-Mart store was contacted to obtain information on existing maintenance of the Project Site. According to the assistant store manager, an enclosed trash compactor located at the northwest corner of the store collects all trash produced by the facility, compresses it and pushes it into an attached enclosed container. A local trash hauler is hired to empty the trash compactor waste container once a month. In addition, cardboard is baled and stored, along with used wood pallets, in a specially designated area behind the store for weekly collection and transport to a recycling facility.

The store contracts with a local company to mow the grass and maintain the landscaping on the property. In addition, another company comes to sweep and vacuum the pavement approximately three times a week during the summer months in order to maintain a safe and clean environment for customers.

The Project Site has several acres of wetlands along Oatka Creek and in the pond area northwest of the store. These wetlands are expected to be a breeding area for mosquitoes but are protected by Federal law. Other potential breeding areas for mosquitoes onsite are generally limited to ruts and small depressions that may exist in undeveloped areas behind and/or north of the store and pavement areas.

As described in Section III.H.1.c of this document, stormwater management consists of enclosed drainage systems that convey runoff to an existing stormwater detention basin behind the Tops plaza well south of the Project Site. The basin discharges into a swale which drains westerly to Oatka Creek and appears to operate satisfactorily.

The rear of the site along Oatka Creek lies within a 100 year floodplain but the store and pavement areas are all well above the floodplain.

2. Potentially Adverse Impacts to Public Health, Safety, and Welfare

It is important to consider how the Project may impact the public's health and safety. If the Project creates increased traffic levels it may negatively affect vehicular and pedestrian safety. Idling delivery trucks in close proximity to adjacent residences or businesses can create unacceptable noise and odors. Trash and waste disposal should be stored and disposed of in a way that will not create undesirable odors or rodent infestations. If not properly constructed, stormwater ponds have the potential to promote mosquito growth and contribute to mosquito problems. If a proposed stormwater management system is unable to handle the proposed increased runoff it could result in flooding or impaired water quality. Site plans should also attempt to reduce impacts to environmentally sensitive areas such as floodplains to avoid flooding and erosion of properties.

3. Public Health, Safety, and Welfare Mitigation Measures

Section III.G.2 evaluates the estimated future traffic conditions and impacts to pedestrians and vehicles as a result of the Project. It was determined that a traffic signal is warranted on NYS

Route 19 at the intersection with the south Wal-Mart plaza driveway and the bank driveway. The proposed traffic signal will improve both pedestrian and vehicle safety. Pedestrian crosswalks, push buttons, and signals will be included on the north and west sides of the NYS Route 19 intersection with the south plaza driveway. The installation of a traffic signal significantly reduces right angle and left turn type accidents. Potentially adverse impacts to off-site pedestrian activities at school crossings were analyzed Section III.G.2.d. It was concluded that pedestrian movements at these locations would not be significantly impacted as a result of the Project. Additional information on traffic impacts and mitigations is contained in Section III.G.2 and Section III.G.3.

Idling delivery trucks can create undesirable noise and odors for adjacent residences. As shown on the Site Plan on Drawing C-2 in Appendix B, the loading docks are located behind the store, away from the public. As discussed in Section III.E.3, Wal-Mart delivery truck engines are designed to automatically shut down if left idling longer than 5 minutes at a time. No noise or odor impacts from idling delivery trucks will significantly impact adjacent residences or businesses.

Trash and waste disposal will continue to be handled in a way to prevent undesirable odors or rodent infestations. As previously discussed in Section III.I.3.b, the proposed garbage compactor and fully enclosed dumpster for this Project will be located towards the rear or the store away from other commercial and residential properties and out of sight from the public view. A large percentage of waste generated at this retail facility will be cardboard boxes and wood pallets which do not produce noxious odors. Waste will be properly stored and promptly hauled off site. Unacceptable odors or rodent infestations are not anticipated to result from the Project. No change in insect or rodent population is anticipated from this project, except for temporary destruction of potential habitat during earthwork operations behind the store.

If not properly constructed, stormwater ponds have the potential to promote mosquito growth and contribute to mosquito problems. The proposed stormwater ponds for this Project will incorporate mosquito abatement measures in their design. Research has shown that wet pool areas typically 4 to 6 feet or more in depth, as required by the NYSDEC Design Manual, reduce mosquito breeding habitat. This deeper water provides poor mosquito habitat and permits the stocking of the pond with bluegill or other fish that will feed on mosquito larvae. The proposed stormwater pond incorporates these features into its design. It is intended that the pond will be stocked with fish to assist in mosquito control. In addition, the pond will generate a small amount of through-flow to help flush out mosquito larvae before it can complete its growth cycle to adult.

The design of the site in paved and landscaped areas to remove small water pockets on the ground surface (from ruts, abandoned tires, etc.) will assist in eliminating mosquito generation. The stormwater system improvements will be designed to avoid “sumps” in the catch basins and manholes which would otherwise provide mosquito breeding environments, especially in extended periods of weather when there is little or no flushing from rain events. NYSDEC believes that if wet pool practices are designed and maintained in accordance with the specifications contained in their Design Manual, the potential for mosquito development is minimized. The Project incorporates NYSDEC specifications for stormwater management and water quality. Periodic maintenance of the stormwater pond will be the responsibility of the Applicant to ensure the ponds do not produce excessive mosquito populations. If deemed necessary, additional mosquito mitigation such as the use of insecticide may be considered. It is noted that the Project will not impact the existing wetlands at the rear of the site, so that mosquito breeding in those areas will not be affected.

As detailed in Section III.H.3.c, the stormwater management system for the Project has been carefully designed to utilize the existing system without adversely impacting its operation. Stormwater runoff to the existing Tops Plaza stormwater basin will be limited to the design capacity of the existing system. Additional runoff will be directed to a stormwater quality basin behind the Wal-Mart store, sized to provide water quality treatment in accordance with governing NYSDEC regulations and guidelines.

The Project will not disturb any existing wetlands or the 100 year floodplain on the site.

K. Growth and Character of the Community and Neighborhood

1. Existing Community Setting

a) Existing Land Use and Zoning

The Project Site is situated in a rural area in the Town of Warsaw, NY along NYS Route 19 just north of the Village of Warsaw. The area is characterized by a mix of retail businesses, restaurants, and office buildings. The prominent land use in the vicinity of the Project Site is commercial business. East of the Project Site commercial buildings include a Five Star Bank and McDonalds. South of the Project Site various commercial establishments are located in a Tops Plaza such as Rentway, Cutting Crew, Radio Shack, Country Critters Pet Store, Sear Optical, and Dollar General. Agricultural farmland and residential structures exist north of the Project Site. The area immediately west of the Project Site is undeveloped farmland. Oatka Creek also flows west of the Project Site. North of the site are two residences, the closest building located approximately 600 feet from the store; these residences are located within commercially zoned property.

A map showing the approximate outline of the Project Site based on the Town of Warsaw tax map is shown on Figure IIA-2. The Project Site consists of an irregular rectangular shaped lot consisting of approximately 27.3 acres that is currently owned by Wal-Mart Real Estate Business Trust. The property is partially developed and consists of a Wal-Mart store which includes a seasonal garden center, pharmacy, and a Subway restaurant. The Wal-Mart store is a large retail structure of approximately 76,800 square feet. The existing Wal-Mart store building was constructed circa 1994 and consists of a one story steel, block sided and brick constructed structure with a flat roof. A sanitary pump station exists in the southern portion of the property.

The remaining developed areas of the Project Site consist of access roads and parking lots. Located around the exterior of the Project Site is a gravel fire access road which starts at the north side of the building near the seasonal garden center and continues around the rear of the building to the south side where the loading docks are located. An excavated pond is located on the north side of the Project Site. The areas around the pond and store are generally mowed. The remaining northern and western portions of the parcel are undeveloped and consist of fields and woods.

A copy of the Town of Warsaw Official Zoning Map showing the location of the Project Site is included as Figure IIIK-1. As shown in Figure IIIK-1, the Project Site is currently zoned as “B” Business. The current Wal-Mart store sells general merchandise and contains a restaurant and drugstore. These retail uses are permitted in “B” Business Districts, as

designated by the Town of Warsaw Official Zoning Map and dictated by Town of Warsaw Zoning Laws.

b) Existing Emergency Services

Existing police services for the Project Site are provided through the New York State Police and the Wyoming County Sheriff Office. The New York State Police headquarters is located approximately 0.4 miles south of the Project Site at the following location:

New York State Police
5297 Buffalo Road
Warsaw, NY 14569

The Wyoming County Sheriff Office is located approximately 1.5 miles south of the Project Site at the following address:

Wyoming County Sheriff Office
151 North Main Street
Warsaw, NY 14569

Existing fire and rescue emergency services are provided by the Warsaw Fire Department located in the Village of Warsaw. The Warsaw Fire Department is located less than 2 miles from the Project Site at the following address:

Warsaw Fire Department
40 East Buffalo Street
Warsaw, NY 14569

The Wyoming County Community Hospital is the closest emergency medical facility. This hospital is located less than 1 mile south of the Project Site at the following address:

Wyoming County Community Hospital
400 North Main Street
Warsaw, NY 14569

Existing police, fire, rescue, and emergency medical facilities are all located less than 2 miles from the Project Site providing excellent coverage and response time for any emergency. Existing services provided are adequate to meet the current demand generated by the existing Wal-Mart store.

2. Potentially Significant Adverse Impacts to the Community

a) Proposed Land Use, Zoning, and Variances

The Project is compatible with adjoining commercial and residential land uses. Existing land use of the Project Site will essentially remain unchanged. The existing retail store will be expanded to the west and south to provide more retail products, grocery and services to customers. Additional parking will be added to the north and east of the store.

The Project Site is currently zoned “B” Business as shown on the Town of Warsaw Zoning Map. A copy of this zoning map showing the location of the Project is included as Figure

IIIK-1. The development of larger scale retail business and grocery is permitted by the Town of Warsaw Zoning Code. Therefore, no changes to the current zoning of the Project Site is required or proposed.

The Applicant will ensure that the Project conforms to Town zoning and building code requirements or obtain any necessary variances and the Project will be reviewed by the Town Planning Board during site plan approval. This includes the proposed expanded parking area along NYS Route 19, between the McDonalds and the bank. The Town of Warsaw Zoning Ordinance states that parking areas may be located in any yard space for non-residential uses but shall not be located closer than 50 feet to any road right of way centerline and 10 feet to any property line. The proposed parking area is approximately 61' from the centerline of NYS Route 19 and 28' from the property line.

The proposed building mounted signage is in conformance with the Town Zoning Code – Article X Section C-2 which allows up to 15 percent of the surface area upon which the sign will attach. The front façade is anticipated to have an approximate total surface area of 14,280 sf. The entire area of the proposed building mounted signage is 473.33sf. The proposed signage is only 3.3 percent of the anticipated entire front façade surface area. Therefore, the project will meet the zoning code requirements for building mounted signage.

It is anticipated that the Applicant will apply to the Town Zoning Board of Appeals for the following variances:

Parking Space Dimension:
The Town of Warsaw Zoning Ordinance requires 10'x20' parking spaces. The Project will increase the required number of parking spaces. Due to existing site constraints such as the proximity of adjacent commercial businesses, existing wetlands and Oatka Creek, and the location of the existing store, 9.5' x 20' parking spaces are proposed to maximize the space available for parking. Therefore, a variance will be required to provide 9.5'x20' parking spaces where 10'x20' spaces are required. The existing Project site parking spaces are also 9.5' wide.

Parking Space-Required Number of Spaces:
The Town of Warsaw Zoning Ordinance requires 1 parking space for every 150 square feet of gross floor area. Based a proposed gross floor area of 125,763 square feet (per the Town Zoning definition of gross floor area), 838 parking spaces are required. Due to the site constraints mentioned above, the current plan provides 672 spaces. Therefore, a variance will be requested to provide 672 spaces where 838 spaces are required. The proposed parking space ratio meets Wal-Mart's minimum criteria for required parking at this store.

Loading Regulations:
The Town of Warsaw Zoning Ordinance requires 1 loading space (12' x 65') for the first 4,000 square feet of gross floor area and 1 space for every additional 20,000 square feet of gross floor area. Based on the proposed gross floor area of 125,763 square feet, 7 loading spaces would be required. Based on their past operational experience with hundreds of stores in this size range, the Applicant is assured that the 4 proposed loading spaces (85'x10') will adequately and efficiently serve the Project. Therefore, a variance will be requested to permit 4 loadings spaces where 7 are required.

Buffer Area and Landscaping:
The Town of Warsaw Zoning Ordinance requires that off-street parking areas for more than 5 vehicles be effectively buffered on the rear and side yards by a fence of acceptable design, unpierced masonry wall, landscaped berm or compact evergreen hedge. Such fence, wall or hedge shall not be less than 6 feet in height and shall be maintained in good condition. When the parking area adjoins a residential area, a planted buffer area shall be provided in addition to the hedge or wall mentioned above. The planned buffer area shall not be less than 10 feet in depth.

Buffer Area and Landscaping:
The Project Site is located along the Route 19 corridor, which is characterized by a mix of office and commercial retail. The area to the west (rear) of the Project Site is presently undeveloped, and consists of an open field with moderately high vegetation such as goldenrod, and sparse brush. Oatka Creek, a major tributary to the Genesee River, is located just west of the Project Site and is surrounded by forest. There are no residential or commercial uses within close proximity to the rear of the Project Site. The area to the south (side) of the Project Site includes a shared driveway to the adjacent plaza. Due to the undeveloped nature of the west (rear) of the Project Site and the existing infrastructure on the south (side) of the Project Site, the Applicant considers a landscape buffer in either area unnecessary or unfeasible.

The area to the north (side) of the Project Site is undeveloped adjacent to the site and buffered by a significant wooded hedgerow extending from Route 19 back to Oatka Creek. North of this hedgerow two residences exist, the closest being located approximately 300 feet from the Project parking lot. Through the completion of this project, the existing parking area will be expanded approximately 60' north. As depicted on the landscaping plan located in Appendix B, additional plantings will be provided on the north side of the expanded parking lot to further buffer views from the north. Based on the distance between the Project Area and the residential use, the quality of the existing wooded area (buffer), and the magnitude of the improvements proposed for the north side of the Project Area, the Applicant feels that further landscape buffering is unnecessary. Therefore, an area variance will be requested to provide no landscape buffer at the rear and side yards.

Number of Signs:
The Town of Warsaw Zoning Ordinance states that not more than two signs containing advertising or otherwise relating to a single business or activity may be erected or maintained on a single property. Not more than one of the two permitted signs may be a ground sign.

The current store has five building mounted signs (Wal*Mart, We Sell for Less, Subway, Satisfaction Guaranteed, and Pharmacy). As part of this Project those signs will be removed and replaced with four signs (Walmart*, Recycle, Market & Pharmacy, and Home & Living). The replacement of the signs will result in an overall decrease in signage area for the Project Site.

The current ground mounted sign is shared with Tops and Wal-Mart. As part of this Project, it is proposed that the Wal-Mart panels be replaced to match the updated sign package. The overall size and location of the ground-mounted sign will remain unchanged.

A variance will be required to permit a total of five signs, one of which is the existing ground mounted sign to be updated, where a maximum of two signs are permitted.

b) Impact on Future Development and Growth

The extension of additional utilities into new areas can spur development and growth into areas previously undeveloped. The Town's proposed creation of the sewer district, while independent from this Action, may encourage more intensive development within the sewer district because of the removal of constraints associated with limited leach field capacity and thus water usage. However, no significant growth or development is anticipated to occur as a result of the Project or the Town's proposed sewer district creation as most of the NYS Route 19 corridor is already developed. Any future expansion or commercial growth along this section of NYS Route 19 is significantly restricted by Oatka Creek and its floodplain to the west and a railroad line to the east. If growth in the area does occur, current water and electric supply in this area is reported to be ample and no problems are foreseen with serving a greater demand. Further, any growth in the area would be subject to the review of the Town Planning Board and the SEQRA process. Additional information on potential growth inducing impacts is provided in Section VII.

c) Compliance With Town of Warsaw Comprehensive Plan

The purpose of a Comprehensive Plan is to provide information on the status of the community, establish goals and objectives for a Town identify problem areas and issues, identify beneficial resources and opportunities, and provide direction or methods for guiding the Town towards its chosen future. A Comprehensive Plan is a document to be utilized as a tool to manage existing environments and conditions, and to guide future growth and development in the Town.

The Town of Warsaw Comprehensive Plan (referred to in this document as "the Plan") is included as Article XIV of the Town of Warsaw Zoning Law. The Project is in compliance with the Plan and meets the goals of the community. The Project Site has been identified in the Plan as an appropriate area for prime commercial and business uses that serve the local, residential, and community wide needs of the area. The Project Site is currently zoned "B" Business District as shown on the Town of Warsaw Zoning Map (see Figure IIIK-1). The purpose in creating Business Districts is to provide locations where businesses may be appropriately located to serve frequent commercial and personal service needs of a majority of residents within convenient traveling distance. By locating the Project in a designated Business District next to existing businesses, the Project is consolidating commercial development allowing for increased safety and convenience for consumers. Existing residential neighborhoods and agricultural lands are protected from encroachment by incompatible uses by locating the Project at this location. The Project avoids undesirable and unplanned haphazard commercial uses throughout the Town's rural and agricultural areas. Therefore, the Project complies with the land use and development policies as outlined in the Plan.

The Plan encourages the attraction, retention, and expansion of a sufficient number and variety of businesses and industries to provide jobs and a healthy tax base. The Project is a commercial development which places limited demands on public services and minimal impact on the school system. This Project will provide needed goods and services to the community while providing a stable taxable revenue stream to the Town of Warsaw.

Section III.K.2.c discusses the positive fiscal impact the Project will have on the Town of Warsaw through additional tax revenue, as well as the increase in jobs the Project will provide. It is projected that the Project will create an additional 75 jobs in the Town of Warsaw. Development which provides additional tax revenue and jobs to the Town is in compliance with the Town's Comprehensive Plan.

The Plan requires all development in the Town to meet high standards of quality and appearance. The Architectural Elevations including building mounted signage are included in Figure IIIF-1. The Project will provide an updated appearance to the store which will complement and enhance the appearance of the area. The enhancements include more muted color tones and additional architectural elements such as the use of sports canopies near the entrances, architectural standing seam metal roof, and glass and metal storefront system. Design elements such as varied rooflines, the use of a variety of building materials, multiple setbacks, and three-dimensional features break the front façade view into smaller units. The façade is enhanced with features of human interest such as building mounted architectural accent lighting, landscaped plantings, and benches. The Project meets the high standards of quality and appearance as required by the Town's Comprehensive Plan.

The Plan also encourages the development and maintenance of commercial facilities needed to serve the projected population of both the Town and the Village in an efficient and accessible manner. The Project Site is located along NYS Route 19 just north of the Village of Warsaw which is a highly accessible location with suitable areas for parking for such a development. By expanding an existing retail store on a site that is located in a commercial area, the Project seeks to stabilize and enhance existing commercial areas through building renovations, appropriate landscaping, and design improvements in order to minimize any potential traffic hazards and to increase the general attractiveness of the area. Such development seeks to enhance an existing commercial corridor which is in direct compliance with the Plan.

Another goal of the Plan is to provide an adequate transportation circulation system for land uses which is in scale with the demand. The Plan requires the participation of private developers in providing for needed street improvements, thereby reducing the ultimate public cost of developing the circulation. NYS Route 19 is a main arterial roadway that borders the east side of the Wal-Mart plaza. A north Wal-Mart Plaza Driveway and a south Wal-Mart Plaza Driveway currently provide access to the Project Site.

Existing and projected traffic resulting from the Project have been thoroughly studied in the Traffic Impact Study contained in Appendix J. Comments and recommendations from the NYS Department of Transportation have been received and incorporated into the Project. Mitigations recommended in the Traffic Impact Study, such as installing a three-phase traffic signal at the intersection of NYS Route 19 with the south Wal-Mart plaza driveway and the opposite bank driveway, have been included in the Project to ensure surrounding roads and intersections will not be significantly impacted. All necessary traffic mitigations and street improvements will be approved by NYS Department of Transportation and paid for by the developer.

With proposed traffic mitigations in place, the safe movement of residents, workers, visitors, and goods in the Town of Warsaw will not be significantly adversely affected.

The Plan also seeks to protect important environmental resources from the adverse effects of development. The Plan requires all development to preserve the integrity of existing natural areas and concentrate development in areas proposed for growth in the land use plan.

The Project has been designed to eliminate any adverse impacts to the environment. According to the Wetland Delineation Report in Appendix E, the Floodplains Evaluation Study in Appendix F, and the Site Plans in Appendix B, and as discussed in Sections III.B.2.a and III.B.2.b no wetlands, streams, or floodplains on the Project Site will be impacted by the proposed development. As discussed in Sections III.A.3 and III.B.3.a, erosion and sediment transport will be controlled by best management practices during and after construction in accordance with the Stormwater Pollution Prevention Plan (SWPPP) created for the Project. As discussed in Section III.C.a, the Project Site contains no unique natural communities or habitats, or any threatened or endangered species which would warrant development restrictions.

The Town of Warsaw Comprehensive Plan outlines various planning and development goals and policies for the Town of Warsaw. The Project is in compliance with these goals and policies. The Project Site is zoned for large commercial retail business development. The Project will result in the increase of revenue to the community through collected taxes and will provide additional jobs for the community. Appropriate landscaping and design improvements seek to avoid undesirable traffic impacts and improve the general attractiveness of an existing retail store. By redeveloping an existing site zoned for commercial retail business, existing agricultural lands, open space, and conservation areas are preserved for future generations. Upon careful review and consideration, and for all the reasons stated above, the Project clearly meets the goals of the community and is in compliance with the Town of Warsaw Comprehensive Plan.

d) Impact to Emergency Services

The development of the proposed Wal-Mart expansion is anticipated to have nominal impacts on police, fire protection, and emergency medical services. The majority of impacts associated with the development will be a slight increase in the number of complaints handled by the New York State Police or the Wyoming County Sheriff Office, as well as any vehicular accidents that occur both internal and external to the Project Site that may potentially require the attention of all the emergency/public safety services.

All turning radii and access aisles have been designed to allow for adequate access by fire fighting and other emergency equipment. Access will be provided to the entire building perimeter for firefighting access and signed to prevent blocking by parked or stopped vehicles.

Services provided are adequate to meet the current demand generated by the existing Wal-Mart store. Since the expansion will not result in any significant change in the type of service demands or the level of service demands, it is anticipated that the existing emergency services will also be adequate to meet the post-development demands generated by the site.

e) Fiscal Impacts

It is anticipated that the Project will provide an increase in property tax revenues to the Town of Warsaw, the Warsaw Central School District, and Wyoming County. For the purposes of this document, the anticipated property tax revenue is based on the expected assessment of the new facility and existing property tax rates. The Project will also generate increased sales tax revenues annually after project completion. Sales tax revenues primarily go to the State government, with a portion going to the County. The existing Wal-Mart Store in the Town sells a wide variety of dry goods. The Project supplements this with grocery items. Because many grocery items are not subject to sales tax and because only a portion of the sales taxes go to the local government, the increase in sales tax revenues due to the new Wal-Mart Supercenter will not be large.

The anticipated increase in property tax revenues from the Project will not be offset by the additional costs of government services provided to the Project Site. The costs for town-wide services the Town of Warsaw currently provides such as highway maintenance, snow removal, and other administrative services are not expected to significantly change as the result of the Project. Other significant direct services provided by the local municipality include water supply and sewage treatment. The Project will include a new sanitary pump station which, if the Town creates a new sanitary sewer district, will provide a direct benefit to said district and reduce the costs to the District. The Project will also include new watermain and other on-site infrastructure improvements installed by the Applicant at the Applicant's expense to replace older systems and thus reduce maintenance and repair responsibilities incurred by the Town and utility providers.

The Warsaw Central School District is projected to receive additional revenue annually from the Project Site's property taxes. This annual revenue increase is not offset by any additional costs since the Wal-Mart will not add any new pupils to the school district enrollment.

Additional service costs for the Wyoming County government should be negligible given wider distribution of assessments and services for this larger government unit. The primary direct service provided for this site will be for police protection through the County Sheriff's office. As for fire service, the substantial additional property and sales tax revenues generated by the project should significantly exceed any incremental service costs attributable to the Site Development. For these reasons, additional service costs to the County are considered essentially zero for purposes of this analysis.

Fire risk and demand increase associated with the Project will be virtually negligible compared to the existing store.

It is assumed that the Applicant will utilize the Real Property Tax Law Section 485-b abatement program, which is a development incentive program available to new commercial development in New York State where local municipalities participate. With this, the revenue stream to each of the participating governments is reduced in the first ten years of project occupation. The program provides a fifty-percent abatement of the increase in property taxes attributable to the development in year one, declining by five percent each year to year eleven when the abatement ends. At present, the Town of Warsaw, the Warsaw Central School District, and Warsaw County all participate in the 485-b tax abatement program.

Expected tax revenues from the proposed Wal-Mart Supercenter in Warsaw, NY are listed below and were calculated by taking the existing Project Site's taxable assessed valuation and tax charges and increasing them based on the increase in building square footage associated with the expansion. The land portion of the taxable assessed valuation was not increased. Appendix M provides information on existing Project Site assessed valuation and property taxes as well as calculation of anticipated property tax increases for the post-expansion Project Site.

Utilizing the expected tax revenues, conservatively estimated by including the use of the section 485-b tax abatement, and subtracting the estimated costs for services to be provided, resulted in the following net revenue (revenue - costs) stream to the local government units of Warsaw, NY.

The existing taxable assessed valuation (TAV) for the Project Site in 2008 was listed as $3.7207 Million, including $2.6283 M for the 76,800 square feet building and $1.0924M for the land. The projected TAV for the post-expansion Project Site as currently proposed is $6.15567M, including $5.063250M for the 147,956 SF building and the same $1.0924M for the land.

The increase in TAV for the building was projected based on a pro-rata of 1.9265 as the ratio of expanded building floor area to existing building floor area. The calculated ratio of Total TAV for the post-expansion Project Site to the existing site is 1.654486. The calculated ratio for the increase in total TAV for post-expansion is 0.6545.

The existing property taxes paid by the Project Site in 2008, as obtained from the Town Tax Collector and online records, were as follows:

Town - $24,606.42
School - $82,897.20
County - $26,139.46.

Applying the 0.6545 ratio to the year 2008 taxes to accommodate the expansion, the equivalent property tax **increases** following the proposed expansion would be expected to be the following:

Town - $16,104
School - $54,254
County - $17,108

Below is a table listing the anticipated property tax increases associated with the proposed expansion, based on maintaining the existing tax rate structure and applying the 485-b tax incentive program. It should be noted that the anticipated increase in municipal costs associated with the Project are anticipated to be relatively small and are not included in the figures below.

TABLE IIIK -1: ANTICIPATED PROPERTY TAX REVENUE STREAM

x $1000 (Rounded to nearest $1000)

(ASSUMES USE OF 485-b TAX ABATEMENT)

Year	Town	School District	County
2008 (Existing, Pre-Expansion)	25	83	26
Post-Expansion			
Tax without 485B abatement	41	137	43
Tax with 485B abatement			
Year 1	33	110	35
2	33	113	36
3	34	115	36
4	35	118	37
5	36	121	38
6	37	124	39
7	37	126	40
8	38	129	41
9	39	132	42
10	40	134	42
11	41	137	43
Years 1 to 10 Avg.	36	122	39

As can be seen, the direct fiscal impact to the Town, County and School district is an immediate Year 1 property tax revenue increase of approximately 32%, continuing to increase at 5% per year until reaching full rate in year eleven at approximately 65% higher than existing property tax revenue. Although the actual tax revenues will be different, this table is considered to be an approximate representation of actual tax revenues from the Project.

In addition to property taxes, sales taxes from the construction of new facilities and continued operations at the Wal-Mart site in the Town of Warsaw will add to the revenue stream for local and State government units. The Project is anticipated to result in a reduction in Wyoming County residents traveling to LeRoy and other Wal-Mart Supercenter sites outside Wyoming County. This will be most important for the County and State governments that receive and utilize the bulk of sales tax revenues.

On the basis of the above facts and analysis, it is concluded that the proposed Project will result in a positive fiscal impact to local government units and the Warsaw Central School District.

3. Potential Mitigation for Community Impacts

a) Parking Variance to Provide Additional Greenspace

The current Project will require the granting of a parking variance to allow 673 parking spaces (not including cart corrals), where 838 spaces would be required. It is not feasible to construct the required number of parking spaces due to site constraints such as the

location of the existing store and adjoining commercial developments. The current plan utilizes areas available for parking while conforming to setback requirements as well as not adversely impacting the existing wetlands.

Given the site constraints, the proposed Project attempts to balance the required parking space dimension and quantity, while meeting the Applicant's parking requirements. Through the Applicant's operation of thousands of stores, it is confident that the proposed number and size of parking spaces will provide a positive experience for their customers. If a variance were granted allowing the further reduction of parking spaces below the 673 figure, then during high parking demand times a shortage of spaces would be observed, resulting in inconvenience to patrons.

Therefore it is viewed that a variance to reduce the parking further than what is currently being proposed, to provide more greenspace, would not have a positive effect on the overall development.

b) Community Impact Mitigation Summary

The Project is considered to be compatible with the Town of Warsaw Zoning Code, Town of Warsaw Comprehensive Plan, and adjoining commercial and residential land uses. Existing land use of the Project Site will essentially remain unchanged. The Project Site is zoned for large commercial retail business development. The Project will result in the increase of revenue to the community through taxes collected and provide additional jobs for the community. No significant adverse impacts to the community are anticipated to result from the Project. No mitigation is required.

SECTION IV

PROJECT ALTERNATIVES

Draft Environmental Impact Statement

WAL-MART EXPANSION

2348 NYS Route 19
Town of Warsaw
Wyoming County, NY

IV. PROJECT ALTERNATIVES

A. No-Action Alternative

The No-Action Alternative would result in the preservation of greenspace on the Project Site. The seasonal garden sales area would continue to operate at the north end of the parking area. Storage containers would continue to be used for products that did not fit inside the store. The loading dock area would be visible from the shared driveway from NYS Route 19. The shared left / through lane at the southern driveway would continue to operate at LOS F during the peak hours, since no traffic signal would be installed. An increase in sales tax revenue would not occur under the No-Action alternative. Sales tax revenue would continue at the same level or perhaps even reduce as the result of a draw exerted via competition from the new LeRoy, NY and Geneseo, NY Wal-Mart Supercenters. This anticipated diversion of local shoppers to LeRoy or other Supercenters would tend also to increase travel time and mileage incurred by shoppers, as well as related fuel consumption and vehicle wear and tear.

The No-Action Alternative would avoid all potential environmental impacts identified as resulting from this Project. This will be accompanied by the loss of all benefits of the Project including the expansion of local retail competition, increase in fiscal benefits to the Town, school district and County, and the expansion of local job opportunities. On the basis of the above, the No-Action Alternative is not the preferred alternative.

B. Project Design in Conformance with all Existing Zoning

The current site plan is in conformance with all existing zoning with the exception of parking space dimension and quantity, loading space quantity, buffering and signage. The existing Project Site would require significant modification to provide the required number of parking spaces. It could be accomplished by several drastic and cost prohibitive options.

One option would be to relocate the existing abutting commercial developments and utilize those areas for parking. The Applicant does not control these areas and does not see a benefit in removing said businesses from the community.

Another option would be to demolish the existing store and construct a new one onsite further to the west. This would provide more area for parking spaces between the store and NYS Route 19. This option would involve significant impacts to wetlands and the floodplain and would still require variances for loading space quantity.

Appendix C includes a Site Plan prepared earlier in the Project planning stages with a larger store and higher parking ratio. Increased impacts to wetlands, floodplain, parking setback variance are noted on the plan; increased traffic would also result. The proposed Project Site Plan was developed to reduce or eliminate these impacts. The USACOE would require justification that wetlands disturbance cannot be reasonably avoided, which is not the case.

Yet another option to develop the Project without variances would be to find another location to construct a code complaint store. This would result in vacating the existing store which would represent a detriment to the remaining business in the plaza and surrounding area.

The Applicant has no other properties under control within this municipality or the market area identified for this facility. SEQRA specifically provides that "site alternatives may be limited to

parcels owned by, or under option to, a private project sponsor" (6NYCRR Section 617.9(b)(5)(v)).

The required number of loading spaces required by the Town zoning ordinance could be constructed; however they would not be necessary to successfully operate the store and would constitute a waste of resources and space in the construction and maintenance of said spaces and any related increased building size. The additional impervious surface would unnecessarily increase storm water runoff from the site.

The permitted number and size of signs could be installed. This would increase the likelihood that patrons might have trouble locating the site due to the lack of signage. It is noted that the Project as proposed will represent a significant reduction in signage from that existing on the store today. The existing zoning ordinance permits a total of two signs, including one freestanding, with a maximum sign size of 24 square feet. Bearing in mind the store's setback from the highway, a compliant sign would not be legible to the traveling public.

C. Alternate Project Site Design /Layout Reconfiguration

The site as proposed has been modified so that any stormwater management facilities and parking expansions are not located within the floodplain; there will be no disturbance within or adverse impact to the Oatka Creek 100 year floodplain or existing wetlands. The general layout of the site has been retained such that the existing parking lot and entrances are retained and the existing building is retained within the expansion. This layout fits well with the layout of the plaza to the south and most efficiently serves the community with a minimum of environmental impact.

Relocating the building forward or backward would create problems with parking capacity or wetlands/floodplain interference. Rotation of the building would create grade issues and would present the Route 19 viewpoint with the side of the building, and the building would also need to be moved closer to Route 19. This concept would also necessitate abandonment and replacement of all of the existing building and virtually all of the existing pavement and utilities and would potentially create more noise impact to the existing residences to the north. For all of these reasons, these layout reconfigurations were not considered further

By omitting the parking in the area near Route 19 the store would have to either reduce its parking ratio (which is already below Town Zoning Code requirements) or extend the parking to the north and / or west of the store in areas that would be over 500 feet from the main entrance and are remote. As discussed above, this would create disturbance to the wetlands north of the store, which would be a direct environmental impact and would involve long reviews and necessitate complicated and costly mitigation work.

SECTION V

UNAVOIDABLE ADVERSE ENVIRONMENTAL IMPACTS

Draft Environmental Impact Statement

WAL-MART EXPANSION

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V. UNAVOIDABLE ADVERSE ENVIRONMENTAL IMPACTS

During the development of any project, regardless of its magnitude, certain adverse impacts on the environment will result despite all measures implemented to mitigate these impacts. SEQRA contemplates the balancing of these impacts against social, economic and other relevant considerations (6 NYCRR 617.12 (d)(2)). The unavoidable impacts anticipated to occur due to the development of the project site are summarized in this section.

A. Unavoidable Short-Term Impacts

Unavoidable short-term impacts are all related to the construction phases of the Project. They are all temporary, localized and relatively minor in nature. These short-term impacts include:

- Temporary traffic delays due to construction of proposed highway improvements;
- Increased traffic levels due to construction workers' vehicles and off-site equipment movement;
- Temporary but non-harmful increases in noise levels in the immediate vicinity of construction;
- Creation of fugitive dust; and,
- Minute localized increases in air emissions from construction equipment.

B. Unavoidable Long-Term Impacts

Certain long-term environmental impacts will result from the construction and operation of the retail and commercial establishments.

Traffic volumes near the site will increase as a result of the Project and normal growth in the area. However, NYS Route 19 has sufficient capacity to manage future traffic predictions resulting from the Project. Additional mitigation in the form of a three-phase traffic signal at the intersection of NYS Route 19 and the south Wal-Mart plaza driveway will re-establish levels of service at this intersection. Overall, regional traffic may tend to reduce as local shoppers tend to opt for this Wal-Mart site over more remote locations.

The removal of existing green space on approximately 4.15 acres of undeveloped land is an impact associated with the Project. A slight reduction in wildlife habitat will inevitably occur as a long-term impact of the proposed development. Whenever possible, existing vegetation along the fringes of the property will remain undisturbed to provide a natural buffer for adjacent residents. Where no natural buffer of vegetation exists, landscaping and fencing will be used to fill the void of existing buffering materials. Existing vegetation along Oatka Creek and adjacent wetlands will remain intact. No on-site wetlands will be impacted as a result of the Project.

There will be an increase in energy use associated with the construction and the operation of the Project. The proposed Wal-Mart store will require a long-term commitment of electric and gas energy for heating, cooling, and lighting. In addition, there will be a permanent commitment of building materials to the constructed buildings, pavements and infrastructure. Unavoidable commitments to portions of available system capacity of the local municipal water supply, wastewater collection and treatment and to solid waste handling and disposal facilities will occur as a result of the Project. A commitment of economic resources for the cost of construction materials, labor equipment, and fuel will also be required for the construction and continued maintenance of the site.

Many proposed developments eliminate land as a source of potential crop production. However, since the Project is an expansion of an existing facility in a commercially zoned parcel, no agricultural land will be converted for the proposed Project.

SECTION VI

CUMULATIVE IMPACTS

Draft Environmental Impact Statement

WAL-MART EXPANSION

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VI. CUMULATIVE IMPACTS

To the Applicant's knowledge, there are no other proposed actions in the vicinity of the Project Site that would need to be incorporated as potential impacts. The Applicant has taken into account future traffic predictions at area intersections and stormwater runoff impacts in conjunction with adjacent outparcels and plazas surrounding the Project Site.

As previously discussed in Section III.G.2, future traffic was analyzed for 2010. The analysis concluded that a traffic signal is warranted on NYS Route 19 at the intersection with the south Wal-Mart plaza driveway and bank driveway. With a traffic signal installed at this location, no significant cumulative impact from traffic is anticipated.

As previously discussed in Section III.B.2.c and Section III.B.3.c, the Project will not adversely impact the stormwater management system, as the existing storm sewers and detention basin were originally designed and sized to accept runoff from this area following its ultimate development as a paved area. Some of the increased stormwater runoff from the Project will be piped to a stormwater quality basin located west of the building, just outside the existing floodplain and wetland limits. The basin contains a forebay and separate retention area allowing for suspended solids and particles to settle out prior to discharging. This basin will be designed to comply with the requirements of the New York Stormwater Management Design Manual. No significant cumulative impact from stormwater runoff is anticipated.

On the initial site plan given to the Town, the stormwater detention basin was located within the 100-year floodplain. The current proposal has adjusted the location of the proposed basin to ensure there are no impacts to the floodplain. As shown on the Grading and Drainage Plan (Drawing C-4) in Appendix B, all proposed construction activities and grading at the Project Site will occur outside of the 100-year flood elevation of Oatka Creek. As a result, the Project will have no cumulative impact on flood levels upstream or downstream of the Project.

At this time, there are no development proposals for any other property in the vicinity of the Project Site. No other potential cumulative impacts are foreseeable as a result of the Project. Therefore, any further analysis of cumulative impacts is unwarranted.

SECTION VII

GROWTH INDUCING IMPACTS

Draft Environmental Impact Statement

WAL-MART EXPANSION

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VII. GROWTH INDUCING IMPACTS

It is anticipated that additional retail and commercial development will occur in the vicinity of the Proposed Site. Any such further development will be constrained by the availability of suitable sites, the controls and requirements in place by the Town of Warsaw Zoning Code, the availability and suitability of utilities, and the market demand for such facilities. The Applicant is not aware of any potential projects that may be developed as a result of this Project.

The creation of a Town sanitary sewer district including the Project Site, Five Star Bank, McDonalds, Tops Plaza and other parcels along both sides of NYS Route 19 between the Project Site and Village line may spur growth in the area and increase the demands of other utilities. It could also tend to encourage more intensive development within the sewer district because of the removal of constraints associated with limited leach field capacity and thus water usage. However, the planned district is already largely developed and increased development is not anticipated to be significant. Further the available water supply is very ample and no problems with serving a greater demand are foreseen. Any future development would also be subject to SEQRA and Town review and approval.

The improvements made at the Project Site which will occur in connection with construction of the Wal-Mart expansion may provide other nearby businesses, including nearby shopping centers and older existing commercial areas, with an incentive to upgrade their facilities. Additionally, the Applicant has worked with the Town of Warsaw Planning Board to develop a building façade that is compatible with the character of the Town and Village of Warsaw architecture, which will be viewed as positive by the community. The building may serve as a precedent for future development in the Town of Warsaw. Additional economic activity brought about by the presence of the Wal-Mart expansion has the potential to strengthen commercial activity in the area. To the extent the Project will have competitive economic impacts on existing businesses in the Town and Village of Warsaw, such impacts are not relevant considerations under SEQRA.

Although more traffic is inevitable, highway improvements will take place that maintain and/or improve existing traffic levels of service. The strengthening of the retail base in the Town will tend to reduce travel from the Town to other, more remote retail centers.

SECTION VIII

IRRETRIEVABLE COMMITMENT OF ENVIRONMENTAL RESOURCES

Draft Environmental Impact Statement

WAL-MART EXPANSION

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Wyoming County, NY

VIII. IRRETRIEVABLE COMMITMENT OF ENVIRONMENTAL RESOURCES

Although the development of this parcel will bring benefits to the Town of Warsaw and surrounding communities, some non-renewable, natural or man-made resources will be consumed or committed to other uses during the construction and lifetime of the proposed Project. The resources are considered to be irretrievable committed since their reuse for purposes other than the proposed development is either impossible or highly impractical.

The development of vacant or underutilized land would irretrievably commit those parcels to other uses. All materials and energy consumed in the anticipated construction are irreversible and irretrievable commitments. Energy and resources required to construct the proposed development encompasses energy extraction of raw materials, manufacturing of equipment and materials, delivery, construction, and installation. Materials included in this category are the steel, concrete, asphalt, brick, glass, and other construction materials used to build the development and related site improvements for this project. The fossil fuel used by the construction equipment and the operational maintenance of the Project Site will also be an irretrievable commitment. The energy consumed in transportation to and from the proposed site by automobiles and delivery trucks will be gasoline and diesel fuel.

The public utilities and services which will be furnished are opportunity costs to various agencies and governments providing those utilities and services in that their use for individual projects precludes their use for other programs and projects. Major uses of energy utilities for this project include heating, ventilation, and air conditioning. Commitments of a portion of the available capacity in the municipal water supply, wastewater collection and treatment, and solid waste handling and disposal facilities will also occur.

The human effort involved in constructing and maintaining the proposed project, along with the capital expended are also irreversible and irretrievable commitments of resources.

Approximately 3.7 acres of open field located to the north and west of the store will be lost as a result of the Project. The future use of the land for purposes other than those indicated in this analysis is highly impractical resulting in an irretrievable commitment of the land to commercial development.

SECTION IX

SOURCES AND BIBLIOGRAPHY

Draft Environmental Impact Statement

WAL-MART EXPANSION

2348 NYS Route 19
Town of Warsaw
Wyoming County, NY

IX. SOURCES AND BIBLIOGRAPHY

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