

**APPENDIX C**

**TRANSCRIPT OF DEIS PUBLIC HEARING ON APRIL 30, 2009**

**Final Environmental Impact Statement**

**WAL-MART EXPANSION**

**2348 NYS Route 19**

**Town of Warsaw**

**Wyoming County, NY**

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PUBLIC HEARING FOR SEQR DEIS FOR  
WAL-MART STORE EXPANSION  
TOWN OF WARSAW PLANNING BOARD  
WYOMING COUNTY COURTHOUSE  
WARSAW, NEW YORK  
APRIL 30, 2009 7:00 P.M.

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REPORTED BY:

DOREEN M. SHARICK, Court Reporter  
EDITH E. FORBES COURT REPORTING SERVICE  
21 Woodcrest Drive  
Batavia, New York 14020

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APPEARANCES:

TOWN OF WARSAW PLANNING BOARD:

KARL GROHS, CHAIRMAN

RICHARD HUMPHREY, MEMBER

JERRY JONES, MEMBER

DEBORAH KRAWCZYK, MEMBER

TIMOTHY MEYER, MEMBER

JEROME SMITH, WARSAW ZONING OFFICER

ROBERT MARTIN, ASSISTANT WARSAW ZONING OFFICER

DAVID DiMATTEO, ESQ., TOWN ATTORNEY

E. JACK BUHOLTZ, PE, CIVIL ENGINEER

JAMES ELMER, PE,

BERGMAN ASSOCIATES

CHRISTOPHER BROSHERS, pb2 ARCHITECTURE

CARMEN LEWIS, ESQ., HARTER, SECREST & EMERY LLP

ELLEN PARKER, WENDEL DUCHSCHERER

DANA BRAUN, WENDEL DUCHSCHERER

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MR. GROHS: We'll call the meeting to order. Stand and we will say the pledge of allegiance to the flag.

(Pledge said)

MR. GROHS: We've a three part major deal tonight on this. We are going to start out with the people from Wendel Duchscherer Architecture and Engineers and then we will go to Jack Buholtz from Bergman Associates and then at the end we will have a discussion from the audience. So right now, we will start out with Wendel.

MS. PARKER: I just wanted to give a little bit of context for this project because it started and stopped and where we are in the process. Tonight, we are having our public hearing for the State Environmental Quality Review Act and the purpose of SEQRA is to make sure that when you do a project, that if there's any negative impacts on that project, that you consider them and then try to address those and do what they call mitigate, minimize them to the greatest degree possible.

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2                   Where we are in this process is the  
3                   applicant, Wal-Mart, has come to the Town and  
4                   asked to do an addition to their existing  
5                   store. The Town determined that they wanted  
6                   to do a Draft Environmental Impact Statement  
7                   for their project. They saw that there were  
8                   some potential impacts that needed to be  
9                   looked at. Under the State Environmental  
10                  Quality Review Act, they said we wanted you to  
11                  do an Environmental Impact Statement. As part  
12                  of that process, that happened in '07, the  
13                  Town had went through what they call scoping  
14                  and with a public hearing, we have looked at  
15                  all of the types of issues that we thought  
16                  would come up that would be an issue that  
17                  needed to be addressed, whether it was traffic  
18                  or impact on the creek or impact on the  
19                  wetlands. And so the Town adopted that public  
20                  scoping, which is essentially the list of what  
21                  needs to be looked at in terms of what those  
22                  impacts are in '07 and in the meantime, the  
23                  project kind of went in abeyance.

24                         And they came back with a revised  
25                         project. So this is the first time that we

1  
2 have seen this impact statement. Even though  
3 they first came in '07, we never had an impact  
4 statement until January of '09. That was the  
5 applicant's prerogative.

6 So now, we are at a point in the  
7 process, the Town has reviewed the document to  
8 make sure that the applicant looked all those  
9 things we said that they had to look at, but  
10 we didn't look at it in terms of whether or  
11 not we agree with it or not. That's what the  
12 next stage will be, whether we think in terms  
13 of what they are proposing makes sense in  
14 terms of the mitigations for the impacts that  
15 are created by this project.

16 Tonight is your chance to be able to  
17 ask questions on what you think needs to be  
18 looked at, what questions you have on the  
19 document that they presented.

20 We will keep the comment period open  
21 for another ten days. That's required under  
22 law anyway. So you do have additional options  
23 after tonight to get comments to the Town if  
24 you have questions.

25 I think that, Dave, were you going

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to go over the ground rules?

MR. DiMATTEO: If you want. Did you bring a copy of the ground rules with you?

MS. PARKER: I have them.

MR. DiMATTEO: I'll go over them. If anybody wants a copy so they know the ground rules. They always make me do the ground rules.

They shall maintain the order at the planning board meeting and the public hearing. The public is required to sign-in and the sign-in sheet is right there if anybody hasn't signed it. Public shall be allowed to speak only during the public hearing portion or during the public comment period and that will be in a few minutes. Only one person be allowed to speak at a time. Any person wishing to speak at the public hearing will have three minutes to do so and a two minute time frame for rebuttal at the end of the meeting. If needed, the speaker will be asked to stand up -- actually, tonight, we are going to ask that you stand up here and talk out this way only because of the fact we have a

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court reporter and not everybody is as loud as I am.

The speaker addressing the Board shall address his or her remarks to the Board only and not other members of the audience in the form of a debate. All the questions and comments or statements will be directed to the Board as a whole and not any individual member thereof. Any person wishing to submit a written statement to be read into the record and provide the above statement to the chairman at the beginning the public hearing. Again, if you have a statement that you want us to read, and a good thing about this is, we are going to stay open for another ten days. If there's something you start to think about tonight and in the next ten days want to write us something, we will consider that, too. This is, again, looking for information and you're a vital role of getting us that information.

MS. PARKER: One thing I forgot, the next step after this hearing, is that any of the comments and questions that are

1  
2 considered to be substantive, that have a  
3 bearing on the document that they have  
4 written, you think that you have a question  
5 about this particular aspect of it, in the  
6 next step we'll do what they call a Final  
7 Environmental Impact Statement and that will  
8 summarize all of the impacts and all of what  
9 is going to be done to make sure that those  
10 impacts are minimized to the greatest degree  
11 as you can. And any of those questions will  
12 also be answered in that document. That the  
13 applicant is under obligation to respond to  
14 specific substantive questions that are  
15 raised.

16 MR. GROHS: We will open the  
17 public hearing now. And Jack, I think we will  
18 let you go right through and show what you got  
19 for us.

20 MR. BUHOLTZ: This is the  
21 applicant, which is a Wal-Mart store that  
22 supports expansion. Carmen Lewis is going to  
23 introduce the team. She's our legal attorney,  
24 planning consultant and then she'll turn it to  
25 me. I'll describe the site. We have some

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other people that will talk.

MS. LEWIS: Good evening. My name is Carmen Lewis as Jack said. I'm just going to introduce the folks we have here from Wal-Mart. We've got people from Bergman. Jack is our civil engineer on the project. Matt Wing is also the civil engineer on the project. We have Chris Broshers from pb2 Architecture to go through the elevations and to answer any of the questions with regards to the renderings. And we also have our traffic engineer, yes, Jamie, and he will go through any of the traffic impacts that we have. So we are just going to start out here, can everybody hear me okay?

MR. DiMATTEO: Not real well. You need to speak louder.

MS. LEWIS: Maybe it's easier from over here. Okay. So as the representative from Wendel Duchscherer mentioned, the purpose of SEQR is basically a fact finding process.

The planning board is the lead agency for SEQR, needs to gather information

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2 in order to make a decision. And the DEIS,  
3 the Draft Environmental Impact Statement, is a  
4 way to identify all the potential  
5 environmental impacts of our project. So as  
6 Jack will go through with more detail, we are  
7 expanding the existing Wal-Mart store to  
8 148,000 square feet.

9           Tonight, you're going to have the  
10 opportunity to provide any oral comments you  
11 have on the DEIS, and also written comments as  
12 was mentioned throughout the next ten days  
13 after the hearing closes, which will end May  
14 10th.

15           I know the ground rules were already  
16 set, but just as some background, SEQR is  
17 really focused on the environmental impacts of  
18 this project so statements of general  
19 opposition are not relevant and we will be  
20 responding to as the applicant will be  
21 comments just on the DEIS that are relevant to  
22 the environmental impacts in order to prepare  
23 our final FEIS on the project.

24           Basically, the relevant comments  
25 that we are going to be looking for, any

1  
2 issues on the project. Wendel, as the  
3 consultant, has prepared a memo on this in a  
4 response to the DEIS we have submitted  
5 throughout January and February. Our DEIS was  
6 accepted by the Planning Board as complete and  
7 ready for review February 23rd of this year.

8 And going forward, the public review  
9 period is tonight. You have the opportunity  
10 to make comments and, again, submit anything  
11 in writing you may have to in regards to the  
12 DEIS over the next ten days.

13 With respect to the project, the  
14 zoning and land use highlights are the  
15 property is zoned B, business district, and  
16 the use for retail business establishments are  
17 already expressly permitted in this district.  
18 So as you know, there's already a Wal-Mart  
19 store there, which is a retail establishment  
20 and however, although it is a permitted use,  
21 there are certain aspects of the expansion  
22 plan that require variances from the zoning  
23 board. So we will be requesting minor tweaks  
24 just based on our particular project which  
25 Jack will go over in more detail. Things like

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parking, loading docks, the signage required for our store and we will also be asking the planning board for site plan approval for the project.

I guess now I'll introduce Jack and he will go over in a little bit more detail the variances we are going to be requesting for the project.

MR. BUHOLTZ: Thank you, Carmen.

MS. LEWIS: You're welcome.

MR. BUHOLTZ: I'm just going to list what the general description of the variances and then I'll go on to describe the project here. As you know, just to back up again, there's an existing Wal-Mart store out on Route 19 about 75,000 square feet and we are going to increase that to about 148,000 square feet roughly. We are almost doubling that in size. That's the project. We're going to increase parking, too, on the same site. We're not buying any land and we are not doing any subdivisions associated with that.

The variances that we foresee with

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2 the design as it stands now, would be, first  
3 of all, number of parking spaces. We are  
4 proposing about 670. By the zoning ordinance,  
5 we would need over 800. In my view the Town  
6 of Warsaw has a very high parking ratio  
7 required. We don't feel we need that many.  
8 We're requesting a variance to reduce that  
9 number to fit in better on the site and to  
10 preserve green space.

11 We are requesting a variance in the  
12 width of the parking space. The Town code  
13 requires 10 feet width. Wal-Mart standard is  
14 nine and a half feet. That's what's there  
15 today. We want to match what's there today  
16 and we want to preserve a lot of the parking  
17 that there is today so we are requesting a  
18 variance on that.

19 The Town code requires seven loading  
20 spaces in the loading dock area to back a  
21 truck into. We are proposing four, which  
22 based on Wal-Mart's experience with their  
23 thousands of stores, it's the appropriate,  
24 most efficient number. We are requesting a  
25 variance on that.

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2                   The building signage, the buffering  
3                   within the rear and sides of the store, the  
4                   zoning ordinance asks for buffering on sides  
5                   and rear of the store in the form of hedges or  
6                   intensive plantings, would be here, here and  
7                   here. We're requesting a variance on that.  
8                   We already have extensive plantings in this  
9                   hedge row along Oatka Creek in the back. We  
10                  are proposing plantings up on the north side.  
11                  There's quite a bit of open space on the north  
12                  and there is an existing hedge row there. On  
13                  the south side, we really can't provide any  
14                  because we have a common entrance driveway  
15                  with the Tops plaza. We're requesting a  
16                  variance on that.

17                  The final one is the number of  
18                  building signs, we don't have a problem with  
19                  the building sign area, but the code only  
20                  permits two signs, one pylon and one other.  
21                  And we have about five or so, which is about  
22                  what we have today, but we are requesting a  
23                  variance for that. So those are the  
24                  variances.

25                  This is just an aerial view of the

1  
2 existing site. I think you're all familiar  
3 with it. For those of you that might not be,  
4 you might have trouble with this. This is  
5 Route 19. The Village of Warsaw is down so  
6 north is up. Existing store is here. This is  
7 the Tops. This is about 75,000 square feet.  
8 The site is about 27 acres. It goes all the  
9 way back like this. Purple line is indicating  
10 site limits. This was originally developed in  
11 the early 1990's as an overall plaza, which  
12 included the Wal-Mart store, what is now  
13 called Five Star Bank, a McDonald's, and this  
14 plaza here, which extends beyond here with the  
15 Tops and some other stores. It was since  
16 subdivided on that.

17 Access today, there is a stop sign  
18 controlled access point here with unlimited --  
19 with left in, left out, right in and right out  
20 access, opposite the bank here, which is the  
21 Wyoming County Bank -- sorry, what is it?

22 MR. GROHS: Bank of Castile, Bank  
23 of Castile.

24 MR. BUHOLTZ: Bank of Castile.  
25 Thank you, which is here. The only control on

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2 this is there's a stop sign here. There is a  
3 right in and right out only driveway here.  
4 There's is a right in and right out here up by  
5 the bank, Five Star Bank, which exists today.  
6 This driveway is shared with the plaza here.

7 As far as sidewalks today, there is  
8 a sidewalk that you can kind of see here. It  
9 comes along Route 19 and it stops right there,  
10 right at the main entrance. There is also a  
11 sidewalk that comes into the site, isn't shown  
12 on this at the south end of this plaza. It  
13 comes back and goes along the store front and  
14 then actually through the Tops entrance here  
15 and stops.

16 Drainage, I just want to bring it up  
17 here. I'll be talking about it again. When  
18 this was developed, the site was developed,  
19 all the drainage from developed areas go into  
20 a detention basin, which is right here in the  
21 Tops plaza side. There are three main  
22 drainage lines, one goes roughly like this and  
23 across, one goes out here and across, and  
24 another one is in the back. It comes in the  
25 back. And they all are piped into this basin.

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2 This detains the water, then releases it and  
3 flows back to Oatka Creek.

4           There is a snowmobile trail, which  
5 is kind of hard to see, but it comes down into  
6 here basically near the property line and back  
7 to the back of the site. And the pylon sign,  
8 which has a Tops sign and a Wal-Mart sign on  
9 it, it is right about there.

10           I just want to note, the northern  
11 limit of the parking you can see is kind in  
12 line with the north end of the Five Star Bank.

13           Next slide is existing project  
14 sites. These are just some photos of the site  
15 looking at -- there's a pond there. This pond  
16 was created by excavation by dirt that was  
17 used for fill when they originally built the  
18 store. These are just some other views here.

19           Why at this location, and when we  
20 say this location, I'm including the Town of  
21 Warsaw and the specific site, good planning.  
22 It's good to expand a store if you can. We  
23 don't want to shut it down, abandon it and go  
24 to another site if we have one here. It's  
25 good planning to expand this in our view.

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2 We're going to keep it open by the way while  
3 we do the expansion.

4 Access to and from a state road  
5 which we already have. Existing commercial  
6 development infrastructure, we got other  
7 commercial development in the area that would  
8 make sense to continue here. We've got the  
9 infrastructure here to serve it. It's a  
10 currently developed site so that minimizes the  
11 environmental impacts associated with putting  
12 a bigger store in there.

13 And as our architect, Chris Broshers  
14 from pb2, will explain, there are a lot of  
15 things that are offered for customer  
16 convenience here: recycle center, a pharmacy,  
17 grocery, bakery, et cetera, which we think are  
18 good to have in the Town of Warsaw so you  
19 don't have to go to Geneseo or Leroy to  
20 benefit from those things. And these days  
21 it's good to reduce your mileage in these  
22 times and that's another benefit of utilizing  
23 Warsaw and this site.

24 We also anticipate about 150 new  
25 permanent jobs created at the store and about

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a hundred construction jobs during the construction part of this. So those are why we think this is a good location for this project.

This is the proposed Wal-Mart site plan here. I don't know how well you can see it, but some things I'll point out. The cream color here is the existing store and the brown is the expansion around it. Most of the expansion is to the rear, which is to the west and to the south here. The parking expansion, parking expansion basically from there north, that area there is new, and this area, all this area around here is new pavement.

And as I said, we are expanding from about 75,000 to about 148,000 square feet. This number could change a little bit by the building, but that's the rough, the approximate number we are anticipating at this time.

The access is going to remain the same two entrances I talked about except we are going to add a signal here and we have a traffic person who will explain that. We are

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2 going to have a traffic signal here to enhance  
3 access to the site and the safety of the  
4 movements at this intersection.

5 At this point, we have not proposed  
6 any new sidewalks into the site. We have some  
7 constraints here. Namely, that we don't own  
8 this parcel and it's very tight where the  
9 McDonald's is and we don't own this area here.  
10 We are working with the owner of this plaza  
11 down here. At this point we do not have a new  
12 sidewalk into the site and rarely that's an  
13 issue.

14 In addition to the parking that we  
15 are adding here, we're also proposing to add  
16 some parking in this area. This is between  
17 Five Star Bank and McDonald's and provide  
18 screening in the way of landscaping between  
19 that and Route 19.

20 The pylon sign, we propose to  
21 continue to use the same pylon sign in the  
22 location and the Wal-Mart face will read a  
23 little bit differently to modify. It won't be  
24 any bigger and it won't be moved.

25 Now, some other minor changes. One

1  
2 other thing is that loading dock, which is  
3 currently here, is going to be moved to the  
4 back of the store. And this area here, which  
5 today I think is a gravel fire access road, it  
6 is going to be paved behind here as well.

7           There is an existing pond as I said  
8 that will be preserved. We are also providing  
9 for water quality and I'll be explaining them  
10 in a minute.

11           The DEIS includes -- if you read it,  
12 it includes a study of many potential impacts  
13 based on a scoping outline that was developed  
14 with the Town. But some of the main things  
15 that were brought up were preservation of  
16 wetlands, not influencing the flood plain  
17 elevation, traffic, construction, vehicle  
18 traffic, the potential to create a town sewer  
19 district and sidewalks, which I mentioned, and  
20 building facad.

21           Now, what we have done is we are not  
22 disturbing the wetlands, but there are  
23 wetlands in this area. This pond has now been  
24 declared a wetland. We are building a  
25 retaining wall. We are not going to disturb

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that pond. There are some wetlands back in here. We are not going to disturb any wetlands. That's great for us because it avoids permit requirements and it's good for the wetlands.

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We did an intensive study and have demonstrated that we're not going to be doing any filling of the flood plains. We're not going to impact or raise the elevation on the hundred year flood plain along the Oatka Creek.

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And traffic is going to be discussed later. We're going to discuss the sanitary sewer system in just a minute.

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And we are going to talk about the building facade in a minute.

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We will go to the next slide. Working with the Town, project benefits. We have revised our prior site design. This is quite a bit smaller than the store that we proposed a couple years ago, which was about thirty, 40,000 square feet larger. As I said, we revised the design to keep a lot of existing landscape details and preserve the

1  
2 wetland, the pond based on input from the  
3 community and the New York State Department of  
4 Environmental Conservation.

5           The Town is now working to create a  
6 sewer district which would include the  
7 Wal-Mart store and everything south down to  
8 the Village on both sides of Route 19. We are  
9 trying to create that district now. This has  
10 been the impetus for that. That is something  
11 the Town is trying to do and Wal-Mart has  
12 expressed a willingness to participate in that  
13 to go forward.

14           A traffic signal will be added.  
15 Jamie will be able to tell you about that.  
16 That will basically provide some benefits for  
17 through traffic as well as the site traffic  
18 into side streets, too, and obviously,  
19 Wal-Mart is going to update and improve the  
20 architecture of the entire store and we're put  
21 some new tree plantings along Route 19 and in  
22 and along the parking lot and also, we stated  
23 that we will either reconstruct or resurface  
24 all of the existing parking lot pavements on  
25 site, which is going to give a fresh

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appearance and improve safety. Again, this is our proposed Wal-Mart plan here. You've seen this, maybe a different view.

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Lighting, lighting is generally -- usually an issue. We are proposing to use the same poles that are there, the same design as the poles that are there, the same height, 39 foot pole on a three foot base that was there today. We will be replacing the poles. We will be keeping the bases and by using the same height pole, we can get the same good coverage with those pole bases the way they are laid out.

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The difference is that we are providing dark sky compliant light bulbs which are lumineres which do not go below the bottom of the housing there. So they do not create the glare to the side and in areas where we have to do any shielding, we'll just bring down a side there. That will prevent the light from spreading on that side. We do this so that we do not have light spillage from the lights beyond the property line on the ground.

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Utility services, we have got all

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2 the utilities already here. We've got  
3 electric, cable, telephone. We've got an  
4 existing sewer agreement with the Village of  
5 Warsaw that was created when this was one  
6 entity before they subdivided it. There is a  
7 pump station which collects sewage from the  
8 bank, McDonald's, Wal-Mart and the Tops plaza  
9 and pumps it down along Route 19 and into the  
10 village sewer system.

11 We have an existing eight inch water  
12 main on site that loops around the building  
13 and provides the pressure and flow that we  
14 need for fire protection.

15 And stating here, the existing  
16 sanitary pump station will be removed and  
17 replaced. It's actually in the path of where  
18 the building will be expanded to the south.  
19 So that's going moved to the another location  
20 on the site plan. And all the buildings will  
21 be directed to that pump station. We have  
22 existing gas service, too.

23 Storm water management practice,  
24 just to give you an idea, basically everything  
25 drains into Oatka Creek here. This is our

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2 site, this area here. Basically, the existing  
3 developed areas go into that detention basin I  
4 told you about behind the Tops plaza. We are  
5 going to preserve that drainage going into  
6 that pond and the additional development that  
7 we may have, I got to go back here, which is  
8 additional building area and additional  
9 pavement here and here, those areas that would  
10 exceed the flow that currently goes into this  
11 pond out here for which it's designed, are  
12 going to be piped into these water quality  
13 basins in the back and they will overflow and  
14 flow by gravity over and down to the Oatka  
15 Creek and that is a design that is accepted by  
16 New York State for this application.

17 I think I've actually explained  
18 everything that's on there. It says here will  
19 obtain U.S. Army Corps of Engineers and DEC  
20 and DOT permits as required. At this point we  
21 don't foresee any special permits from DEC  
22 with the exception of the stormwater pollution  
23 prevention plan, which all construction  
24 projects require. And we will need a permit  
25 from New York State DOT to put our signal in.

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Now, I'm going to turn it over to Chris Broshers. He's going to talk about building architectural and then when he's done, he'll give it to Jamie and he'll give you some input on the traffic.

MR. BROSHERS: My name is Chris Broshers. I'm with pb2 Architecture. We are the architect on this expansion. I just kind of want to go over a couple of improvements that we're going to make to the building and the store just kind of -- some of what Jack said, we are going to expand it to be about 148,000 square feet. With that expansion, there will be added services. The store as it exists today has very limited services as far as what a lot of Wal-Mart stores have. It only has food and a pharmacy. With the expansion we will be adding a larger general merchandise area, of course, a grocery area, a recycle center at the front because of the bottle collection requirements in the State of New York, we will add an area that is actually in the front so that you don't have to go back through the store to return it or what not.

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It will be right there in the front.

The garden center will be expanded on the north side of the building to provide better service and more products over there.

The pharmacy will be relocated and remodeled and expanded within the store and as part of the groceries will be a bakery and deli and normal grocery store additions to the store. Also, the entire interior even the parts that are remaining will be completely remodeled, new paint, new floor. It will look like a brand new store once it's all done.

The store we have right there right now is pretty much a gray box. No real way to sugar coat that. But when we were coming in and expanding it, we are going to take that gray box and make it look much better.

Part of the design on this store will be a whole new front of the store that provides more earth tone colors. There will be canopies over the entrances to provide coverage walking into the building. Right now it all rains down. There will be an area here that is covered so if you're waiting for the

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transit system or for a ride from somebody,  
there will be a covered area where you can  
wait for that.

There will be plantar in the middle  
here with some benches around to add some  
green to the store. Also, along the front  
it's not flat like it is today. It will add  
some interest to it. It won't just look like  
a big box that we have today.

Also, we have varying roof lines  
throughout and special entries to provide a  
more pedestrian scale to the store so it  
doesn't look like from Route 19 a big box like  
our existing store. We wanted to provide a  
pleasing store for the Town of Warsaw.

On the sides and rear, we will be  
also painting those to match more earth tone  
colors, providing screening here of the trash  
compactors. With the relocation of the dock  
more in the rear of the store, that will also  
help screen truck traffic, trailers that might  
stick out and be visible from Route 19 now.

The garden center is over here over  
on this side. It will maintained on the same

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2 side as it is currently. It will just be  
3 expanded, provide better service and with the  
4 addition to the parking over here, it will  
5 provide easier access to that area in the  
6 spring time when there's a lot of plants and  
7 things going on.

8 And just like, too, as I said, the  
9 recycling center will have an exterior  
10 entrance right here to provide an easy access  
11 to return your bottles and cans.

12 I'll let Jamie go over some of the  
13 traffic.

14 MR. ELMER: Thank you, Chris.  
15 Good evening, I'm Jamie Elmer with Bergman  
16 Associates. I'll go over the traffic study.

17 A traffic impact study was prepared  
18 for the Wal-Mart expansion. The New York  
19 State Department of Transportation has  
20 reviewed the study and agrees with its  
21 recommendations, including a traffic signal at  
22 the south entrance as Jack has stated. The  
23 traffic signal will include a northbound left  
24 turn phase for cars entering the plaza from  
25 the south and also an overlapping eastbound

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2 right turn phase for exiting traffic turning  
3 right to go south into the village.

4 The traffic signal will also provide  
5 gaps in Route 19 traffic for nearby  
6 intersections. No significant adverse impacts  
7 were shown in the study.

8 The study included analysis of seven  
9 intersections on Route 19 at Saltvale Road,  
10 the two Wal-Mart entrances, the Buffalo  
11 Road/Duty Road intersection, at Duncan Street,  
12 the Court Street circle and the signalized  
13 intersection at Route 20A in the village.

14 This slide shows, as we mentioned  
15 several times, the proposed signal at the  
16 south driveway. North is pointing up in this  
17 slide. The new signal will improve traffic  
18 flow and reduce delays.

19 And that's about it. Thank you very  
20 much. Jack, did you want to add anything?

21 MR. BUHOLTZ: I just want to say  
22 that that concludes our presentation so I  
23 guess you want to take over now and have the  
24 public.

25 MR. GROHS: Anything you want to

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say? No. We will open it up to the public if you got any comments. You heard the things we will like to have you come up front and give your full name and address and you've got three minutes to make a comment. Anybody that wants to come up and make a comment? No comments?

MS. DUELL: I have some questions.

MR. GROHS: Come on up.

MR. DiMATTEO: Sure, come on up.

MS. DUELL: Can I ask all these in the same time? I know some of these --

MR. DiMATTEO: Turn around. Use the podium. Is there enough light there?

MS. DUELL: No, that's fine. Valerie Duell, Warsaw. These are just some questions that I had, that I know some of the issues have come up. The property tax, how the rate or how you're going to be taxed from the beginning -- or not the beginning of the project but the end of the project? Any like tax deductions or what do I want to say, those tax breaks, if those are going to be taken

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2 advantage of I guess? And then sales tax, I  
3 know for the county, I know a lot of the sales  
4 tax goes to the county. Do you have any part  
5 of that coming back to the village and the  
6 town? Do you know what I --

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MR. BUHOLTZ: We're not actually  
8 supposed to respond to you, but we will take  
9 your questions and we will respond to those in  
10 the FEIS.

11

MS. DUELL: Okay. Okay. That's  
12 just a question. And the sewer district, if  
13 there's any idea how close to completion that  
14 is, if it's going to go down passed Wal-Mart,  
15 like taking in I guess the bank and the gas  
16 station and maybe down to Saltvale I guess  
17 would be the most -- I guess that would be the  
18 ending boundary I would think.

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MS. PARKER: So your question is  
20 what would the boundaries be?

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MS. DUELL: Yeah, from where it  
22 is, how far down it would go. And the traffic  
23 light, I know that's a concern right there by  
24 the entrance and the bank. You said there was  
25 a study done between the flow of traffic

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between the monument and the hospital and downtown and the traffic. I live on one of the side streets between the monument and the hospital. And there are times where it is difficult to get off the side streets. So I don't know what the plan was for the different lights.

And the design, it does look very modern looking, more than a gray box, but do we get a chance to I guess comment on the look of it to try to fit in with our village? I guess it could be more -- because Warsaw is a historical town, I think we'd like to see it a little more historic looking than modern.

And then during building, the flow of traffic through the village for construction, the trucks and the traffic, I guess the construction traffic I guess, does it have to come through the village?

And you were talking about your size of your parking spaces. You said you have nine and a half feet there now. I just hope you don't sacrifice the size of the parking spaces because there are a lot of elderly. It

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is handier to open your doors way up so if  
3 could you stay with the bigger parking spaces,  
4 I think more people would enjoy that.

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And in the winter time, we do get a  
little bit of snow. So I just wondered what  
the plans for the different snow removal, if  
there is a plowed area or what you would do  
with the snow? And that's all I have. Thank  
you.

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MR. GROHS: Thank you, Valerie.  
Anyone else? Well, if we have no comments,  
you have ten days now to get in touch with us  
if you do have any comments you're thinking  
of. And I guess that's it for the tonight.  
Unless you guys got some rebuttals you want to  
make, either one of you?

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MS. BRAUN: Does the Board have  
any questions? It's a public hearing as well  
so if you had any questions? If not, I can  
have the chairman close the public hearing and  
then we can do a quick little wrap up.

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MR. GROHS: Sounds good.

MR. DiMATTEO: Question I could  
see, with Ms. Duell's comments, it would be

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really helpful if you had a drawing showing where you are going to put your snow in the winter time. Obviously, we have paid attention to this parking. Sadly enough, for six months of the year in Wyoming County, that parking lot is absolutely useless for the most part because you've got to put your snow somewhere. Obviously, you're using a greater portion of the real property now. Where is your snow going? It would be nice to see a snow model so that we would know where the snow is going to be put.

Mr. Jones, I can't believe you're not asking about the renderings. You spent hours at the last meeting talking, giving all kinds of personal advice and reviews. I guess you were singing to the choir because nothing you said made a difference to anything we heard tonight.

MR. JONES: I asked about it earlier and they wanted to wait for the public comments and then they were supposed to come back at the next meeting with their revisions.

MR. DiMATTEO: Okay. It's

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2 interesting. Again, we see this again. We  
3 told you from the beginning, there is an issue  
4 with regards to the pedestrian traffic. I  
5 know there's nobody here from Wal-Mart. I  
6 know you represent Wal-Mart, but maybe you can  
7 send this back to Bentonville. Look it,  
8 you've got a handicap person traversing in the  
9 roadway to get to your Wal-Mart. As long as  
10 we are and we are on the record, if this were  
11 in Arkansas, it doesn't make sense that you  
12 don't have a sidewalk making it to this  
13 friendly pedestrian looking plaza. As I  
14 understand it, pedestrian looking plaza, but  
15 you don't have a sidewalk to get there. And  
16 we built a sidewalk to nowhere. You guys  
17 subdivided this property and now, you can't  
18 even get to your property. Had you come to  
19 us, we'd have helped you with that.

20 And it's interesting that you're  
21 going to change the sewer, and you're going to  
22 put it there, but where on your plan does the  
23 sewer exist? I mean I understand you are  
24 going to move your sewer. I see this very  
25 detailed sketch, but I don't see where the

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sewer goes. Are we going to be enlightened to that at some point in time? Is that something for later? Because we are here tonight. They are here tonight. They are here tonight. We still don't know.

UNIDENTIFIED SPEAKER: What's who your name?

MR. DiMATTEO: My name is Dave DiMatteo. I'm the Town Attorney. At some point we'd like to be enlightened. We'd like to know.

UNIDENTIFIED SPEAKER: You didn't say who you were in the beginning.

MR. DiMATTEO: I'm the attorney for the Town. I've said from the beginning I wouldn't follow the rules. I told you I'd be the first one to break them. I still don't see that on that plan. It would be real helpful so we could understand it.

MR. JONES: On the plans at the last meeting it was proposed where the pump station was going to be.

MR. DiMATTEO: That is Jerry Jones. He doesn't follow the rules either.

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MS. DUELL: Do you know where the pump station is going to be?

MR. BUHOLTZ: And we submitted plans that show it, but there are not --

UNIDENTIFIED SPEAKER: Excuse me. What was the question?

MR. BUHOLTZ: I'm sorry. Her question was, do we know where the sanitary pump station is supposed to go. Okay. If would you like me to respond to that?

MR. DiMATTEO: Please.

MR. BUHOLTZ: My response to you is that, yes, and site plans that we submitted to the Town include that and I did mention it in my presentation. I didn't say specifically where. This presentation was to give a general overview to the Town and we wanted to keep it brief, but we didn't intend to go into full detail on a lot of things like that, but we have provided that information to you, the Town.

MS. DUELL: I was kind of wondering where it was going to be. That's why -- is that something that's general

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knowledge?

MS. PARKER: The document is available at the Town and on Wendel Duchscherer's web site. It's ours. And also in the library? And also in the library which is the complete -- what they have submitted. I encourage people to take a look at it and if there is any remaining questions you have, you can still submit them. It doesn't have to be tonight that you present your questions.

MS. DUELL: I think I saw or I think I heard where it was going to be on the corner like across from the McDonald's driveway and then and/or will it be above ground or below ground?

MS. LEWIS: We can provide information.

MS. PARKER: That is up to --

MR. DiMATTEO: Ellen, is that okay if Ellen answer's that?

MR. GROHS: Yes, she can answer that.

MS. DUELL: I can rephrase that.

MR. DiMATTEO: You're fine.

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MS. PARKER: This is -- under the SEQR we are supposed to be just questions that will be answered in the document. I can provide that kind of factual information. It's in the document for you to look at. We can show it you here, also. Proposed right now is up by the McDonald's, correct, Jack?

MR. BUHOLTZ: It's near the McDonald's and it is underground.

MS. PARKER: It's underground.

MS. DUELL: That is I'll rephrase. I hope it's not out in the open.

MR. GROHS: Jerome, did you have something?

MR. SMITH: No.

MR. GROHS: Anybody else?

MS. FOSTER: My name is Marian Foster. This makes it different. This will be exactly what I was going to say from that spot. I just want to know, how much more sewage the expanded plan will -- how much greater the load is on the current Warsaw sewer system there, what we have in place? Do you have any figures on that? Do you have any

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data that can tell us what the new expansion will do to our current system and will it be adequate? I guess that's the question. Or will we have to improve that in order to provide this service?

MR. GROHS: Thank you. Your name and address, please?

MS. FOSTER: I gave you my name, Marian Foster. My address is right on the sheet.

MR. GROHS: Thank you. Anybody else? Well, that's it. We will turn it back over to you girls.

MS. BRAUN: I just want to thank everybody for coming out tonight and taking interest and please, you have until May 10th to get any more comments in to the Town. Please look at it. It's at the Town. It's at the library. It's on the web site. You can look at it at that time.

All the comments you provide will be looked at. Substantive comments will be addressed by the Town working with the applicant to work on the FEIS, which is the

1  
2 Final Environmental Impact Statement, as  
3 mentioned that represents the opinion of the  
4 Town and also highlights the impacts and what  
5 the mitigations are to make those impacts as  
6 minimal as possible to the environment and  
7 that's the whole process and the reason that  
8 SEQR is in place for the State of New York is  
9 to minimize environmental impacts from large  
10 scale and small scale development projects.

11           Once we have the substantive  
12 comments, we will work jointly on the FEIS.  
13 Once the FEIS is completed, that pretty much  
14 starts to wrap it up. There is a comment  
15 period. There is no public hearing on the  
16 FEIS, but the document is open to the public  
17 forwarding your comment period, you'd be  
18 taking written comments from the public on  
19 that document. After that the process kind of  
20 runs that once the FEIS goes there and then  
21 you're basically wrap up the SEQR process and  
22 then the applicant would be able to move on to  
23 the site plan and variances with the zoning  
24 board pending a positive outcome of the whole  
25 SEQR process for their project.

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So that is where we are. Like I said, if you have any more questions, please get them to the Town. Thank you for coming out. And I believe -- I think that wraps it up for the planning board.

UNIDENTIFIED SPEAKER: One question back here. I'm questioning as to whom we send our questions or comments, number one. And you mentioned an on site location for the renderings and site plan?

MR. DiMATTEO: The site plan hasn't been -- I don't think -- the final site plan hasn't been submitted. There is a preliminary site plan provided. That I believe is at the --

MR. SMITH: Town hall.

MR. DiMATTEO: Is it also at the library?

MR. GROHS: Yes, Town and at the library.

UNIDENTIFIED SPEAKER: It's not on line?

MS. BRAUN: It is on line.

MR. DiMATTEO: It is on line with

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Wendel.

MS. PARKER: What I'll do is I'll have -- my cards have the address. Is it under the main one?

MS. BRAUN: Yeah, e-mail, e-mail Ellen. We will send you the link.

MS. PARKER: Is on our web site there, view it to find it on that site.

UNIDENTIFIED SPEAKER: Is that the location to which we send comments or questions?

MR. DiMATTEO: Either or. Either or. We will take them.

UNIDENTIFIED SPEAKER: Thank you.

MS. BRAUN: The town attorney or the town hall.

MR. GROHS: One more thing to cover here before we close up, is we had a meeting scheduled for the 12th. I'd like to postpone that until the 18th if possible. Is it all right with you folks?

MS. LEWIS: I'm sorry. I didn't hear you.

MR. GROHS: We had a meeting for

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the 12th. We'd like to postpone it to the  
18th.

MR. DiMATTEO: Of May?

MR. GROHS: Of May.

MS. LEWIS: That's fine.

MR. GROHS: Okay. Everybody  
hear? Very good. Thank you everybody for  
coming. Thanks for the comments. And we will  
close the meeting now and everybody have a  
safe trip home.

(Proceedings concluded.)

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C E R T I F I C A T E

I, DOREEN M. SHARICK, do hereby certify that I have reported in stenotype shorthand the proceedings in the public hearing for SEQR DEIS for Wal-Mart Store Expansion by the Town of Warsaw Planning Board, at the Wyoming County Courthouse, Warsaw, New York, on April 30, 2009.

That the transcript herewith is a true, accurate and complete record of my stenotype notes.



DOREEN M. SHARICK

Notary Public.

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