

**Appendix 1**  
**Written Comments**

## Involved Agencies, Consultants and Interested Parties

Number	Name	Date
1	Town of Lockport Planner and Planning Board Comments	5-25-06
2	Andrew C. Reilly, PE, AICP, Ellen L. Parker, AICP, and Dana Braun, Town of Lockport Planning Board	5-12-06
3	Andrew Reilly, PE, AICP	5-8-06
4	Andrew Reilly, PE, AICP, Town Planner	5-26-06
5	Town of Lockport Staff Meeting	3-16-06
6	Donald Wolf and John Honan, PE, Watts Engineering & Architecture, PC	4-11-06
7	Dan Seider, PE, Town of Lockport Engineer	4-11-06
8	Town of Lockport Planning Board Public Comment Summary	5-4-06
9	Steven J. Doleski, New York State Department of Environmental Conservation	4-3-06, 5-8-06
10	Edward S Rutkowski, PE, New York State Department of Transportation	4-21-06
11	John Sansone, Ottaviano & Sansone, LLP, Citizens Against Sprawl	2-22-06
12	John Ottaviano, Ottaviano & Sansone, LLP, Concerned Citizens	4-7-06
13	Norm Gardner, Clark Patterson Associates	4-13-06

## MEMORANDUM

TO: Town of Lockport Planning Board

FROM: Town Planner, Andrew C. Reilly, PE, AICP

DATE: May 25, 2006

SUBJECT: Wal-Mart DEIS Compiled Comments

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The FEIS will consist of: the DEIS (may incorporate by reference), copies or a summary of the substantive comments received (indicating their source), the Lead Agency's responses to substantive comments and revisions to the DEIS.

Since the comment period ended, we have received and or reviewed all of the comments that were made concerning the project. This memo was reviewed by the Lockport Planning Board and was determined to be released to the applicant as comments from the Town Planner and Planning Board.

Attached items include:

- Site plan review for proposed site
- Traffic Consultant draft comment memo
- Town Engineer Comments
- Architectural sub-committee memos
- Memo and draft map from the Trails and Connectivity Study
- Preliminary Town of Lockport Department Staff comments from their 3/16/06 meeting
- Copy of comment letter from NYSDOT

The information in the attached documents may be redundant to this main memo, but is provided to add clarification and emphasis of key points regarding this project. Based on reviews to date the following are the major discussion points on the content of the FEIS:

### Impact on Land

- The location of any storm water pond may influence the amount of blasting on the site. Based on this issue and other issues concerning the proposed pond location, alternative designs or other locations of the pond should be better evaluated.
- Proposed chain link fence is unsightly and alternatives must be proposed.
- There should be a more complete discussion of the area of the parking lot that will be used for seasonal displays, in terms of actual number of spaces lost, proposed screening, etc. Consideration should be given to eliminating this area.
- Parking for employees need to be detailed as to the location, number of spaces, and relation to utilization with customer parking.
- On page 83, the DEIS notes a sidewalk will be provided along the north side of Shimer Drive. This walkway must be shown on the site plan.
- If the NFTA is currently providing a Metrolink stop to the existing Wal-Mart, it is very possible one will be required at the relocated Wal-Mart. The DEIS suggests revisions to the site plan would be needed to accommodate a stop. This issue and the nature of revisions likely to be needed should be assessed more fully in the FEIS (the new site, in our opinion, needs to accommodate a Metrolink stop).
- The issue of moving the building forward to better meet the overlay zone requirements and to match the setback of the Bon-Ton should be better evaluated (see separate zoning code review memo).
- No use of any type of storage bins on site should be noted on site plan and discussed in the FEIS.
- Existing utilities (sewer) at the rear of the site are problematic (spider web of utilities, sewers run into residential area) Wal-Mart should have utilities out of the front of the building and cap lines to the rear of the site if possible.
- An explanation of the existence of smaller Wal-Mart Super Center's in other locations and why one is not possible at this site must be provided.

### Impact on Water

- The design of the storm water pond (see Engineer's comments).
- Snow storage in the pond is not allowed. (potential affects on functionality of pond). The FEIS must address this change and where snow storage will occur.
- Impact on Groundwater in the area (increase problems to surrounding homes with sump pumps). Will the project affect the groundwater resources in the area?
- Surface drainage impacts and mitigations: Reported existing drainage problems should be addressed.

- Impact of potential blasting on site in regards to damage of bedrock and impacts to the water table. A detail of the procedures and type of blasting must be provided.
- See attached comment memo by Engineering.

#### Impact on Aesthetic Resources

- Need to provide new visuals on the appearance of the project from Transit Road. (at least two separate locations)
- Adequate screening is required to separate project from abutting residential areas. The FEIS should discuss extending the wall to the north side of Bon-Ton, all the way west to the property line. Improvements to the wall on the east side should also be considered.
- Several options for wall material type and landscaping treatments need to be provided.
- A detail of the proposed sign for the site needs to be provided on the site plan.
- Greenspace areas should be larger and better landscaped.
- The FEIS text must address the potential visual impacts regarding the detention pond and fence as shown on the site plan.
- The DEIS notes the recycling center and second dumpster would “possibly” be shielded with a block wall. Location, operation and proposed screening must be described in the FEIS, and should be shown on the site plan.
- The FEIS must provide greater detail about proposed signage, including location, size, style, colors, etc. The signage should be in character with the building and in accordance with the Town’s codes.
- The design of the wall extension and any repairs to the existing wall should be better illustrated. Consideration to additional landscaping (trees) along the wall should be evaluated.
- The architecture of the building is not acceptable and the Town of Lockport will provide more direction to the applicant on this issue. See attached comment memo regarding architecture
- Cart coral locations for the entire site need to be depicted on the site plan and discussed in regards to parking and site layout.

#### Impact on Transportation

- Not all intersections are addressed in the body of the report. At a minimum, intersections discussed under current conditions should also be addressed under full development conditions. Also, by using only the overall LOS, the analysis in the text omits discussing certain movements (shown in appendix) where LOS is less than the overall conditions.
- The discussion on the poor arterial LOS for Transit Road that is included in the Appendix should be discussed in the body of the report and assessed in terms of impacts and possible mitigations.
- The accident analysis is not clear. The text (page 42) and information in the Appendix do not correspond with the Table (page 43). This discrepancy must be

explained. The time period for the accidents shown in the table is not provided. Also, accident data must be incorporated more coherently into the assessment. There is no discussion of the accident analysis in relation to impacts or mitigations. According to the table in the main body of the report, a majority of intersections exceed statewide averages, including some that are double or triple the state rate (although this is not indicated in the appendix).

- The applicant relies upon an argument that 'additional study' would be needed to properly assess impacts and mitigations, particularly in regard to impacts on traffic patterns in adjacent neighborhoods, and avoids addressing neighborhood impacts.
- More explicit discussion of pedestrian movement is needed, particularly in regard to expected origins (neighborhoods, future YMCA, etc.) in order to assess adequacy of provisions. The document is confusing in regard to pedestrian accommodations along Shimer Road. The applicant needs to incorporate the information generated by the Town concerning potential sidewalk locations. (see attached map)
- The FEIS must clearly state what will be provided, where it will be provided, and who is responsible to pay for improvements.
- Mitigations being recommended include partial payment for two new "future" traffic signals. The FEIS must clearly state when such signals would be warranted; who would be responsible to pay for the portion not funded by Wal-Mart; and who would be responsible for maintenance and operation of the signals (coordinate with the NYSDOT and the Town). Are there other mitigations that could be accomplished at Shimer and Locust besides a traffic signal?
- Shimer Dr. is to be modeled as a dead end.
- In terms of internal circulation, it is not clear how traffic will negotiate the drive-through pharmacy window. It is our opinion that this drive-through area is poorly designed and will create internal traffic problems. Also, the text notes that some HVAC equipment and second dumpster will be located at the north side of the building, but it is not clearly identified on the site plan.
- Truck routes need to be detailed for the internal circulation pattern and potential conflicts with automobiles, pedestrians and transit facilities.
- Entrances across Shimmer Dr. should be considered with regard to access point and curb cuts for the site.
- We also note concerns with internal circulation through the parking lot. Please consider reconfiguration of north-south internal drive to address this issue (straight path).
- Entrance for Wendy's site does not work with site traffic and circulation patterns; entrances should be reduced (minimal needed entrances).
- Entrance for Arby's should be restricted to one access point from on site via external circulation roads.
- Arby's and Wendy's access should be right in right out only (to Transit Road).
- Pedestrian/Bicycle access should be provided in a direct, definable manner for internal site circulation and connection existing neighborhoods and land use.
- Curb cuts and site access should be limited in a manner that enhances and clarifies internal site circulation.

- Connection for on site transit facilities and access plans need to shown for routing and traffic circulation patterns.
- Consideration of locating some parking to the rear of the store (possibly employee) to give relief to circulation patterns in the front of the site.
- Shared parking agreements need to be provided and depicted on site plan.
- See attached memo and map regarding suggested location of sidewalks.
- See attached comment memo from Watts Engineers regarding traffic.

#### Noise and Odor Impacts

- As stated in the DEIS, "noise levels decrease with distance from a given source," therefore Wal-Mart should evaluate moving the building forward and thus moving the noise sources further away from the residents behind the site. Another consideration would be to change the configuration of the building so that noise producing elements are further away from the residents (loading docks, trash compactors, recycling centers, etc.).
- No outdoor "PA" system will be allowed.

#### Cumulative Impacts

- Based on impacts from noise, odor, and lighting to the residents behind the building, the amount of variances, aesthetic issues, greenspace needs, internal circulation issues, etc., the applicant needs to evaluate additional modifications to the site plan such as: A reduced size building, elimination of some of the uses in the building, building reconfiguration, modifying the buildings location on the site, adding a second story for some of the components of the building, etc. We believe one or a combination of these mitigations would greatly reduce some of the impacts of this project.
- A detailed report of the abandoned Wal-Mart site should be provided including what is the proposed future use of the site and what are the existing deed restrictions on the property.

**MEMORANDUM**

TO: Town of Lockport Planning Board

FROM: Andrew C. Reilly, PE, AICP  
Ellen L. Parker, AICP  
Dana Braun

DATE: May 12, 2006

SUBJECT: Site plan review for proposed Wal-Mart Super Center

The plan for the Lockport Wal-Mart Super Center has been reviewed in accordance to the zoning code for the Town of Lockport. The parcel of land is located in the B-2 and CCOD districts. Requirements used for review are the most stringent from both districts, as per the code outlined in the B-2 and CCOD sections of Town of Lockport, Zoning and Land Use Law.

**B-2 Review**

Variances from code are listed below.

- A special use permit is required for retail uses over 120,000 sf.
- Outdoor storage, display or sales are allowed by special use permit (SUP) and therefore would require an SUP.
- Lot width, defined as the width of a lot measured between the side lot line at its narrowest point within the depth required by this law, required is 150'. At narrowest point lot width is 87', then increases to 270' and 687'. A variance is required for 63' at the narrowest point. \*
- Requirements were evaluated in terms of separate parcel for the Wal-Mart, Bon-Ton and the combined site in an effort to clarify what is represented on the site plan, and boundaries of the separate parcels, site and shared parcels.
- Landscaping plan requires 1 tree per 3,500 sf of vehicle accommodation. The table below illustrates current site plan conditions.

<i>Wal-Mart (proposed)</i>	<i>Bon-Ton</i>	<i>Combined Site</i>
109 required	48 required	157 required
67 provided	35 provided	113 provided

- Wal-Mart site requires a 42 tree variance.
- Bon-Ton site requires a 13 tree variance.
- Combined Site requires a 44 tree variance (11 trees were located in common areas)

\* This will require interpretation by the Zoning Board of Appeals.