

# **DRAFT SCOPING DOCUMENT**

## **Proposed Project:**

**2780 Long Road Distribution Facility**

## **Project Location:**

**Approximately 207.34 Acres of Vacant Land  
Town of Grand Island, Erie County, New York  
SBL 23.00-1-50**

## **Project Sponsor:**

**Grand Island Commerce Center, Inc.  
c/o Jeffery D. Palumbo, Esq.  
Barclay Damon LLP  
9276 Main Street, Suite 3  
Clarence, New York 14031  
Tel: (716) 858-3728  
E-Mail: [jpalumbo@barclaydamon.com](mailto:jpalumbo@barclaydamon.com)**

## **Lead Agency:**

**Town of Grand Island Town Board  
2255 Baseline Road  
Grand Island, New York 14072**

## **Draft Scoping Document Submitted:**

**November 1, 2021**

**Town of Grand Island Town Board Draft Scoping Document**  
**SCOPING DOCUMENT**  
**DRAFT SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT**

Positive Declaration Issued: June 21, 2021 Draft Scoping Document Submitted:

June 30, 2021

Comments Accepted Through: October 11, 2021

Final Scoping Documents Issued: November 1, 2021

Project Sponsor Contact Person:

Jeffery D. Palumbo, Esq.  
Barclay Damon LLP  
9276 Main Street, Suite 3  
Clarence, New York 14031  
Tel: (716) 858-3728  
E-Mail: [jpalumbo@barclaydamon.com](mailto:jpalumbo@barclaydamon.com)

Michael Huntress  
Grand Island Commerce Center, Inc.  
5554 Main Street,  
Williamsville, NY 14221  
Tel: (716) 204-3570  
E-mail: [mhuntress@acquestdevelopment.com](mailto:mhuntress@acquestdevelopment.com)

Lead Agency Contact Person:

John Whitney, Town Supervisor  
Town of Grand Island  
2255 Baseline Road  
Grand Island, New York 14072  
(716) 773-9600

## **1.0 INTRODUCTION**

In 1991, a development was proposed at 2780 Long Road (“Property”) to develop approximately 145 acres of the Property in a multi-phase, multi-lot light industrial and office park campus-type complex (“1991 Project”). At that time, the Town Board of the Town of Grand Island (“Town Board”), acting as Lead Agency, issued a positive declaration for the 1991 Project. The Final Environmental Impact Statement for the 1991 Project (“1991 EIS”) determined potential significant environmental impacts regarding traffic, air quality, surface water, ground water, drainage, wildlife, noise, and sewer infrastructure. The 1991 EIS was accepted as final in December 1991.

In 2012, a revised multi-lot, multi-phase project was proposed for the Property (“2012 Project”). The Town Board did not act on the project as the developer did not proceed with the revised proposal.

In November 2020, Sponsor submitted a new revision, proposing a single-phase, single-building project on the Property (“Project”). The submission included a Full Environmental assessment Form to assist the Town in determining whether additional environmental review was appropriate. As part of the Project application, Sponsor appeared before Town’s Conservation Advisory Board, Planning Board, and Town Board, and Sponsor submitted written correspondence to the Town Board on March 9, 2021, April 1, 2021, and June 21, 2021. The Town Board also held a public information session with the Sponsor. Sponsor also submitted the following studies and planning documents as part of the Project submittal:

1. Stormwater Pollution Prevention Plan dated November 20, 2020;
2. Traffic Impact Study revised February 2021 with April 1, 2021 summary memorandum; and
3. Wetlands Delineation Report dated August 27, 2019.

On June 21, 2021, the Town Board issued a positive declaration requiring a Supplemental Environmental Impact Statement (“SEIS”) because of changes in the project and new information.

**2.0 SITE LOCATION AND DESCRIPTION OF PROPOSED ACTION:**

The proposed action or Project now consists of a 60<sup>1</sup> foot high, single story, 1,080,308 square foot warehouse and distribution facility inclusive of 36,421 square feet of office space. The Project requires a single 18-month phase of construction. The Project also consists of significant grading and filing activities and substantial stormwater detention ponds. The Property currently consists of vacant land and is split zoned between the Town’s M1 and R1A zoning classifications. The site improvements, but for stormwater detention facility, are located entirely on the M1 portion of the Property. The proposed action or Project has been defined broadly to include all necessary approvals and permits required from the Town of Grand Island, New York, as well as installation of the roadway and all necessary site infrastructure to service the Project.

**3.0 REVIEW PURSUANT TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT (“SEORA”):**

SEQRA provides a process for the consideration of potentially significant adverse environmental impacts resulting from a proposed action requiring one or more discretionary approvals and/or permits. 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 the SEQRA. It is the intent of the SEQRA that protection and enhancement of the environment

---

<sup>1</sup> The Sponsor has stated that the height of the building is 45 feet however the Town has disagreed with the Sponsor as to the appropriate manner of measuring the height of the building. The town's interpretation has not been appealed to the Zoning Board of Appeals.

and community resources be balanced with social and economic factors in the decision-making process.

### **3.1 Project Classification and Lead Agency Designation:**

The Town Board classified the Project as Type I for the purposes of environmental review. Pursuant to SEQRA Regulations, the Town Board conducted a coordinated environmental review of the Project. The Town Board's designation as lead agency remains in place in the 1991 review because the Town Board had not completed its discretionary reviews of the Project. A confirming lead agency solicitation letter was issued to involved and interested agencies and none of the involved agencies objected to the Town Board's request to continue as the lead agency.

In accordance with 6 NYCRR Part 617.7, based on its review of all agency comments, public input, the 1991 review, the completed Part 1 of the Full Environmental Assessment Form and application materials (including reports and studies) submitted by the Project Sponsor, the Town Board considered the potential environmental impacts of the proposed action and determined the action may result in significant adverse environment impacts and that a SEIS must be prepared. The Town Board issued a positive declaration on June 21, 2021, and determined that the proposed action may include potentially significant environmental impacts to:

- Traffic
- Ground and Surface Water Quality
- Air Quality
- Drainage Impacts
- Endangered or Threatened species including but not limited to the Short Eared Owl
- Noise
- Natural Resources
- Energy Usage

- Water and Sewer Infrastructure
- Surface water
- Land excavation/filling
- Light Pollution
- Water Quality
- Culture and character of Island Community

### **3.2 Purpose of the Scoping Process:**

The Town Board, as the designated Lead Agency, has decided to conduct scoping for the Project. The purpose of the scoping process is to identify the potentially significant adverse environmental impacts to be evaluated in the SEIS and eliminate consideration of those impacts that are irrelevant or insignificant. The objectives of project scoping are as follows:

- Identify potentially significant adverse environmental impacts;
- Identify limits or extent of SEIS;
- Identify information needed to adequately address impacts;
- Identify potential mitigation measures;
- Identify the range of reasonable alternatives; and
- Eliminate irrelevant or insignificant issues.

On June 30, 2021, the Project Sponsor submitted a Draft Scoping Document to the Town, and the Town has made edits. As part of the SEIS process, and in accordance with SEQRA Regulations, the Town Board forwarded said scoping document to all involved agencies for comment, and also afforded the public the opportunity to comment on same. This provided the

public and involved and interested agencies with the opportunity to provide input regarding the potentially significant environmental impacts to be evaluated in the SEIS.

This process ensured that the SEIS is a concise, accurate and complete document upon which all involved and interested agencies can evaluate and issue decisions regarding discretionary approvals and permits needed for the proposed project. By including the public, as well as other agencies in the scoping process, the Lead Agency obtained additional information and specialized knowledge that may reduce the likelihood of additional issues arising during the public review period for the SEIS. It was the responsibility of the Town Board, as the designated Lead Agency, to complete this scoping process and issue this final Scoping Document.

### **3.3 Lead Agency, Involved Agencies, and Interested Agencies:**

Pursuant to SEQRA, there are three types of agencies: the Lead Agency, Involved Agencies, and Interested Agencies. The Lead Agency is the Involved Agency that has the responsibility, under SEQRA, to conduct the environmental review process for a proposed action. The Town Board was previously designated as the Lead Agency for the proposed action because it has jurisdiction with respect to issuing a site plan approval for the Project.

Involved Agencies are agencies that have jurisdiction to fund, approve, or directly undertake an action. The Involved Agencies for the environmental review of the Project are as follows:

- United States Army Corps of Engineers
- New York State Department of Environmental Conservation (“NYSDEC”)
- Town of Grand Island Town Board
- Erie County Department of Sewage Management
- Erie County Health Department
- Erie County Highway Department

- United States Soil and Conservation Service
- New York State Historic Preservation Office
- Town of Grand Island Zoning Board of Appeals

Interested Agencies consist of agencies that do not have jurisdiction with respect to discretionary approvals or permits for a proposed action, but that may want to participate in the environmental review process because of their expertise or concern regarding the proposed action. For the Project, interested agencies include but may not be limited to:

- Town of Grand Island Planning Board
- Town of Grand Island Building Inspector/Code Enforcement Officer
- Town of Grand Island Engineering Department
- Town of Grand Island Highway Department
- Erie County Department of Environmental Planning
- NYS Thruway Authority
- Town of Grand Island advisory committees and Boards

#### **4.0 CONTENT OF THE SEIS:**

6 NYCRR § 617.9(a)(7) and 6 NYCRR § 617.9(b) of the SEQRA Regulations set forth the minimum content that must be included in an SEIS. The subject areas expected to be included in the SEIS for this Project are described below.

#### **4.1 Cover Sheet and Table of Contents:**

#### **4.2 Executive Summary:**

The Executive Summary must provide a summary of the SEIS.

#### **4.3 Introduction:**

The introduction must provide a summary of the Project, including the following topics:

- Project location and setting;



- Project description (including proposed action, changes to the site, acreage to be developed, and any hazmat storage etc.);
- Purpose and objectives of the Project;
- Public need and benefits of the Project;
- Project History including environmental review pursuant to SEQRA, description of Planning Board recommendations;
- Site layout and design;
- On-site traffic circulation;
- Utilities and stormwater management facilities;
- Site access (existing and proposed); and
- Regulatory compliance, including zoning, conformance to the Town Comprehensive Plan, and required project approvals and permit.

#### **4.4 Existing Conditions of the Project Site:**

The existing conditions section of the SEIS must present a brief narrative discussion of each subject area to provide for a sufficient understanding of the potential impacts of the proposed action, and how they may affect the environment, such as:

- Topographic setting of the Project Site;
- Geotechnical conditions;
- Wetlands subject to the jurisdiction of the United States Army Corps of Engineers or the NYSDEC;
- Existing terrestrial and aquatic ecology, both resident and migratory, including any endangered, threatened, or special concern animal or plant species; specifically
  - a) identify and evaluate the vegetative characteristics of the site; description of on-site vegetative communities;
  - b) provide quantification of flora and fauna, and ecological communities, to be disturbed, protected or removed based on the proposed limit of disturbance by a qualified biologist
  - c) confirm the existence of Endangered, Threatened, Special Concern, and Rare (ETR) plants and wildlife on or in the vicinity of the project site must

be identified and evaluated using the DEC Natural Heritage Program files, direct contact with Natural Heritage Program staff, review of U.S. Fish and Wildlife Service database, and a field survey conducted during the appropriate times of year, and if not including each season of the year (winter, spring, summer, fall), explain why

- Existing surface and ground water resources;
- Existing land uses on the Project Site and in the vicinity of the Project Site, including existing community and regional plans;
- Existing zoning and other land use regulations governing the use of the Project Site;
- Existing air quality and noise levels on the Project Site, as well as within adjoining residential areas;
- Existing traffic patterns and conditions in the vicinity of the Project Site.

#### **4.5 Evaluation of Potentially Significant Adverse Environmental Impacts:**

This section of the SEIS must provide a discussion of the identified potentially significant adverse environmental impacts of the Project, the severity of the impacts, and the practical mitigation measures that could reduce the magnitude of identified potentially significant adverse environmental impacts. This section must also address all substantive concerns regarding potentially significant adverse environmental impacts raised during the public scoping process. All studies must consider current and reasonably foreseeable future conditions (construction and post construction must be separately provided), and include appropriate baselines. All studies will be based on current environmental regulations, including, but not limited to sewer regulations including Town of Grand Island Consent Order, Part 182 requirements, lighting requirements, noise ordinances, current Town Comprehensive Plan and zoning code, regional transportation plans, and other relevant regulations.

##### **4.5.1 Impact on Land:**

###### **A. Summary:**

This section must provide a discussion of all the physical impacts the Project will have on the Project Site and off-site

- Location and description of the Project Site;
- Discussion of the proposed use of the Project Site;
- Existing topography and geotechnical investigations.
- Proposed grading and fill requirements for the Project, in particular a study of potential impacts from removing fill significantly below the level of the Niagara River and any necessary protections such action would require; including potential impacts on neighboring land and structures
- Removal of existing vegetation and topsoil;
- Construction related impacts and procedures, including temporary impacts; and

#### **4.5.2 Impact on Surface Water and Ground Water Resources:**

##### **A. Summary:**

This section must provide a discussion of the Project's impact to any water resources and on drainage/stormwater management of the site including, but not limited to:

- Provide a detailed geotechnical study of the proposed pond(s) and any risks associated with its depth relative to the potential impact on the surrounding hydro-geology of the land
- Provide a Stormwater Management Plan/Engineer's Report that meets the State's stormwater requirements ("SPDES") and that demonstrates the proposed action will not result in adverse drainage impacts;
- Location, type and discussion of existing and proposed stormwater management facilities; and
- Impacts to federal or state wetlands (and buffer areas).
- Impacts on streams, creeks, and Niagara River

#### **4.5.3 Impact on Endangered, Threatened, or Special Concern Animal or Plant Species:**

##### **A. Summary:**

This section must provide a discussion of the potential impacts of the proposed project including but not limited to:

- Impact on the Short Eared Owl and any other endangered, threatened, or special concern animal or plant species identified.
- An inventory on all the habitats present on the lot will be prepared, including the existing forested areas.
- Grand Island has been designated as a RAMSAR site and this discussion must cover any potential impacts on migratory species.

#### **4.5.4 Impact on Transportation/Traffic:**

##### **A. Summary:**

This section must provide discussion and analysis of potential traffic impacts and shall include a summary of the Traffic Impact Study (“TIS”). This section must identify all potential impacts that the Project will have on the transportation system including, but not limited to:

- Traffic projections for the proposed project.
- Study to factor in current proposed projects – Cumulative impacts
- Information on proposed trip generation and distribution and intersection operations.
- Discussion of proposed vehicular access to the Project Site;
- Impacts on adjoining area transit routes and need for infrastructure upgrades; and
- Ingress and egress opportunities
- Improvement supporting use of low and zero emission vehicles.
- Study will be based on current and projected future traffic levels

#### **4.5.5 Noise Impacts:**

##### **A. Summary:**

This section must provide a discussion on the noise impacts anticipated from this project including, but not limited to:

- All potential noise sources during construction activities and post-construction facility operations.
- Potential impacted at key receptors off-site.
- Baseline studies will be prepared, and potential noise barriers will be evaluated.

#### **4.5.6 Light Impacts:**

##### **A. Summary:**

This section must provide a discussion on the light impacts anticipated from this project including, but not limited to:

All potential light requirements and impacts

- Potential impact on migratory birds (lights are known to disorient).
- Potential impact of light pollution
- Dark sky lighting options will be evaluated.

#### **4.5.7 Air Quality**

This section must provide a discussion on the impacts on air quality including but not limited to:

- Evaluation of impacts on air quality in adjoining residential areas including but not limited to dust generation, facility discharges to the air and engine exhaust.
- Additionally, this section will discuss impacts from omissions from the increase in truck traffic and measures to comply with the states decarbonization and omission reduction goals.

#### **4.5.8 Natural Resources**

This section must provide a discussion on the impacts on natural resources anticipated because of the project, particularly from the removal of forested area from the project and impacts on habitat, flora, and fauna, and impacts on streams, creeks, and the river

#### **4.5.9 Energy Usage**

This section will discuss the impact of the increase in energy usage that would result from the project and how the project will comply with the States climate change goals, including energy efficiency aspects of the project.

#### **4.5.10 Sewer & Water Infrastructure**

The project site contains significant sewer and water infrastructure. This section must provide a discussion on the potential impacts to the existing infrastructure, and how it will be maintained following improvements. This will include a Downstream Sewer Capacity Analysis and review of impacts relevant to Town Consent Order with DEC.

#### **4.5.11 Community Character**

This section must provide a discussion on the consistency of the proposed Project with the Town Comprehensive Plan, whether the rezoning necessary to place infrastructure improvements integral to the project in a residential zone is appropriate, and whether the proposed revision from a campus -like complex to a single structure creates impacts on the adjoining residential areas. This will include impacts on the night-time sky and on community culture.

The SEIS will include a visual impact analysis of the project from off-site receptors designated by the Town. The analysis will consider the different alternatives (including no height variance granted) and campus lay out as per original FEIS. It will include analysis of light pollution impacts.

Applicant will provide the studies forming the basis of SHPO No Impact letters or redo impact studies

## **Worker, First Responder and Community Safety**

This section must provide a discussion related to maintaining community safety including but not limited to.

- Potential hazmat considerations during post construction operation and risk to the community
- Fire and first responder unique equipment requirements
- All other safety considerations relevant to the unique aspects of this project

### **5.0 EVALUATION OF MITIGATION MEASURES:**

The SEIS must include a discussion of the identified potentially significant adverse environmental impacts and a description of the proposed mitigation measures to be implemented to minimize the identified potentially significant impacts to the maximum extent practicable. Mitigation measures examined will include but not be limited to sound barriers, buffers, traffic improvements, lighting, different site layout, reduced size project, reduced geotech impact, and energy efficiency improvements, if mitigation measures are adequately addressed in the discussion of the identified environmental impacts in Section 4 of the SEIS, this section can act as a summary. Mitigation measures will be provided for each identified impact.

### **6.0 PROJECT ALTERNATIVES:**

A discussion of on-site alternatives to the proposed action must be included, such as:

- No Action Alternative: An evaluation of the potential adverse and beneficial impacts that would result in the reasonable, foreseeable future if the proposed action was not undertaken. This will include partial No Action, such as denial of variance or rezoning
- Project Site Layout Reconfiguration: An evaluation and assessment of a revised layout for the proposed action that would consist of a reduced building footprint or multi-lot, multi-phase development. This alternative will include elimination of the storm water facility from the portion of the site not zoned manufacturing. Alternative lighting arrangements will be discussed.

- Alternative transportation access, including a new NFTA bus stop on or near the site, as well as interior and exterior site connections to facilitate the safe passage of pedestrians from the NFTA bus stop to building entrances
- Different sized buildings, including no variance grant, will be evaluated
- Use alternatives evaluating other allowable uses on the site
- Geotech alternatives avoiding significant removal of fill, particularly regarding potential removal of fill from beneath the river level.

#### **7.0 POTENTIAL IMPACTS DETERMINED TO BE INSIGNIFICANT:**

Under 6 NYCRR Part 617 of the SEQRA Regulations, the Lead Agency is responsible for eliminating consideration of those impacts and concerns that have been identified during the scoping process that are determined to be irrelevant or insignificant either because they are not legally relevant to the environmental review of the proposed action, they are not environmentally significant, or they have been adequately addressed prior to the scoping process. These issues and concerns must not be included in the SEIS.

#### **8.0 INFORMATION TO BE INCLUDED IN THE APPENDICES OF THE SEIS:**

The SEIS shall provide sufficient detail to enable the reader to understand, interpret and evaluate the existing conditions, potential impacts, mitigation measures, and alternative project scenarios. The Appendices shall contain copies of studies and reports that supplement and support the narrative in the SEIS. The methodologies and results of the studies and technical reports shall be summaries and explained in the SEIS. Only site-specific documents that are not readily available to the public must be included as appendices to the SEIS. The following are examples of documents to be included in the Appendices:

- All application materials;
- Full Environmental Assessment Form;
- Positive Declaration issued by the Town Board;



- Final Scoping Document;
- Site Plans for the Project;
- Traffic Impact Study;
- Storm Water Pollution Prevention Plan (“SWPPP”);
- Engineer’s Report.
- Wetland Delineation Report; and.
- All studies prepared for the SEIS.