

Final Scoping Document

for

Mod Wash Car Wash Project

Project Location:

5363 Southwestern Boulevard, Town of Hamburg, NY

SBL No. 182.05-1-9.1

Project Sponsor: Hutton ST 21, LLC

SEQR Classification: Unlisted

Lead Agency: Town of Hamburg Planning Board

Positive Declaration Issued: July 19th, 2023

Draft Scope Received: October 11th, 2023

Public Scoping Meeting Held: November 15th, 2023

Final Scope Issued: December 6th, 2023

INTRODUCTION:

On July 19, 2023, the Town of Hamburg Planning Board, as the Lead Agency, determined that the proposed Mod Wash car wash project may result in potentially significant adverse environmental impacts and issued a Positive Declaration pursuant to the State Environmental Quality Review Act ("SEQRA"), requiring the submission of a Draft Environmental Impact Statement by the Project Sponsor. A copy of the Positive Declaration issued by the Planning Board is provided as Exhibit "1" of this Scoping Document and the draft scoping document is included as Exhibit "2".

A draft scoping document was submitted by the applicant on 10/11/23, and the Planning Board, acting as SEQR Lead Agency, sent out the draft scoping document to Involved and Interested Agencies and called and held a public scoping meeting on 11/15/23.

This Scoping Document sets forth the content of the Draft Environmental Impact Statement ("DEIS") that the Project Sponsor shall prepare for the purpose of evaluating the environmental impacts of the proposed residential subdivision. The Scoping Document provides a general description of the proposed action, an overview of the environmental review process pursuant to SEQRA, discussion of the potentially significant adverse environmental impacts that have been identified within the Positive Declaration issued by the Planning Board on July 19, 2023 and resulting from the scoping process that must be evaluated by the Project Sponsor in the DEIS, the extent of information needed to adequately address each identified potentially significant adverse environmental impacts, identification of potential mitigation measures, reasonable alternatives to the proposed action to be evaluated, identification of information to be

included in the Appendices of the DEIS, and issues and concerns raised that have been determined to be not relevant or to not pertain to potentially significant adverse environmental impacts.

This Final Scoping Document was prepared by the Lead Agency in accordance with the requirements of the State Environmental Quality Review Act ("SEQRA") and the implementing regulations as promulgated by the New York State Department Environmental Conservation ("SEQRA Regulations").

2.0 SITE LOCATION AND DESCRIPTION OF PROPOSED ACTION:

The proposed action is a request for Site Plan approval and issuance of a Special Use Permit for the development of ±4,381 sf commercial car wash facility on an approximately 1.83-acre site located at 5363 Southwestern Boulevard. The car wash will be a single tunnel facility with 16 exterior vacuum stations and three employee parking spaces. The property is located at 5363 Southwestern Boulevard in the Town of Hamburg, Erie County, New York. The property is zoned C-2 General Commercial District.

3.0 REVIEW PURSUANT TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT ("SEQRA"):

The State Environmental Quality Review Act ("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 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 of Hamburg Planning Board classified the Project as an Unlisted Action for the purposes of environmental review based on a determination that the impacts of the proposed action do not cross any of the thresholds for a Type I action contained in 6 NYCRR Part 617.4. While not required by the SEQRA Regulations, the Town of Hamburg Planning Board decided to conduct a coordinated environmental review of the Project. A lead agency solicitation letter was issued to involved and interested agencies on February 15, 2023. None of the involved agencies objected to the Planning Board's request to be the lead agency.

In accordance with 6 NYCRR Part 617.7, based on its review of all agency comments, the completed Part 1 of the Short Environmental Assessment Form and application materials (including reports and studies) submitted by the Project Sponsor, and the completion of Part 2 and 3 of the Short Environmental Assessment Form, the Planning Board considered the potential environmental impacts of the proposed action and determined the action may result in significant adverse environmental impacts and that a Draft Environmental Impact Statement ("DEIS") must be prepared. The Town of Hamburg Planning Board issued a Positive Declaration on July 19, 2023, and determined that the proposed action may include potentially significant environmental impacts to:

- Surface Water (chemical pollution);
- Aesthetic Resources (visual impacts);
- Noise;
- Human Health; and
- Community Character;

3.2 Purpose of the Scoping Process:

The Town of Hamburg Planning 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 DEIS 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 DEIS;
- Identify information needed to adequately address impacts;
- Identify potential mitigation measures;
- Identify the range of reasonable alternatives; and
- Eliminate irrelevant or insignificant issues.

On October 11, 2023, the Project Sponsor submitted a draft Scoping Document to the Town of Hamburg. As part of the DEIS process, and in accordance with 6 NYCRR Part 617.8 of the SEQRA Regulations, the Town of Hamburg Planning Board conducted a public scoping meeting on November 15, 2023, at the Town of Hamburg Town Hall in order to provide the public and involved and interested agencies with the opportunity to provide input regarding the potentially significant environmental impacts to be evaluated in 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 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 can obtain additional information and specialized knowledge that may reduce the likelihood of additional issues arising during the public review period for the DEIS. It is the responsibility of the Town of Hamburg Planning Board, as the designated Lead Agency, to complete the scoping process and issue the 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 of Hamburg Planning Board was previously designated as the Lead Agency for the proposed action because it has jurisdiction with respect to issuing a decision regarding preliminary plat approval for the Project.

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

- New York State Department of Environmental Conservation ("NYSDEC")
- New York State Department of Transportation ("NYSDOT")
- Erie County Division of Sewerage Management ("ECDSM")
- Erie County Water Authority ("ECWA")

Interested agencies consist of federal agencies and 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:

- United States Army Corps of Engineers
- Town of Hamburg Building Inspector
- Town of Hamburg Engineering Department
- Town of Hamburg Highway Department
- Hamburg Conservation Advisory Board (CAB)
- Hamburg TSAB

4.0 CONTENT OF THE DRAFT ENVIRONMENTAL IMPACT STATEMENT (DEIS):

6 NYCRR Part 617.9(b) of the SEQRA Regulations sets forth the minimum content that should be included in a DEIS. The subject areas expected to be included in the DEIS for this project are described below.

4.1 Cover Sheet and Table of Contents:

4.2 Executive Summary:

The Executive Summary should provide a brief summary of the Draft Environmental Impact Statement.

4.3 Introduction:

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

- Project location and setting;
- Project description (including proposed actions, changes to the site, acreage to developed, etc.);
- Purpose and objectives of the Project;
- Public need and benefits of the Project;
- Project History including environmental review pursuant to SEQRA;
- Site layout and design;
- Site access (existing and proposed); and
- Regulatory compliance, including zoning and required project approvals and permits.

4.4 Existing Conditions of the Project Site:

The existing conditions section of the DEIS should present a 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;
- Existing environmental conditions of the Project Site (including any significant trees or other vegetation);
- Existing surface and ground water resources;
- Existing waterways/drainage ditches, etc. on the property and the surrounding area;

- Existing means of site drainage and stormwater management;
- Existing land uses on the Project Site and in the vicinity of the Project Site;
- Existing zoning and other land use regulations governing the use of the Project Site and surrounding area;
- Existing utilities;
- Existing air quality, noise, and lighting levels on the Project Site;
- Existing traffic patterns and conditions in the vicinity of the Project Site;
- Existing community and emergency services for the Project Site (schools, police and fire protection);

4.5 Evaluation of Potentially Significant Adverse Environmental Impacts:

This section of the DEIS should provide a detailed 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 should also address all substantive concerns regarding potentially significant adverse environmental impacts raised during the public scoping process.

Per the lead agency's preparation of Parts 2 and 3 of the EAF, and their adoption of a July 19, 2023 resolution issuing a positive declaration for the proposed action, the following potentially significant adverse impacts were identified. These impacts were identified as a result of the Planning Board's review of the application, conducting public hearings, and review of submitted comments from municipal staff, consultants and the public.

4.5.1 Impact on Surface Water and Ground Water Resources:

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

- Provide an analysis of the existing water supply system which serves the project site.
- Provide calculations of the project's water supply demand, both average daily flows and peak flow demand.
- Review the calculations with the local water supplier to determine adequacy of the water system and identify any necessary upgrades or system improvements.

4.5.2 Impact on Aesthetic Resources (Views):

This section should provide a detailed discussion of the project's visual impact to the adjoining residential properties of the site including, but not limited to:

- Analysis and preparation of documents of the current viewshed to and from the subject property as it relates to the adjoining residential properties.
- Analysis of potential impacts of the new construction on the project site as it relates to the viewshed to and from the adjoining residential properties. Photo simulations to be provided from the adjoining residential property into this site.
- Preparation of post-development photo simulations to illustrate the adequacy of proposed grading, setback, landscaping, and other features to establish a buffer.

4.5.3 Impact on Noise: Summary:

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

- Analysis and establishment of current background noise levels of the neighborhood.

- Provide expert prepared documentation on the proposed action's operational noise levels.
- Prepare and provide information on background noise levels and for post-development noise levels.
- Comparison and analysis of pre- and post-development noise levels to industry standards concerning acceptable ambient noise levels as it relates to the adjoining residential properties.

4.5.3 Impact on Human Health (Noise/Pollution):

Summary:

This section should provide a detailed discussion of how the public health, safety, and welfare of the neighborhood will be impacted by the proposed project including, but not limited to:

- See previous noise section for impacts from noise.
- Submittal of information of all chemicals used in operations including information on safe handling instructions, containment and recycling systems, site grading and surface runoff management, and probability of any airborne transport of chemicals from water spray.

4.5.4 Impact on Community Character:

Summary:

This section should provide a detailed discussion on how the project fits into the context of the surrounding area and how it will impact the character of the community including, but not limited to:

- Information shall be provided documenting the site plan layout and its conformance to the zoning ordinance, and design considerations given to layout; traffic circulation, building orientation, buffers and alternative layouts considered.
- Analysis of the character of the surrounding neighborhood including zoning, land uses, and environmental setting; and the proposed actions compatibility with the surrounding character, including design provisions to address the same.
- Specifically discuss how the project meets the SUP requirements (impact to the road corridor) and the screening requirements of the Code.

5.0 EVALUATION OF MITIGATION MEASURES:

The Draft Environmental Impact Statement should 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. If mitigation measures are adequately addressed in the discussion of the identified environmental impacts in Section 4 of the DEIS, this section can act as a summary.

The DEIS should evaluate at least the following mitigations:

1. Design of the water system to provide adequate flow and pressure to the proposed use.
2. Installation of an on-site rpz/backflow system to protect the public water supply.

3. Design features including site layout, grading, and landscaping to establish a buffer to the adjoining residential properties and to prevent “overspray to adjoining residential properties).
4. The design of a stormwater management system, prepared per local and NYSDEC regulations, to collect, control and treat the site’s surface runoff prior to any discharge downstream.
5. Use of site grading to minimize the viewshed impact of vertical building mass.
6. Screening of any mechanical systems.
7. Use of landscaping, grading, and fencing to establish a visual buffer and/or barrier between the proposed use and the adjoining residential properties.
8. Use of dark sky complaint LED lighting and type, location and hours (reductions or turning off at night) of operation to eliminate any light spill onto adjoining properties.
9. Preparation of plans and documentation on the project’s conformance with the municipal design standards, its consistency with surrounding and allowable land uses, and the provisions of design elements both for site and building design for consistency with the community character.

6.0 UNAVOIDABLE ADVERSE ENVIRONMENTAL IMPACTS

Provide a list and brief descriptions of those adverse impacts that cannot be avoided.

7.0 PROJECT ALTERNATIVES:

The DEIS will consider alternate site layouts and designs that could be considered to lessen the potential significant adverse impacts. Such alternatives to be considered will take into account zoning and building code requirements, municipal design standards and the needs,

requirements for successful operation of the proposed use and reducing the impacts of the project.

The no action alternative must also be evaluated.

8.0 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 should not be included in the DEIS.

9.0 INFORMATION TO BE INCLUDED IN THE APPENDICES OF THE DEIS:

The DEIS 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 DEIS. The methodologies and results of the studies and technical reports shall be summarized and explained in the DEIS. The following are examples of documents to be included in the Appendices:

- All application materials;
- Parts 1, 2, and 3 of the Short Environmental Assessment Form ("EAF");
- Positive Declaration issued by the Planning Board on July 19, 2023;
- Final Scoping Document;
- Correspondence related to the Project;
- Minutes of Meetings of the Town of Hamburg Planning Board;
- Traffic Impact Study;

- Storm Water Pollution Prevention Plan ("SWPPP");
- Engineer' s Report;
- Car wash operations guideline document;
- Noise Study
- Operational information on Equipment/Dryers
- Other reports generated or referenced to support the DEIS