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DRAFT SCOPING DOCUMENT

Proposed Project:

Hot Mix Asphalt Plant

Project Location:

5690 Camp Rd.
Town of Hamburg, Erie County, New York

Project Sponsor:

AL Asphalt Corp.
100 Stradtman St.
Cheektowaga, NY 14206

Lead Agency:

Town of Hamburg Planning Board
6122 South Park Ave.
Hamburg, New York 14075

Draft Scoping Document Submitted:

March 06, 2020

**Town of Hamburg Planning
Board Draft Scoping
Document**

**SCOPING DOCUMENT
DRAFT ENVIRONMENTAL IMPACT STATEMENT**

Positive Declaration Issued: November 4, 2019

Public Scoping Session Held: August 15, 2019 and
September 4, 2019

Draft Scoping Document Issued: March 06, 2020

Project Sponsor Contact Person: AL Asphalt Corporation
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1.0 INTRODUCTION:

On November 4, 2019, the Town of Hamburg Planning Board, as the Lead Agency, determined that the proposed AL Asphalt Corporation 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.

This Scoping Document sets forth the content of the Draft Environmental Impact Statement ("DEIS") that Project Sponsor shall prepare for the purpose of evaluating the environmental impacts of the proposed hot mix asphalt plant. 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 Town Board on November 4, 2019 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, 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 potentially significant adverse environmental impacts.

A Draft Scoping Document was prepared by the Project Sponsor 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"). It is however noted that sponsor contends that the proposed hot mix asphalt plant is not subject to SEQRA pursuant to 6 CRR-NY 617.5.C.9 and is a Type II action.

2.0 SITE LOCATION AND DESCRIPTION OF PROPOSED ACTION:

The proposed action consists of a HMA plant consisting of manufacturing up to 130,000 tons per year of asphalt materials. The Project Site currently consists of two concrete batch plants, concrete storage silos, and a concrete block plant. The proposed action has been defined broadly to include all required discretionary approvals and permits required from the Town of Hamburg municipal boards and from involved agencies. It is also noted that the property specifically pursuant to Town of Hamburg code 280-133.A.10 allows for the processing or treatment of bituminous products.

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 (sponsor does not agree with board designation) 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 July 11, 2019. None of the involved agencies objected to the Town Board's request to be the lead agency or took exception to the proposed action.

In accordance with 6 NYCRR Part 617.7, based on its review of all agency comments, the completed Part 1 of the Full 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 Full 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 November 4, 2019 and determined that the proposed action may include potentially significant environmental impacts to:

- Transportation;
- Emissions and Human Health
- Noise and Odor; and
- Aesthetic and Community Character¹

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:

¹ A copy of the Positive Declaration issued by the Planning Board pursuant to SEQRA is attached to this Draft Scoping Document at Exhibit "1".

- Identify potentially significant adverse environmental impacts;
- Identify limits or extent of DEIS;
- Identify information needed to adequately address impacts;
- Identify potential mitigation measure
- Eliminate irrelevant or insignificant issues.

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 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:

- New York State Department of Environmental Conservation (“NYSDEC”)

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:

- New York State Department of Transportation
- Erie County Department of Environment and Planning
- Erie County Division of Sewerage Management
- Erie County Water Authority

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 minimum 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 proposed 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 proposed project;
- Project History including environmental review pursuant to SEQRA;
- Site layout and design;
- On-site traffic circulation;

- 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;
- Wetlands subject to the jurisdiction of the United States Army Corps of Engineers;
- Existing environmental conditions of the Project Site;
- Existing terrestrial and aquatic ecology, including any endangered, threatened, or special concern species;
- Existing surface and ground water resources;
- Existing mapped floodway and floodplain boundaries;
- Existing means of site drainage and storm water 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;
- Existing utilities;
- Existing solid waste disposal services;
- 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);
- Existing historical, archaeological, or cultural resources on the Project Site;
- Existing neighborhood character and setting.

4.5 Evaluation 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.

A. Summary:

The Subject Property currently consists largely of industrial use for existing production of construction materials including the production of redi-mix concrete. Erection of a HMA plant will have little to no impact on land as this is an above ground facility with existing utilities already on site.

This section should provide a detailed discussion of all the physical impacts the Project will have on the Project Site including, but not limited to:

- Location and description of the Project Site;
- Description of proposed infrastructure improvements;
- Discussion of the proposed use of the Project Site;
- Construction related procedures;

4.5.1 Impact on Surface Water, Ground Water Resources and Flooding:

A. Summary:

Asphalt production plants does not include any water resources in the manufacturing of asphalt materials. There will be no impact on surface water, ground water resources and flooding for the proposed project. This statement is further reviewed in items 3, 4, and 5 on pages 2 and 3 of 10 in the Part 2 Full Environmental Assessment Form.

4.5.2 Impact on Plants and Animals:

A. Summary:

This section should provide a detailed discussion of the potential impacts of the proposed project on plants and animals including any endangered, threatened, or special concern species.

It is agreed that there is no impact on Plants and Animals as identified in item 7, page 4 of 10 of Part 2 of the Full Environmental Assessment Form.

4.5.3 Impact on Transportation:

A. Summary:

This section should provide a detailed discussion on prior transportation of approximately 200 truck trips per day and future transportation to be consistent with prior transportation. An analysis of traffic impacts shall include a summary of a Traffic Impact Assessment (“TIA”). This section will further review all potential impacts that the Project will have on the transportation system including but not limited to:

- Existing pedestrian or bicycle accommodations;
- Present pattern of movement of people or goods;

4.5.4 Noise and Odor Impacts:

A. Summary:

A review of local noise ordinances and relevant guidance promulgated by the NYSDEC for the assessment and mitigation of noise impacts will be performed with a focus on potential impacts from daily operations.

This section should also provide a detailed discussion on the odor impacts anticipated from this project using the NYSDEC AERSCREEN computer program to model and compare to guidance by the Agency for Toxic Substances and Disease Registry.

4.5.5 Impact on Public Health:

A. 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 included but not limited to:

- See 4.5.3 above
- See 4.5.4 above

4.5.6 Impact on Character of Community or Neighborhood:

A. Summary:

This section of the DEIS will identify that this project is compatible with current zoning and will not require rezoning or any variances pursuant to section 280-133.A.10 of Town code.

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:

- A summary of how activities on the Project Site, such as odors, noise, etc., will impact nearby residential uses;
- Consistency of the Project with the Comprehensive Plan and the goals of the community;
- The consistency of the Project with the existing zoning and permitted uses;
- Impacts on community services such as fire and police protection, schools, parks & recreation, etc.;
- Economic impact of surrounding houses based upon the Uniform Standards of Professional Appraisal Practice ("USPAP");

5.0 EXTENT AND QUALITY OF INFORMATION NEEDED TO ADEQUATELY ADDRESS POTENTIALLY SIGNIFICANT ADVERSE IMPACTS:

Pursuant to the requirements of SEQRA, the Draft Scope must identify the extent and quality of information needed for the DEIS preparer to adequately address each impact, including an identification of relevant existing information and required new information, including the required methodology(ies) for obtaining new information. While it is not possible to determine all information sources to be used to address all potentially significant adverse impacts, the DEIS will use information from the Positive Declaration itself, including its identification of potentially-significant adverse impacts, and supporting information contained in the Environmental Assessment Form, as well as the all of the supporting documentation that has already been provided to the Town.

6.0 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.

7.0 CUMULATIVE IMPACTS:

The impacts of the proposed action in the context of other proposed projects (if any) in the vicinity of the Project Site. There are no known proposed projects within the vicinity.

8.0 GROWTH INDUCING IMPACTS:

The proposed action could potentially result in significant impacts on the growth and character of the surrounding neighborhood and the Town of Hamburg. The proposed asphalt plant will be situated on the existing property that is in excess of 50 acres and currently and previously

housed concrete manufacturing equipment and over 100 pieces of heavy construction equipment including but not limited to redi-mix concrete trucks, tractor trailers, etc. The character of the surrounding neighborhood will not be impacted as it has been neighbors of this heavy industrial construction material manufacturing facility since 1950.

9.0 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.*

10.0 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. Only site-specific documents that are not readily available to the public should be included as appendices to the DEIS. The following are examples of documents to be included in the Appendices:

- All application materials;
- Parts 1, 2 and 3 of the Full Environmental Assessment Form (“EAF”);
- Positive Declaration;
- Draft Scoping Document;
- Correspondence related to the Project;

- Minutes of Meetings of the Town of Hamburg Planning Board;
- Traffic Impact Assessment (“TAF”);
- Odor Study
- Noise Study
- Appraisal analysis
- Current State Pollutant Discharge Elimination System (“SPDES”) permit
- Engineer’s Report of Facility Size and Layout
- Any other report prepare or referred to related to any matter herein