

FINAL SCOPING DOCUMENT

Draft Generic Environmental Impact Statement (DGEIS)

for the

Adoption of the North Tonawanda, Tonawanda Island Brownfield Opportunity Area Step 3 Implementation Strategy

North Tonawanda, NY

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1 INTRODUCTION

1.1 OVERVIEW

The City of North Tonawanda (the “City”) is completing a Brownfield Opportunity Area (BOA) Step 3 Implementation Plan (“BOA Plan”), also referred to as *NT Momentum* in promotional materials distributed to the community. In accordance with the State Environmental Quality Review Act (SEQRA), and its implementing regulations (6 NYCRR Part 617), the City, acting as Lead Agency in the adoption of the BOA Plan, has determined that the proposed action is a Type I action and that a Generic Environmental Impact Statement (GEIS) is needed to evaluate areas of potential impacts resulting from recommendations in the BOA Plan.

The purpose of this scoping document is to define the environmental issues that will be addressed in the DGEIS and identify potentially significant adverse impacts that may result from implementation of the BOA Plan. To that end, the City of North Tonawanda has prepared this scoping document for the combined BOA Plan and Draft Generic Environmental Impact Statement (DGEIS) in order to support the adoption and implementation of the BOA Plan.

1.2 PROJECT DESCRIPTION AND BACKGROUND

In 2010, the City of North Tonawanda completed a BOA Step 2 Nomination Study and subsequently was awarded a grant from the New York Department of State (NYS DOS) for a BOA Step 3 Implementation Strategy. The BOA Plan (including the combined Step 2 and Step 3 reports) is being prepared in accordance with the guidelines established by the NYS DOS for the BOA program.

The BOA Study Area is an approximately 546-acre area located along the Niagara River and Erie Canal in the City of North Tonawanda, encompassing all of Tonawanda Island, the Little River and the majority of the City’s historic downtown core.

The BOA Plan describes a revitalization strategy for designated areas adversely impacted by the actual or perceived presence of environmental contamination. The Plan recommends general land use changes within the 546-acre Study Area and includes updates to the City’s zoning code to support these changes. The Plan also includes a 20-year Master Development Plan recommending development projects, capital improvements and a general phasing plan for redevelopment within the Study Area. The Plan envisions new residential and commercial development in excess of 200,000 square feet and 300 residential units, in addition to public realm and transportation infrastructure improvements.

1.3 BOA PLAN/DGEIS DOCUMENT ORGANIZATION

The DGEIS will be incorporated directly into the BOA Plan document, per the scope requirements set forth by the Department of State. The DGEIS will rely heavily on data and analysis compiled for the Step 2 Nomination Study, including existing conditions data (also referred to as “environmental setting”) and description of the proposed recommendations and master plan for the Study Area. The final draft of the Step 2 Nomination Study can be viewed on the project website (www.ntmomentum.com).

The table below illustrates where each component of the GEIS will be located within the BOA document:

BOA Plan	GEIS Content
Section 1 Description of Project and Boundary	Description of Proposed Action
Section 2 Community Participation	Scoping meeting, public hearing (conducted simultaneously with hearing for BOA plan)
Section 3 Existing Conditions (Environmental Setting)	Description of the Environmental Setting
Section 4 Implementation Strategy	Potentially Significant Adverse Impacts Description of Mitigation Measures Description of Alternatives to the Proposed Action
Section 5 Compliance with SEQRA	Consistency with NYS CMP Coastal Policies Consistency with Heritage Area GEIS References Conditions for Future Actions

2 ENVIRONMENTAL REVIEW PROCESS

2.1 PURPOSE OF A GEIS

A Generic EIS is a type of EIS that is typically used to consider broad-based actions or related groups of actions that agencies may approve, fund, or directly undertake. The City of North Tonawanda has determined that a GEIS is appropriate because the BOA Plan is inherently conceptual in nature and includes a number of separate actions which, if considered singly, may have minor effects, but if considered together may have significant adverse environmental impacts. In addition, the BOA Plan would have wide application, potentially impacting future policies, and changes to land use and zoning.¹

While the major components of a GEIS are similar to a site-specific EIS, there are additional factors that should be considered in a GEIS:

- Hypothetical scenarios as alternatives that could occur under the proposed generic action, including evaluation of all reasonable alternatives that could achieve the objectives of the project sponsor.
- Thresholds and conditions that would trigger the need for supplemental determinations of significance or site-specific EISs.
- A preliminary scope of the environmental issues which would need to be addressed in any supplemental EISs prepared after the original generic EIS.

2.2 INVOLVED AGENCIES

Potentially involved agencies that will be required to approve and/or adopt the BOA Plan include:

- City of North Tonawanda Common Council
- New York State Department of State
- New York State Department of Environmental Conservation

Potential future involved agencies that may have a permit, approval and/or funding role in the implementation of the BOA Plan include the following:

- City of North Tonawanda Zoning Board
- City of North Tonawanda Zoning Board of Appeals
- Lumber City Development Corporation
- New York State Department of Transportation
- New York State Office of Parks, Recreation, Historic Preservation (SHPO)
- Niagara County Planning Board
- New York State Department of State

2.3 SEQRA/GEIS REVIEW PROCEDURES

Prior to completing the GEIS, the City must conduct a series of procedural steps in accordance with SEQRA regulations. These steps are described below.

¹ Department of Environmental Conservation, General Concepts for an EIS

Determination of Significance

The City of North Tonawanda Common Council prepared a Long Environmental Assessment Form (LEAF), determined that the proposed adoption of the BOA Plan requires a Generic Environmental Impact Statement (GEIS), and issued a positive declaration of significance.

Scoping

The City is currently conducting the scoping process, which has multiple objectives. These are:

- Eliminate non-significant and non-relevant issues.
- Identify the extent and quality of information needed.
- Identify the range of reasonable alternatives to be discussed.
- Provide an initial identification of mitigation measures.
- Provide the public with an opportunity to participate in the identification of impacts.

The two steps of the scoping process are described below:

- *Draft Scoping Document.* The draft scoping document described the analyses and methods that will be used to prepare the DGEIS. The scoping document was circulated to interested agencies and made available for public comment until October 27, 2015.
- *Final Scoping Document.* Following the close of the public comment period, the City prepared a final scoping document, which will be used as a framework to prepare the DGEIS.

Preparation of the GEIS

There are major steps in the process of preparing the GEIS:

- *Draft Generic EIS.* This document will be prepared in conformance with the final scoping document and SEQRA guidelines. When this document is accepted by the City of North Tonawanda City Council, it will be distributed to all interested agencies and made available to the public. A public hearing will be held to obtain public comments.
- *Final Generic EIS.* This document will incorporate feedback received on the draft EIS. Upon acceptance of the Final Generic EIS, the document will be made available to all interested parties and members of the public. Following a 10-day review period, the City will issue Findings Statements to approve or deny the adoption and implementation of the BOA Plan.

Public Review

The preparation and review of the GEIS is designed to provide opportunities for involvement by interested agencies and the general public. This scoping document will be available for public review and comment. Completion of the draft GEIS will trigger a 30-day formal public review period (from the date of the Notice of Completion). All substantive comments will become part of the record and included in the final GEIS.

3 SCOPE OF THE DGEIS

This scope of work defines the environmental issues that will be addressed in the DGEIS. The scope is organized according to components required by SEQRA regulations and the BOA Program, as described in the following sections.

3.1 COVER SHEET AND TABLE OF CONTENTS

(Incorporated into the BOA Plan)

The title page will explain that the DGEIS is combined with the BOA Plan. In addition, the cover page will identify all required information contained in applicable State Environmental Quality Review Act (SEQRA) regulations at 6 NYCRR § 617.9(b)(3), including descriptive title of the project, location of the project, the name, address, and telephone number of the lead agency and its contact person, contact information for the preparer of the DGEIS, the date of acceptance of the DGEIS by the lead agency, and the date comments must be submitted.

3.2 EXECUTIVE SUMMARY

(Incorporated into Executive Summary of the BOA Plan)

The executive summary will present a brief overview in an easily accessible format, the most pertinent information from the technical analysis.

3.3 DESCRIPTION OF THE PROPOSED ACTION

(Section 1 of BOA Plan)

This section will describe the proposed action, including the following elements:

- Overview description of the BOA Master Plan and Implementation Strategy, including a detailed description of the conceptual Master Plan, potential strategic redevelopment projects, and recommended regulatory/policy changes necessary
- Required public actions and approvals.

3.4 ENVIRONMENTAL SETTING

(Section 3 of the BOA Plan)

This section will include a description of the environmental setting of the BOA, which will satisfy both the BOA Program and SEQRA requirements. It is noted that this section will incorporate extensive analysis completed for the Step 2 Nomination Study and will be augmented, where necessary, with new information. This section will include descriptions of the factors listed below:

- Community Setting
- Existing Land Use
- Existing Zoning Districts
- Sites of Environmental Concern
- Vacant and Underutilized Sites

- Land and Water Ownership
- Parks and Green Infrastructure
- Historic and Cultural Resources
- Transportation Systems
- Public Infrastructure
- Natural Resources
- Economic and Market Trends

3.5 POTENTIAL SIGNIFICANT ADVERSE IMPACTS

(Section 4 of the BOA Plan)

This section will identify the project's potential significant impacts that will be assessed in the DGEIS and identify potential mitigation measures for significant *adverse* impacts. We expect that the DGEIS will address each of the following impact areas:

Land Use and Zoning

The adoption of the BOA Plan may result in new development as well as changes to the types and locations of land uses, most notably the introduction of mixed-use, residential and commercial uses. In addition the BOA Plan may result in changes to the City's existing zoning code, which may alter allowed uses and densities in certain zones located within the BOA boundary. The changes may also implement site design standards that promote smart growth and protect environmental and cultural resources.

To address the potential impacts of these changes, this section will discuss:

- The potential effect of changes to land uses and zoning envisioned in the BOA Plan.
- Consistency with the community's goals, as identified in the City's Comprehensive Plan and Local Waterfront Revitalization Strategy.

Open Space, Parks and Recreation, and Scenic Resources

The BOA Plan may recommend implementation measures that will increase the amount of protected open space, parks, trails, shoreline access, and scenic resources, through zoning changes, incentive zoning, and creation of overlay district. This section will address the impacts of the BOA Plan on parks and open space, including potential new parks, trails, and open space opportunities.

Historic and Cultural Resources

The DGEIS will assess the effects of the BOA Plan on known historic and archeological resources in the BOA Study Area. The BOA Plan will likely include zoning updates that would protect designated historic resources and implement design guidelines for development within designated historic districts. This section will identify impacts to historic resources and districts.

Transportation Systems

This section of the DGEIS will include an analysis of the potential impacts on the existing transportation system that may result from the implementation of the BOA Plan. This section will include, by reference, a Traffic Impact Analysis completed as part of the Step 3 BOA Implementation Strategy.

Infrastructure

The DGEIS will provide a qualitative analysis of the impacts the BOA Plan may have on public infrastructure, including water, sewer, waste water collection and treatment, and stormwater management. Given the conceptual nature of the BOA Plan, the analysis will be limited to capacity and order-of-magnitude demand estimates:

- Estimated changes in future demand based on full build-out of the BOA Plan.
- Discussion of potential changes to infrastructure to meet future demand based on implementation of the BOA Plan.

Community Facilities and Services

The DGEIS will provide a qualitative analysis of the impacts the BOA Plan may have on demand for community facilities and services:

- Estimated future demand for public services as a result of the BOA Plan.
- Assessment of service capacity and potential impacts to public services based on future service needs.

Natural Resources

Implementation of the BOA Plan may result in land use or other changes that would alter surface and/or groundwater resources, including habitat, wetlands, streams, floodplains, watersheds, and groundwater resources. Given the potential for such impacts, this section of the DGEIS will include the following discussion:

- Effects of potential changes resulting from implementation of the BOA Plan.
- Estimated effects of changes resulting from other regulations and policies implemented as part of the BOA Plan (i.e. zoning regulations).

Environmental Contamination

The DGEIS will identify potential effects resulting from the disturbance of known contaminated sites located within the BOA boundary. Available environmental assessments and ongoing remediation will be noted, if applicable.

Demographic/Population and Socioeconomic Conditions

Implementation of the BOA Plan may result in new development that may impact the City's demographic and economic landscape. To determine the potential impact of such uses, this section will discuss the following factors:

- Projected future demographic conditions resulting from implementation of the BOA Plan
- Elements of the BOA Plan that would impact the future population and characteristics of the population and local economy.

Housing

The BOA Plan may result in new development of housing units in the City of North Tonawanda, which may have impacts to the overall supply, availability, and affordability of housing. This section of the DGEIS will analyze the following factors:

- Potential changes in housing choice, availability, and affordability resulting from build out of the BOA Plan
- Discussion of potential impacts from changes to the condition of the City's housing stock.

3.6 OTHER IMPACTS

Adverse Impacts that Cannot be Avoided

The DGEIS will identify any impacts that cannot be avoided or adequately mitigated.

Irreversible and Irretrievable Commitment of Resources

This section will discuss resources that may be irretrievably lost due to implementation of the BOA Plan. These resources may include wetlands and wildlife habitat.

Growth-induced Impacts to Infrastructure

The DGEIS will evaluate the likelihood that implementation of the BOA Plan will cause significant population or business growth in the area.

3.7 MITIGATION MEASURES

(Section 4 of the BOA)

This section will identify potential measures to mitigate significant impacts associated with the BOA Plan. Mitigation measures will be considered if available, reasonable, and implementable. If development projected as a result of the BOA Plan would cause negative impacts, possible mitigation measures may be necessary to provide relief.

3.8 ALTERNATIVES TO THE PROPOSED ACTION

(Section 4 of the BOA)

The DGEIS will present an evaluation of alternatives to the proposed BOA Plan. Alternatives to be considered will include the following:

- **Preferred Alternative.** The preferred alternative will be summarized and evaluated in the BOA Plan.
- **Alternative redevelopment scenarios.** Alternative scenarios will be addressed, including scenarios that consider alternative uses of strategic sites and different scale/size of full build out.
- **No-action Alternative.** This alternative will consider a scenario in which the BOA Plan is not implemented.

3.9 CONSISTENCY AND COMPLIANCE WITH SEQRA

(Section 5 of the BOA)

This section will include a description of how the requirements of SEQRA have been fulfilled, including the BOA Plan's consistency with the NYS Coastal Management Plan's Coastal Policies and any applicable Heritage Area Management Plans. This section will also include any conditions of criteria under which future actions will be undertaken or approved, including requirements for any subsequent SEQRA compliance. This may include thresholds and criteria for supplemental EISs to reflect site-specific impacts that cannot adequately be addressed in the DGEIS.

3.10 CONDITIONS FOR FUTURE ACTIONS

(Section 5 of the BOA)

This section will include any conditions of criteria under which future actions will be undertaken or approved, including requirements for any subsequent SEQRA compliance. This may include thresholds and criteria for supplemental EISs to reflect site-specific impacts that cannot adequately be addressed in the final GEIS.