

MEMORANDUM

September 3, 2014

TO: Town Board

FROM: Eric W. Gillert, AICP, Planning Director

SUBJECT: Planning Staff Comments -  
Rezoning & Planned Unit Development of 772 North Forest Road and 385 &  
391 Maple Road (“Westwood Neighborhood”)

Following is a preliminary listing of comments assembled from Planning Staff regarding the completeness of the Draft Generic Environmental Impact Statement (DGEIS) submitted for the proposed “Westwood Neighborhood” mixed-use project.

### **Section 3. ALTERNATIVES**

#### **General**

- All of the elements of an analysis of alternative actions are included in this section. Issues arise, however, in the quality of the data/information provided and its analysis specifically in environmental terms;
- If investment value and tax revenue are financial impact attributable to each alternative, these attributes should be consistently used to evaluate every alternative and should be augmented with estimates of municipal costs;
- A set of performance criteria against which each alternative is measured should be established. Lacking these, the alternatives are only evaluated against the preferred alternative and without consistent evaluation criteria.
- No alternatives assess compatibility with surrounding development, especially single family housing to the west, northeast and southeast;
- None acknowledge the zoning code requirement for Town Board “involvement” for parcels of 30 acres or greater
- The alternatives should consistently compare applicable environmental impacts based on the different concept plans. The alternatives analysis as presented is more focused on the economic viability of each plan and does not adequately compare the actual impacts.
- The criteria used to develop the various alternatives that were consistent to each, such as the amount of greenspace, level of build out, location of access points, etc. should be stated. A brief discussion of how they arrived at the criteria should also be discussed. Any deviations that were specific to an individual alternative should be stated and discussed.

- A better effort should be made to present more attractive and viable concepts for each alternative.
- A discussion of how each alternative is consistent with Sec 3-9 of the Comp Plan; specifically the redevelopment of ‘Recreation and other large scale community facilities’ as stated on page 3-15.
- Alternative site development site plans appear to be crafted to discourage serious consideration. No consideration is given to design guidance provided in the TOA Subdivision Regulations that would improve the visual impact and functioning of a development of single-family residences.
- Does the open space calculation for each alternative include the entire site not covered with impervious surfaces?
- Table 3-1 (Section 3, page 4) – “Public or private golf course and country clubhouse” is incorrectly noted as a permitted use.
- Table 3-2 (Section 3, page 11) – Several entries are listed as permitted uses that were removed effective 8-1-14.

#### **No Action Alternative**

- Narrative highly subjective and lacks substantive information regarding prospective impacts of the alternative.
- states that “there is no sustainable economic viability for the golf course as a private country club” without exploring management structure that could positively impact its viability or whether the addition of other RC uses might positively influence that viability.
- States that the alternative does not meet the applicant’s objectives, which can be said of all of the alternatives except the preferred alternative.
- States that this alternative would result in the loss of \$238M in private investment without including the cost to the community, particularly long-term O&M costs.
- States that this alternative precludes the development of a north-south connector road between Maple and Sheridan but does not discuss the corresponding reduction in traffic generation attributed to the alternative.
- Includes statement that this alternative does not create a “smart growth” community without defining the term.
- The DEIS combines the null and as-of-right alternatives. The null needs to be a discreet alternative that is used to compare the relative impacts associated with each alternative that is presented.

#### **As-of –right alternative (RC)**

- There should be a separate alternative based on permitted uses in the RC district, i.e. providing additional services or different management/ownership model for the existing golf course.

#### **Alternative Sites**

- A partner in the petitioner’s group controls a site of sufficient size (1121 & 1081 North French Road; “Muir Woods”) that could accommodate this development. That site should be evaluated.

### **Alternative Access**

- Should be based on the preferred alternative, but needs to reflect logical changes to site layout based on the revised access.
- Adding commercial development adjacent to Frankhauser Road *is not* a necessary result of providing direct access to that roadway. No objective traffic data is provided that compares traffic impacts with the other alternatives

### **Alternative Uses**

- CF – describes the alternative with no systematic assessment of impacts
- R-3 – primarily a description of the alternative without meaningful assessment of impact that would facilitate comparison of the alternatives
- Mixed-use – No meaningful presentation of objective data/information; includes subjective conclusion on stormwater runoff, a topic not addressed previously
- Office/Research – Data essentially presents a financial/real estate reason to not construct offices for *any* of the alternatives; in addition, it suggests that offices are not compatible with residential uses, a conclusion that could apply to all alternatives evaluated.

### **Transitional Alternative**

- A predominantly residential alternative with a lower intensity, neighborhood scale commercial component that is designed to provide a more gradual transition from surrounding single-family neighborhoods to higher intensity uses on the subject parcel should be provided.

## **Section 4. EXISTING ENVIRONMENTAL SETTING**

### **Transportation**

- Some traffic data is 2-3 years old and should be updated. The lack of current data could be misleading.
- What assumptions were used to arrive at the multi-use trip reduction (11% and 29%)?
- Plan will result in 5 traffic signals between Harlem & N. Forest – more discussion needed of interconnecting / synchronizing
- Discuss how transit can be integrated and accommodated within the development, not just along surrounding arterials

### **Biological Resources**

- No discussion of unique specimen trees or vegetated areas, hardwood forest and type
- No mention of where mammals tend to specifically exist on the site
- No mention of invasive vegetative species on site – their removal and/or only using native species in future
- DEC wetland BN-01 is ½ mile south of site but not mentioned

### **Socioeconomics**

- This is the correct section to reference the CGR Report (Appendix O) and its conclusions summarized, yet there is no reference to the report or its conclusions.

### **Cultural & Historical Resources**

- Cultural and Historic Resources section should include reference to the Town's *Reconnaissance Level Survey of Historic Resources* and rating assigned to Westwood clubhouse

### **Community Facilities & Services**

- Include libraries, senior services and youth services

### **Utilities and Non-Transportation Infrastructure**

- The narrative does not indicate that sewer districts have been consolidated.

## **Section 5. EVALUATION OF POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS**

### **Water Resources**

- Conjecture: "Westwood Park...will preserve and enhance the natural resource of the creek, associated jurisdictional wetlands and adjacent riparian areas." (Section 5, pg. 9). "The project will result in the preservation and enhancement of the Ellicott Creek corridor." (Section 5, pg. 10). "Because the topography...is generally flat, the project sponsor anticipates that the on-site stormwater management system will require a subsurface stormwater pumping station to convey stormwater flows to the proposed lake." (Section 5, pg. 16).

### **Biological Resources**

- No discussion of potential future people/vehicle/animal interactions as a result of the project
- No discussion of construction impacts (i.e, runoff to Ellicott Creek and adjacent storm systems)

### **Land Use**

- Section 5.4.1 only mentions short-term impacts associated with site preparation; no discussion of long-term, permanent impacts of the project:
  - Town costs of maintaining a new public park
  - Town costs of maintaining new public roads
  - Town costs of maintaining new infrastructure
  - Increase in need for services (fire, police, schools, social services)
  - Town costs of maintaining drainage areas
- No acknowledgement of Figure 6 (Conceptual Land Use Plan) in the Comprehensive Plan except to illustrate Westwood's location related to existing and proposed community centers as Figure 5-2. No mention of the proposed project requiring a Comprehensive Plan amendment.
- Figure 5-2 shows a "Proposed Westwood Activity Center" (yet no mention of Comp Plan amendment)
- No mention of loss of existing golf course as recreational space and visual amenity.

### **Socioeconomics**

- This section only discusses the tax benefits to the Town of the project at completion. There is no discussion or acknowledgement of potentially adverse impacts, which is the purpose of this part. This section should present analysis of the market's ability to absorb the proposed uses, especially the various commercial uses. Particular attention should be focused on whether this project will cannibalize demand from existing similar uses in the Town and Region, with special focus on the Village of Williamsville.
- Petitioner acknowledges they will seek tax abatement for some components of the project; however, it is not clear whether those abatements were factored into the revenue projections. More detail is needed.

### **Section 6. DESCRIPTION OF PROPOSED MITIGATION MEASURES**

#### **Socioeconomics**

- There is no discussion of proposed mitigation of adverse impacts, as none were identified in Sec. 5.6.

Attached are comments on the completeness of the DGEIS received from the following:

1. Amherst Conservation Advisory Council
2. Erie County Department of Health
3. Interim Town Engineer

#### **Attachments**

X/Current Planning/Files/Rezoning/Z-2014-23/DGEIS Staff Comments