

MEMORANDUM

November 10, 2016

TO: Mensch Capital Partners, LLC

FROM: Eric W. Gillert, AICP, Planning Director

SUBJECT: Rezoning Application Review **Z-2014-23A**
Proposed: “Westwood Neighborhood” Planned
Unit Development
Property located at: **772 North Forest Road (portion) and
375, 385 & 391 Maple Road**
Application received: October 7, 2016 (revised)
Representative: Sean Hopkins, Esq.

After review of the rezoning application and Draft Generic Environmental Impact Statement (DGEIS), the Planning Department offers the following comments:

Consistency with Comprehensive Plan:

1. Policy 3-9: *“Redevelopment of large tracts of former recreational land such as golf courses or playing fields requires careful master planning that maintains the essential character of the site while accommodating significant changes in use and density.”* Master planning for redevelopment of this RC-zoned site should maintain as much as possible the essential character of the site which is open/recreational space. The proposed density and land use do not maintain the essential character of the site or the surrounding neighborhood.

“New development should complement the surrounding neighborhood and existing land uses in terms of scale, form, and character.” The current proposal is far denser than the surrounding residential neighborhood and does not complement it. The office, commercial, and hotel uses are inappropriate at the scale they are proposed.

“New development should positively address design issues identified in Policy 3-5, as well as take into account the criteria recommended in Section 3.3 of the Plan.” The preferred concept plan does not take into account some of the design standards in

Policy 3-5 especially regarding screening, placement of buildings and parking, and scale.

“New land uses should not result in service requirements exceeding available infrastructure capacities unless mitigation measures are provided with the project or programmed through public sources.” There are issues with the capacity for sanitary sewer and stormwater management for this project that the petitioner has not addressed.

“Site design should adequately address any issues that may arise with a change in the use of the property, such as changes to circulation or parking.” The site should have connections to North Forest Road and Frankhauser Road in order to allow better traffic flow and circulation.

2. Policy 3-14: *“Encourage conservation development with incentives for the dedication of open space in private developments.”* While an effort has been made to preserve open space by maintaining 64 acres as undeveloped, the overall result is a series of disconnected open areas that will not serve the general public. A greater effort could be made to group roads and buildings closer together in compact development patterns to preserve valuable open space. A more cohesive system of open space with local trail connections to the recommended extension of the Ellicott Creek Trailway would be more appropriate.
3. Section 3.3.2: *Regional Centers*. None of the four road frontages of this project are located adjacent to commercial uses, which significantly reduces this project’s appropriateness for development as a regional center. There should be minimal encroachment by new commercial development in this area, and if any, it should be consistent with the surrounding neighborhood in keeping with a neighborhood or community center. The southern portion of the site includes regional-scale uses (hotel, larger office buildings), which this section of the Comprehensive Plan does not recommend for this area.
4. Section 3.3.3: *Mixed-Use Patterns*. Seventeen activity centers are depicted on the Conceptual Land Use Plan as the primary locations for mixed uses in the Town. In addition, several other areas are designated for mixed uses as components of commercial centers. This area is not called out in the Plan to become a mixed use center and does not meet mixed-use criteria as described in the Comprehensive Plan:
 - no designated central public space, with the possible exception of the existing club house
 - pedestrian trails do not connect to the major roadways, existing trails or adjacent neighborhoods; also no linkages or parking for surrounding neighbors to access open space areas

- commercial and office areas of the site are designed in typical suburban style with large expanses of surface parking; this does not create a walkable, pedestrian-friendly center with a sense of place
5. Policy 7-3: *“Give priority to repairs to existing infrastructure systems, rather than extensions to serve new greenfield development.”* This site, although located in the center of Town, is considered “greenfield” development since the only existing utilities required/provided on site were those for the existing club house. The proposed density and intensity of land uses on this site pose issues with the capacity of sanitary sewer and stormwater management. During wet weather periods, the existing system is not adequate to handle project flows. The project may require a lift station in order to adequately discharge the existing stormwater system. This approach, if acceptable to NYSDEC, may not be acceptable to the Town due to unacceptable long-term operation and maintenance cost.

Consistency with Zoning Ordinance:

1. A Development Agreement, a required part of the Planned Unit Development process, was included in the rezoning application (Exhibit Q). The purpose of such an Agreement is to identify conditions and restrictions to be placed on the future development. Such restrictions could include maximum height, density or setbacks. The Agreement provided does not include specific area or bulk requirements to govern the development of the project.
2. TND is an appropriate district for this project, as it satisfies the Comprehensive Plan recommendation for master planned redevelopment of Community Facilities. However, the proposal is inconsistent with Section 5-6, “Traditional Neighborhood Development District (TND)” as follows:
 - *“Traditional neighborhood business districts have identifiable centers and edges that are consistent in scale and context with the surrounding neighborhood.”* The scale of the proposed ‘neighborhood center’ is not consistent with the character of the surrounding residential neighborhood.
 - *“Density is highest in the center of the district and decreases with distance from the center.”* The highest density of residential development is not at the center of the project, but at its southern extremity along Sheridan Drive and along Frankhauser/Fairways. There should be a transition from the existing adjacent lower intensity development to the project site. Large parking fields along Frankhauser Road and Sheridan Drive should be minimized. The proposed senior living facility should be centrally located within the site. The existing view to the clubhouse from the Sheridan/North Forest intersection is an important open space component for the community and should be kept open.

- “*Streets are interconnected and blocks are small.*” Although streets are interconnected within the proposed development, they lack connections with the existing community street system (Frankhauser Road and North Forest Road). Blocks in the proposed residential section of the development appear to be typical of most subdivisions and do not comply with the unique TND criterion.
- The proposed hotel and related GB zone are not consistent with the concept of the TND.

Consistency/compatibility with surrounding development zoning: The proposed rezoning to TND is appropriate for the subject site given its size and proposed mixed-use nature. However, a TND is designed to fit in and be consistent with the character of the surrounding neighborhood, which this proposal does not do. The predominant zoning on land surrounding this site – found on all four sides -- is R-3. The only other zoning designations abutting this site are CF for the Town Highway Department and RC for the Town’s Par 3 golf course. There are no commercial uses in the vicinity. Introducing a commercial component into the area, while permissible in a TND, should be done in a way that preserves the existing neighborhood character. In this case, low-intensity commercial/office uses would be appropriate but not those of the scale proposed with this project.

The MFR-7 zoning for the proposed senior living facility is not inconsistent, since it would allow a specialized type of residential use, but it should be relocated within the development to a central part of the site to minimize negative impacts to residential neighbors.

The proposed GB zoning, as the most intense commercial district available in the Town, is not appropriate to the site or consistent with surrounding development/zoning.

DGEIS Comments:

1. Alternatives

- All alternatives except #1 (RC Plan) show vehicular connection to Frankhauser Road, and all alternatives except #1 and #2 show connection to North Forest Road. The preferred concept plan shows neither connection. Including these connections only in the alternatives could be interpreted as an attempt to increase the appeal of the preferred plan.
- The discussions of the alternatives tend to focus mainly on the negative aspects that may occur from that alternative while overlooking some of the positive elements it could contribute.

- There is no reference to Figure 6, Conceptual Land Use Plan, which shows the Westwood Country Club property as “recreation, open space, and greenways” – it does not show it as a future developed area.
 - The DGEIS seems to claim that the Preferred Action will improve existing traffic problems with the addition of a new north-south road, but the project will also add significant additional traffic in this area.
 - *Alternative Sites.* p. 18: Existing Infrastructure: Comment that “the existing public sanitary sewer can accommodate” the proposed project conflicts with statement on pg. 16 that “a surcharging issue has been identified” within the existing system.
 - *Alternative Plan No. 3 – R-3 Zoning.* p. 44: The use of a condominium form of ownership should be minimized in all alternatives.
 - *Alternative Plan No. 4 - TND Zoning.* pp. 56-57: Traffic Impacts: Section discusses trips generated from the office and commercial space, but does not mention traffic produced by the largely residential sections of the site – these will generate as much if not more traffic at peak AM and PM hours as people go to and come home from work. Overall, there is more traffic generation than other alternatives on a more regular basis, but this is not mentioned.
 - *Alternative Plan No. 5 – GB Zoning.* NB zoning district could be used instead of GB, as it allows many of the same uses (except hotel), but is more geared towards neighborhood context. It also allows for commercial use closer to the street with parking in back and better pedestrian networks for walkability.
2. *Existing Environmental Setting*
- *Municipal Revenues.* Assessor’s review of revenue assumptions is pending. To make this section more readable, revenue table should be amended to include projected property tax revenue, not just the rate (data is located in subsequent sections and the Appendix). Update data in DGEIS for most recent year, as available.
 - *Cost of Community Services.* Projected cost to town, county, and school district (Williamsville) based on projected number of units/population should be included. Update data in DGEIS for most recent year, as available on single-family real estate data.
3. *Evaluation of Potential Adverse Environmental Impacts*

- This section makes no mention of the proposed Westwood project creating an undesirable precedent for mid-block development elsewhere in the Town.
- *Recreational and Visual Resources.* The main thoroughfare through the development should be designed using Complete Street principles to facilitate safe and direct bicycle and pedestrian transportation from Maple Road to the intersection of Sheridan Drive and North Forest Road. Any multi-use trail included as part of the roadway design should be separated from the roadway and be consistently located on only one side of the roadway to prevent bicycles and pedestrians from having to cross vehicle travel lanes.
- All privately owned open spaces and trails should be designated as common area to be maintained by a property owners' association. The Town will inspect said open spaces and trails annually to insure that they are properly maintained for public safety purposes.
- The proposed park area should include a public access easement if it is to be privately owned and maintained. The developer should prepare a plan to operate and maintain the park and provide it to the Town so that the Town can insure proper maintenance for public safety purposes. If the Town is considering public ownership of the proposed park, the property should be donated to the Town (after all trails and other improvements have been constructed) at no cost to the Town, and all Recreation and Open Space fees resulting from development of the property should be deposited into a Trust Account specifically dedicated to the operations and maintenance of that park. The Town shall develop a management plan for the park, identify anticipated costs and allocate sufficient resources annually to operate and maintain the park.
- *Municipal Revenues (Taxes).* DGEIS provides little substantive analysis on ability of the market to absorb the proposed retail space without cannibalizing or destabilizing commercial centers, other than the Village of Williamsville.
- *Cost of Community Services.* The impact of projected new students on the Williamsville School District for the most recent year, as available, should be updated. Include a discussion on redistricting existing schools.

4. Appendix W – Traffic Impact Study

- The data collected and/or cited in the Traffic Impact Study (TIS) is dated, some are over 6 years old. More recent data are available from the GBNRTC Transportation Data Management System (TDMS). At some locations traffic volumes have increased, and at others it has declined. While general impacts associated with the proposed development may be identified with these older data, any conclusions about traffic safety or highway/intersection improvements should result from recently collected data.

- The TIS recommends the addition of a fifth traffic signal between Harlem Road and North Forest Road. The TIS notes that the NYSDOT was conducting an Arterial Management Study to recommend signal coordination measures. If the NYSDOT has not completed this study and addressed this issue in their comments, recommend the Petitioner update its recommendation to include these measures as appropriate.
- The number of traffic accidents at six intersections including Sheridan Drive and Mill Street exceeds the State average. At Sheridan and Mill the intersection capacity analysis also projects degraded Level of Service and longer delays (particularly westbound) following development. With longer delays how will the potential for more accidents along Sheridan Drive change, and how can it be mitigated?
- The TIS recommends the inclusion of bicycle facilities into the proposed road serving the project. It is not clear where cyclists exiting the development will go once they get to Maple Road or Sheridan Drive as there are no bicycle facilities on either arterial. The TIS should address this and make recommendations for connecting to surrounding bicycle facilities/multi-use trails.
- The new north/south corridor through the development will include sidewalks. The TIS should address who will clear and maintain sidewalks/pedestrian trails along common areas and housing with side and reverse frontage.
- The existing traffic signal at Sheridan & Frankhauser should be eliminated and replaced with a signal where Sheridan intersects with the proposed main spine road. This would allow for a more direct north/south link between Maple and Sheridan and may deter cut-throughs down Frankhauser and Fairways Boulevard.