



**Fayetteville Village Apartments,**  
FOUBU Environmental Services, LLC  
Final Environmental Impact Statement  
Prologue  
July 2019

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As the designated State Environmental Quality Review Act (SEQRA) Lead Agency for the Fayetteville Village Apartments project for FOUBU Environmental Services, LLC (“Applicant”), the Village of Fayetteville directed the Applicant to prepare the Final Environmental Impact Statement (FEIS) for the project. Per the SEQRA requirements the FEIS is a document of the Lead Agency and as such the Village of Fayetteville offers the following assertions to be included with the FEIS prepared by the applicant.

### **Requested Action**

In its application, the Applicant is requesting that the Village of Fayetteville Board of Trustees enact a zone change. The property that is the subject of the application is currently zoned Industrial (I-1) and Residential (R-1), and the Applicant has requested that the zoning be changed to a Planned Unit Development District (“PUD”) for five (5) three-story apartment buildings with 30 units each, ten (10) two-story townhouse style units with five (5) units each, four (4) two-story mixed-use buildings including apartments and retail, service, restaurant or other commercial use, a community center/pool, and a new two-way continuous left turn lane from the proposed westerly site driveway to the intersection of East Genesee Street and New York State Route 257. A zone change is a legislative act, and the discretion of a legislative body is very broad in determining which laws should be enacted for the welfare of the people, and when and how its police power should be exercised.

### **Reasonable Alternatives**

In evaluating the proposed subdivision, the Lead Agency is required to prepare a description and evaluation of the range of reasonable alternatives to the action that are feasible, considering the objectives and capabilities of the project sponsor. The Village in its review of the Draft EIS and the FEIS is of the opinion that the applicant did not adequately review other potential viable alternatives for the subject property, including other re-development alternatives that could have significantly less impact on the environmental considerations at the subject site, the surrounding neighborhoods and the infrastructure of the area.

### *Mixed Use Development with Senior Housing and Commercial / Retail*

A senior housing development (rather than the proposed market rate apartments) would not have an impact on the school district. As well, a senior housing development has far less traffic impact especially during the morning and evening peak hours. The commercial component of the mixed-use option could be of a similar makeup of the current proposal with small shop retail and some office. This option would look at a patio home independent living community with some 2-story assisted living components. This type of development would be less dense and therefore less

impactful on the environmental conditions of the site and storm water runoff into Bishops Brook. This alternative would have a similar impact to the hazardous waste issues with the site and have potentially have a larger impact to the Village EMS services.

#### *Building Re-Use as an Industrial, Warehouse or Distribution Site*

Re-use and renovation of the existing building as an industrial, warehouse or distribution site would have no or less impact on schools, traffic, hazardous site, density and neighborhoods. This type of re-use would not require a zone change for the subject property. Depending on the user there could be additional truck traffic which would be a negative impact on the Route 5 / Route 257 intersection.

#### *Renovation of the Site for Retail Use*

Retail use would require razing the building structure but could potentially utilize the existing slab, thus reducing the hazardous waste impact on the site. This use would have no or less impact on the schools, density and neighborhoods. This type of use potentially would have a less of an impact on the morning peak traffic and a similar impact in the afternoon traffic.

#### *Senior Housing*

An alternative for the subject site could be a senior housing development without the commercial component but more of a continuing care retirement community approach, with independent, assisted and full care living components in a campus setting. This type of development would not have an impact on schools, and have less of an impact on the traffic, density, and neighbors. Again, the Village EMS service may be impacted to provide additional services for the elderly.

#### **School District**

The village recognizes and wanted to add to the FEIS record the potential impact the proposed project would have on the Fayetteville Manlius School district. Based on correspondence received from the Superintendent of Schools for the district, Dr. Craig Tice, the school district is concerned that the approval and construction of the market rate apartments will introduce additional enrollment in the school district, especially at the elementary school age. The school district is currently at 100% capacity at its three (3) elementary schools.

In its FEIS draft, the Applicant calculated the number of students it believes will be added to the school district using reports by the National Multi-Housing Council and the Joint Center for Housing Studies at Harvard University, which utilized data from American Housing Survey. The Applicant determined 22-40 new students would be added across 12 grade levels. That number of new students alone will be problematic for a grade school that is at maximum capacity. However, the Lead Agency believes the Applicant's numbers may not be accurate and the total number of new students could be higher than they calculated. The Applicant made its determination based on only 200 residential units, though if the Applicant includes residential units in its mixed-use buildings there could be a total of more than 200 residential units in their proposed development, which could mean more families with school-age children. Further, the use of national data does not account for the particulars of the greater Syracuse Metropolitan Area. Fayetteville-Manlius School District has an excellent reputation, which will make the apartments in the proposed development

particularly attractive to families with school-age children, and potentially drive the increase in the number of children up from the Applicant's projected national averages.

The Fayetteville-Manlius School District commissioned a demographic study by Dr. Jerome McKibben to determine the effects of new housing developments within the Fayetteville-Manlius district. The school district has asked the Village to take this information into consideration when deliberating on the environmental review as well as the zone change for the project. Dr. McKibben's study determined that the proposed market rate apartments could potentially increase elementary enrollment by 92 students, which would require drastic infrastructure changes for the school district in the form of building additions. Any such increase would be at the cost of the taxpayers.

### **Character of the Neighborhood / Density**

Throughout the FEIS, the Applicant indicates that the proposed development is 200 units. By the Village review of the application there are at least 212 apartment units (plus the 22,000 square feet of commercial retail space, plus the club house and pool). While the subject site is 31.81 acres the actual development is compressed to the south portion of the site (due to topographic considerations). For the subject site, if we discount the north section of the property as unusable due to flood plain or steep slopes, the usable lot area is approximately 18.6 acres. Therefore, the density of the development is over 11 units per acre, and that does not include the commercial component of the development or the club house or maintenance building.

In all of the Village of Fayetteville residential zoning districts the maximum percent lot coverage is 30%. Over this useable area the proposed development includes approximately 487,875 sf (11.2 acres) of building, drive and parking impervious area, creating a lot coverage of 60% over the usable lot area which greatly exceeds the lot coverage allowed in all other Village of Fayetteville residential districts.

The proposed conceptual layout does not comply with the Village ordinance with regard to parking space size (200 sf minimum where the plan provides for 162 sf per parking space). Also, the proposed parking lot plan requires cars to be stacked directly in front of garage stalls which is a nonconforming parking space. As a result, any final plan for this scale of development will include additional impervious areas and that will further impact the lot coverage and thus the density of the development.

The proposed conceptual layout does not provide for a place holder for NYSDEC mandated stormwater runoff reduction and water quality basins at the source of the runoff. The Village of Fayetteville as a MS4 community for the NYSDEC SPDES program will mandate strict conformance to all stormwater management and mitigation requirements. By not accounting for at least place holder areas for water quality mitigation the overall layout of the proposed development could be greatly impacted. This impact can affect the density of the development and also create additional or greater environmental impacts.

The proposed development includes five (5) – three story apartment buildings each with a foundation footprint of 16,000 square feet (approximate 80 feet by 200 feet) There are no

residential apartment structures anywhere in the Village that come close to this scale and size. As well there are no 3-story – 35-foot-tall residential apartment buildings in the Village. This scale of residential building is out of character for the neighborhood.

### **Hazardous Waste**

The applicant states in the FEIS (response to comment 7, page 19) “The exact nature or extent of the residual contamination is not yet known,” and acknowledges that this property has been under a groundwater treatment program for approximately 20 years and that NYSDEC has released the site for redevelopment under the Brownfield project. The Village also is aware that there are unknowns with regard to the potential for contamination to be uncovered during the construction of the development.

For the protection of the future residents as well as the down gradient areas (Bishops Brook) and the environmental protection of the Village in general, the Village has asked for a proposed action plan to handle contamination discovered during construction (again acknowledging that NYSDEC will be the ultimate reviewing authority on any Brownfield / environmental cleanup protocols).

Will discovered contamination be excavated and removed from the site or will it be stockpiled and treated onsite (a potential for a pedestrian hazard)? Will additional pump and treat well points be required and if so what are the sound and odor impacts of such to a new residential development? Is the residential use, especially with children, the best use for this contaminated site even with slab on grade construction? The applicant has not presented grading plans of the development so it is difficult to evaluate areas of cut that may expose contaminated areas.

Due to the sensitive environmentally hazardous nature of this property, the Village is of the opinion that the applicant needs to better identify the potential hazards and better outline a proposed approach to clear this site of hazardous materials to make it suitable for a residential development.

### **Stormwater**

The Village acknowledges that the applicant under final design will have to meet the NYSDEC stormwater management requirements as mandated by the SPDES General Permit process. As was stated above, it is the Village’s opinion that the concept plans need to provide for approximately sized place holders for runoff reduction volume and water quality mitigation systems. NYSDEC requires these elements to be close to the runoff source and not “end of the pipe” treatment methods. As such these water quality elements can significantly impact the proposed layout of the development.

In the DEIS appendix for stormwater management, the applicant provides for water quantity mitigation and in the appendices, but there is a “not to scale” graphic showing the grading of a storm basin north of the development. Reading the grading plan, it indicates that the basin will be in over 35 feet of cut. This is a significant impact. If this is the only way to construction the mitigation basin then a geotechnical analysis of this cut needs to be performed. In itself the construction of this basin is an environmental impact.