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Memorandum

To: Jane Rice, Chairperson, Village of Fayetteville Planning Board
Dan Reisman, Deputy-Chair Village of Fayetteville Planning Board

From: Matt Napierala, P.E.
NAPIERALA CONSULTING
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Date: February 26, 2021

Re: Scoping Session Meeting Minutes
457 East Genesee Street

Meeting Date/ Time: February 24, 2021 / 2:45 PM

Meeting Location : Village of Fayetteville Municipal Building

Meeting Attendees: Jane Rice, Planning Board Chair – (JR)
Dan Reisman, Planning Board Deputy-Chair (DR)
Devin DalPos, Developer, Millstone Development (DD)
Matt Napierala, Engineer Representative (MN)

Meeting Purpose: To initiate the New York State SEQRA Scoping Session following the Fayetteville Planning Board's Positive Declaration of environmental significance regarding the applicant's applications seeking an area variance, special use permit approval and site plan approval for proposed development at 547 East Genesee Street. To review the applicant's submitted SEQRA Environmental Assessment Form Parts 1, 2, and 3 to determine what information is required / requested to be included in the Environmental Impact Statement.

The following is a summary of the review and discussion of the relevant environmental areas that may be impacted by the proposed project. The summary follows the environmental areas/questions as numbered in the SEQRA Full environmental Assessment Form Part 2 – Identification of Potential Project Impacts.

- 1) *Impact on Land: Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site.*

The planning board decided the impacts may be moderate to large for the following sub questions:

- 1.b. *The proposed action may involve construction on slopes 15% or greater.*
- 1.e. *The proposed action may involve construction that continues for more than one year or in multiple phases.*



1.f. The proposed action may involve result in erosion, whether form physical disturbance or vegetation removal (including form treatment by herbicides).

Planning Board has concerns that the project duration has not been well defined, that the project may be constructed be in phases and is concerned with potential longevity of impact to Bishop's Brook. The grading plan that has been provided shows no slopes greater than 15% would be impacted. A complete SWPPP was presented for the project which included applicable measures for erosion and sedimentation control. It was noted that there remain unknowns with regards to the senior housing / memory care facility as the original intended tenant is no longer a part of the program. The plan remains to have a senior component to the project and to avoid SEQR segmentation this component, as the frontage outparcel is still intended to be included in the program. In light of some of these unknowns, the applicant agreed to provide additional detail on potential project phasing and scheduling.

Regarding questions 2 – 6 the Planning Board determined the proposed project would generate either no or small impacts, therefore no further information is needed.

7) *Impact on Plants and Animals: The proposed action may result in a loss of flora or fauna.*

The Planning board decided the impacts may be moderate to large for the following sub questions:

7.g The proposed action may substantially interfere with the nesting/breeding, foraging, or over-wintering habitat for the predominant species that occupy or use the project site.

The planning board's concerns regarding potential interference with nesting/breeding, foraging of wildlife is because this property is immediately adjacent to Green Lakes State Park which has a bird conservation area nearby. It was noted that the as part of this application process, the applicant received correspondence from New York State Department of Environmental Conservation (NYSDEC) noting that there are no known threatened and endangered species located on this site. Further inquiry regarding the bird conservation area will take place to determine if additional investigation and information is needed by the applicant.

Regarding question 8 the Planning Board determined the proposed project would generate either no or small impacts, therefore no further information is needed.

9) *Impact on Aesthetic Resources: The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource.*

The planning board has determined potential moderate to large impacts may occur in the following sub questions:

9.c. The proposed action may be visible from publicly accessible vantage points either seasonally or year-round.

9.d. the situation or activity in which viewers are engaged while viewing the proposed action is:

- i. Routine travel by residents, including travel to and from work or*
- ii. Recreational or tourism-based activities.*

The site is visible from Genesee Street. Can it be seen from certain popular trails in Green Lakes State Park and or Coulter Park? Will the proposed 3500 sf building be built? If not, the visual impact from Genesee St. will be different than what was shown on the 'Sketch-up' model. It was suggested that the applicant go to potential areas where the site may be visible and take pictures as evidence of what can be seen from each potential vantage point. With winter conditions (no green foliage) and the fact that the existing structure is bigger than what is proposed, if the existing can't be seen than it could be logical to assume that the proposed building would not be visible from the same vantage point. It was suggested that the applicant submit a list of potential vantage points and get concurrence from the



board prior to doing the photo investigation.

10) Impact on Historic and Archeological Resources: *The proposed action may occur in or adjacent to a historic or archaeological resource.*

The planning board decided the impacts may be moderate to large for the following sub questions:

10.c. *The proposed action may occur wholly or partially within, or substantially contiguous to, an archaeological site not included on the NY SHPO inventory.*

There was some confusion about which sub-questions were of concern to the board. It was noted that this site is located within five miles of the historic district on the National Registry and one mile of a state park. This will need to be confirmed. Based on the NYS SHPO CRIS system the subject site is NOT within an "archo-sensitive" area. There are "eligible" properties in the area because SHPO classifies any building 40 years or older being "eligible".

Regarding questions 11 and 12 the Planning Board determined the proposed project would generate either no or small impacts, therefore no further information is needed.

13) Impact on Transportation: *The proposed action may result in a change to existing transportation systems.*

The planning board decided the impacts may be moderate to large for the following sub questions:

13.a. *Projected traffic increase may exceed capacity of existing road network.*

13.e. *The proposed action may alter the present pattern of movement of people or goods.*

It was noted that this question ties in with questions 17 and 18 as the proposed change to the center turn lane and introduction of a traffic signal affect the character and consistency of the neighborhood. It was noted that the applicant submitted a traffic letter to which NYSDOT responded. It was also noted that it is unlikely the board will ask for a full Traffic Impact Study (TIS) but will have to take this question back to the board for their full response. It was noted by the applicant that traffic that exists today along this corridor, that the applicant has consulted with a traffic consultant, has discussed this proposed project with NYSDOT and has provided a mitigation plan that is acceptable to NYSDOT who is the jurisdictional authority for East Genesee St. (Route 5).

14) Impact on Energy: *The proposed action may cause an increase in the use of any form of energy.*

The planning board decided the impacts may be moderate to large for the following sub questions:

14.d. *The proposed action may involve heating and/or cooling of more than 100,00 square feet of building area when completed.*

The board notes this impact and further notes that it is likely no further mitigation will be required since the power source is a private utility.

15) Impact on Noise, Odor and Light: *The proposed action may result in an increase in noise, odors, or outdoor lighting.*

The planning board decided the impacts may be moderate to large for the following sub questions:

15.a. *The proposed action may produce sound above noise levels established by local regulations.*



15.d. *The proposed action may result in light shining onto adjoining properties.*

15.e. *The proposed action may result in lighting creating sky-glow brighter than existing area conditions.*

It was noted that the board has concerns regarding the potential light pollution impacts to all adjacent or nearby neighborhoods. There was discussion regarding the potential to mitigate all such impacts and that final design decisions may be finalized while reviewing proposed concepts plans during the site plan approval process with the planning board. It was noted that the Village does have a noise ordinance and that the project needs to show all activities are within compliance and do not generate a moderate to large impact on surrounding neighborhoods. The applicant indicated he will focus on mitigating these potential impacts by focusing on timing and scheduling. It was noted that the applicant has submitted a site lighting photometric plan utilizing dark sky compliant-fixtures and light shed photometrics which indicate 0-foot candles at all property boundaries. But acknowledge that eyes can visually see light (as we can see stars millions of miles away). It will be important to identify the appropriate measurement indicator for this issue.

16. *Impact on Human Health: The proposed action may have an impact on human health from exposure to new or existing sources of contaminants.*

The planning board decided the impacts may be moderate to large for the following sub questions:

16.a. *The proposed action is located within 1500 feet of a school, hospital, licensed day care center, group home, nursing home or retirement community.*

16.b. *The site of the proposed action is currently undergoing remediation.*

16.c. *There is a completed emergency spill remediation, or a completed environmental site remediation or, or adjacent to, the site of the proposed action.*

16.d. *The site of the action is subject to an institutional control limiting the use of the property (e.g., easement or deed restriction).*

16.i. *The proposed action may result in an increase in the rate of disposal, or processing, of solid waste.*

16.m. *The proposed action may result in the potential for unearthing contaminated soils. If this happens how will they be addressed (buried on site or removed to regulated receiving site for such materials)?*

It was noted that the NYSDEC is involved in the remediation and cleanup of this site. The applicant has provided materials regarding steps taken during this cleanup process. After further discussion, the board will identify what, if any, additional information will be needed from the applicant.

17. *Consistency with Community Plans: The proposed action is not consistent with adopted land use plans.*

The planning board decided the impacts may be moderate to large for the following sub questions:

17.a. *The proposed action's land use components may be different from, or in sharp contrast to, current surrounding land use pattern(s).*

17.c. *The proposed action is inconsistent with the local land use plans or zoning regulations.*

17.f. *The proposed action is located in an area characterized by low density development that will require new or expanded public infrastructure.*

It was noted that the size of the variance request (10,000 sf bldg. allowed versus proposed 56,000 sf building) indicates an inconsistency with existing community plans. It was further noted that the current zoning regulations (including dimensional regulations) have not been recently amended. It was argued by the applicant that the proposed program is identified as a desired and acceptable use in both the Village's Comprehensive Plan and the findings from the Trustees following the previous PUD application.



18. Consistency with Community Character: The proposed project is inconsistent with the existing community character.

The planning board decided the impacts may be moderate to large for the following sub questions:

18.e. The proposed action is inconsistent with the predominant architectural scale and character.

18.g. The proposed action is inconsistent with the village's commercial design guidelines.

An open discussion followed regarding the impact of the currently proposed site layout and plan. It was noted that the applicant has choices regarding site layout, building size, location, size and layout of parking lot, etc. The board is reviewing the site plan about its potential impact on the community. We have had success in working with other applicants in modifying proposed projects to meet the character of Fayetteville. The board has not seen an alternative plan that addresses our concerns regarding community character. For example, our village has made significant investments into ensuring our community is a walkable/bikeable community. The current proposed project does not adequately address pedestrian/bike movement. The proposed program should be more "Urban Friendly". The board remains open to working with the applicant but there has to be more flexibility to reach a better alternative.

It was stated that this is the right project for this site. It satisfies a need for the Village with regards to both services and senior housing. At the same time, it will take a certain project to accomplish the hazardous waste cleanup and frankly a 10,000-sf user won't pay for what is needed. The applicant indicated a willingness to further review alternatives, however, both sides have to be willing to compromise to get this accomplished for the Village.

Together we reviewed the following next steps for this SEQR scoping process:

1. MN will prepare the initial draft meeting minutes establishing tasks to be completed
2. JR will review and discuss with the board items needed for clarification
3. Once items are clarified, the applicant will prepare a Draft Scoping Document to be presented to the Planning Board.
4. Scoping Document to be accepted by Resolution by PB – may require a public hearing
5. Once Scoping Document is accepted Draft Environmental Impact Statement (DEIS) can be prepared.