

**Review for Completeness and Accuracy of the  
Draft Environmental Impact Statement (DEIS)  
Submitted by Newman Development Group for the  
Gateway Town Centre Development**

Please Don't Destroy Geneseo (PDDG)  
August 2, 2007

We have completed an initial review of the DEIS, with an emphasis on its adequacy relative to the scope provided by the Town Planning Board. Our focus here is on the extent to which Newman has fulfilled its obligations under the scope. The significance of the impacts and the adequacy of the mitigations proposed by Newman will be the subject of future analyses.

On the basis of this review, we believe there are at least six areas in which Newman's DEIS fails to meet the requirements set forth by the scope. Each omission renders the DEIS incomplete and necessitates additional study by Newman. These inadequacies are:

1. The "Route 20A – Alternative Travel Routes Study," included within the Gap and Delay Study conducted by Fisher Associates fails to study the alternative route that is the subject of greatest local concern. Lacking local knowledge of traffic patterns, Fisher compared two travel routes from the intersection of 20A and Route 63 to the intersection of Volunteer Road and Veteran Drive. The primary route studied was eastbound on 20A; the alternative route traveled north on 63 to Court St. and east on Court and North Streets, to Lima Road and then to Volunteer. Of course, the primary route using 20A was found to be shorter.

However, the appropriate route to study originates at Route 63 and Court St., not Route 63 and Route 20A, with the primary route traveling south on 63 and east on 20A and the alternative route using Court and North Sts, Lima Rd, and Volunteer Rd. It is concern about motorists entering Geneseo from the west and northwest and accessing the commercial corridor via North Street and Lima Road that is most significant among Village residents.

2. The "Alternative Routes to Rochester Study" (Appendix B, Study 11) conducted by Fisher Associates fails to understand the issue being studied and therefore fails to study the routes to Rochester that are of local concern. In this study, Fisher examined two possible routes from 390 north of Geneseo to the Volunteer Rd/Veteran Dr. intersection, one using 390 to 20A at Exit 8 and one using Exit 9 and Lima Road into the Village, and found the primary route, using 20A, to be shorter.

Once again, however, the issue of local concern is not the routes people will travel from 390 to the proposed GTC location but rather how additional traffic on 20A

will affect the travel routes of people traveling from the Village (e.g. Main St. or any other location south of 20A or west of the Village) to 390. Increasing traffic volumes on Lima Rd. indicate increased use of this “bypass” through residential areas rather than use of 20A, particularly due to difficulties in gaining access to 20A.

3. The “Trip Generation Study” completed by Fisher compares the traffic generated by the proposed Gateway Town Center project to the traffic that would be generated by two other “code compliant” or “as-of-right” development scenarios: a 212,500 square foot business park and a 167,800 square foot six store retail shopping complex. It finds that the GTC proposal would generate fewer weekday peak hour trips than either alternative.

There are two problems with this study, one relatively minor and one serious. The minor problem is that during every other time of day (other than morning and evening peak hours) and on both weekend days, the business park would generate far less traffic than GTC. By measuring and reporting only peak hour traffic, Fisher’s study thus has the effect of significantly misrepresenting the traffic effects of this development.

More importantly, the proposed retail alternative is not in fact “code compliant.” Indeed, it is so much larger than what is permitted “as of right” in the Mixed Use III and Gateway Overlay District zoning that its traffic effects are significantly overestimated. Use Class 21 limits retail businesses to 35,000 square feet in a single use building and 80,000 square feet if “connected in a plaza.” The six building alternative proposed by Newman would require a number of subdivision permits, rendering it not “code compliant” or “as of right.” Because the intended and clearly preferred use of the Mixed Use III zone is light industrial, a more appropriate alternative development scenario would have involved examining the traffic impacts of a 25 acre light industrial site.

Indeed, an earlier traffic study, also prepared by Fisher Associates for the “Gateway Industrial Park” in 1999, examines the traffic impacts of different development scenarios for the Gateway as zoned. That study, which unfortunately was not included or referenced in the DEIS despite being identified as important in the scope, examines the traffic impacts of the full development of the 212 acre Gateway. The full build out of the Gateway was foreseen to include 1 million square feet of light industry, 1.45 million square feet of office space, 85,000 square feet of retail, 30 townhouses, and 10 single-family homes. Remarkably, the proposed GTC is estimated to generate more traffic (up to 634 peak hour trips) than was estimated for 1 million square feet of light industrial development.

4. The scope requires an “analysis” of the growth inducing or precedent effects of the proposed GTC (from the scope: “The Project should be analyzed with respect to the precedent it may establish for future similar development in the Gateway Overlay District, as well as other nearby zoning districts”). No such analysis is

provided. Such an analysis would consider the effects of the development of this proposal on subsequent retail and non-retail forms of development in the Gateway and surrounding areas. In discussing the role their proposal may have played in the re-occupation of the abandoned Wal-Mart and in the interest in Geneseo expressed by Applebee's, Newman recognizes the significance of such a precedent effect. However, it performs no actual "analysis" of this precedent effect, stating instead "the nature or extent of such secondary growth cannot be predicted in advance."

Though there are certainly limits in our ability to know the future, we routinely make informed predictions – through empirical investigation – of the effects of present actions on future outcomes. The DEIS does so for both the traffic and economic impacts of the GTC proposal. There is no reason the same couldn't be done for the growth-inducing impacts of this proposal. Indeed, Newman and Camoin Associates identify a number of peer communities – Oneida, Oswego, Athens, Ohio, Somerset, Pennsylvania, Bloomsburg, Pennsylvania, and Clinton, North Carolina – that host Lowe's stores. They could be studied to see how the Lowe's opening affected subsequent retail development, the effects it had on land values, the effects it had on industrial and Empire Zone development, and so on. These results should then be extrapolated to Geneseo.

5. The locations from which Newman took pictures of the view across the proposed development site and provided renderings of the visual effects of their proposal failed to include any sites from which their building could have had a visual impact on the valley view. Camera locations A and B do not look toward the valley. Camera location D is too close to the site and too low to the ground to include a view of the valley wall. Camera location E is too high up the hill going east on 20A to be obscured by anything other than a skyscraper. As a result, the significant views of the valley that exist between camera locations D and E are never investigated. The result is that we have no useful information about the effects of this proposal on the views of the valley.
6. The scope calls for Newman to complete a "quantitative analysis of pedestrian conditions in the vicinity of the Project site." However, the "Pedestrian and Bicycle Facility Assessment" completed by APD Engineering (Appendix B, Study 13) is a single page in length, briefly reviews existing conditions, and contains no analysis and no discussion of bicycle access to the proposed GTC site. Further, it does not include the required "assessment of the proposed project on pedestrian safety." It would seem that consultation with a traffic engineer, particularly one with expertise in pedestrian safety and accommodations, is warranted.

In addition to the failure to provide information required by the Town Planning Board, there are also two significant issues over which Newman advances erroneous claims. These errors should be corrected so that review of this proposal goes forward with a clear and shared understanding of the standards by which it will be reviewed.

1. Throughout the DEIS, Newman makes the erroneous claim that its proposal could be considered a “building materials supply’ store” (IV-34) as discussed in the Mixed Use III zoning regulations. This claims allows their proposal to include a “Garden Center” “enclosed by a suitable solid wall or fence,” rather than the more restrictive requirement elsewhere in these regulations requiring that the building be “completely enclosed.”

However, a careful reading of the Mixed Use III regulations makes it clear that “any retail business” must be conducted within a “completely enclosed building.” Under the same heading, all such businesses are limited to 35,000 square feet per building and 80,000 square feet per plaza per parcel. The fact that a “building materials supply” facility (the term “store” is not used in this section of the code, indicating that the business being contemplated is not a retail business) is included in a separate section of this code, subject to different standards, makes it clear that the code is not referring to a retail building materials supply facility. Because there is no question that the proposed GTC businesses are retail, there can be no question that they are subject to the section of the code requiring “completely enclosed” buildings. Further, the flexibility provided by the Planned Development District (PDD) law extends only to dimensional issues and does not appear to provide relief from this requirement.

2. Throughout the DEIS, Newman makes the erroneous claim that in limiting access to its proposed site to Volunteer Road and US Route 20A (see V-54), its proposal is in compliance with the Gateway Overlay District zoning regulations with respect to traffic access from Route 20A. The basis for this claim is the claim that the curb cut it proposes on 20A is not actually part of its development, but rather becomes an internal access road from which access to GTC will be gained. This represents a misrepresentation of the Gateway Overlay District regulations. Those regulations state: “Uses which are developed after the construction of the internal road system serving the parcel where development is proposed within the overlay district shall be required to take access via that road system and will not be permitted to develop any direct access to the property from Route 20A or Lima Road.” Because these regulations were written prior to the construction of Volunteer Road, at a time in which there was no road access into the Overlay District, Volunteer Road is not identified as that “internal road system.” However, there can be little doubt that Volunteer Road is the internal access road referred to in the Overlay District regulations, meaning that sole access to the GTC proposal must come from that road.

As a result of these significant omissions and errors, we urge the Town Planning Board to reject the submitted DEIS as incomplete and return it to Newman Development Group for the completion of additional research and the correction of factual inaccuracies.