

**MEMORANDUM**

January 7, 2008

**TO:** Town Board  
**FROM:** Eric W. Gillert, Planning Director  
**SUBJECT:** Additional Traffic Impact Analysis (TIS)  
218 & 330 Maple Road Rezoning

In accordance with the Town Board’s request, the Planning Department has developed a number of options for providing additional traffic impact information that may address concerns expressed by residents that may be impacted by the proposed rezoning of the properties referenced above. The options discussed herein have not undergone legal review; therefore, I recommend that such a review be undertaken prior to a final decision by the Town Board as to the preferred option.

**Option 1: Complete SEQRA process without additional traffic analysis**

- Complete review and issue a Findings Statement based on information included in the Draft (DEIS) and Final Environmental Impact Statements (FEIS) accepted by the Town Board. This option follows the administrative practice employed on similar actions in the past.
- Take final action on the proposed rezoning
- Other than those specified above (Item 1), no additional action or costs will be required of the applicant or Town of Amherst
- Concerns raised by residents may not be addressed depending on the substance of the information received by the Supervisor that may not have been included in comments addressed in the FEIS and made part of the Findings Statement

**Option 2: Include the requirement for an additional TIS in the Findings Statement**

- Complete, review and issue a Findings Statement with a finding that an additional analysis of traffic impacts be completed prior to site plan approval or when a specific development threshold has been reached
- Take final action on the proposed rezoning
- No additional cost to the Town of Amherst is required but additional costs to the applicant will be required when the conditions specified in the Finding Statement are reached
- Concerns raised by resident may be analyzed and addressed but only after the zoning (land use) decision has been made and prior to site development  
continued.....

### **Option 3: Supplemental Environmental Impact Statement (SEIS)**

- Per NYCRR Part 617.9(a)(7), a SEIS may be required when significant adverse environmental impacts not addressed or inadequately addressed in the EIS arise from newly discovered information or a change of circumstances related to the project. In the case of newly discovered information, the decision to require a SEIS must be based on the importance and relevance of the information and the present state of the Environmental Impact Statement.
- In this case, the traffic comments recently received by the Board would be interpreted as newly discovered information that is significant enough to render the conclusions of the FEIS either incomplete or inadequate.
- A SEIS would be limited to the impacts and mitigations associated with the changed condition or newly discovered information, such as the traffic comments recently received by the Town Board. In this instance, the SEIS would consist of a revised traffic analysis that addresses recently raised concerns; SEQR regulations provide for hiring an independent consultant to review the work submitted by the petitioner at the expense of the petitioner.
- It would require scoping of the new issues, public hearings before the Planning Board and Town Board on the Draft SEIS, and issuance of a Final SEIS by the Town Board. The process takes a minimum of 6 months to complete.
- This option results in no direct costs to the Town. SEIS preparation costs would be the responsibility of the applicant and would be accomplished by the applicant's consultants. However, review of an SEIS would require the most staff time for review and procedural compliance of any of the options discussed and may require an independent review by a consultant.

### **Option 4: Deny the Rezoning Request**

- The Town Board may deny the rezoning request. This action may require that the Town Board adopt a Findings Statement that summarizes the reasons for denial, and should include the statement from the SEQR regulations that the action “does **not** avoid or minimize adverse environmental impacts to the maximum extent practicable.”
- There are no direct costs to the Town associated with this option.
- If denied, the applicant could choose to resubmit the rezoning application, and the SEQR process would begin again. If resubmitted, there would be staff time associated with processing and review of the new application.
- This option would not provide residents with the traffic impact information they have requested unless a new SEQRA review process address those issues.