

Date: June 21, 2010
To: Town Board and Planning Board
From: Bob Starzynski
Re: Whitehaven Farms

I am submitting this memorandum to be attached in its entirety as part of the recorded minutes of a special Grand Island Planning Board (PB) meeting held at 5:30 P.M. on Monday, June 21, 2010. The purpose of said special meeting, as should be reflected in the minutes of the regularly scheduled meeting of Monday, June 14, 2010, is the result of a 3 to 1 "straw vote" in favor of the matter of Applicant for Whitehaven Farms proposal to rezone it from R-2 to PDD (said proposal having been the matter of ongoing discussions between Town officials, Boards, the Applicant and other parties for more than two-and-a-half years). My opposition was the lone nay vote on June 14th. A quorum (4 or more members of the PB) was present on June 14th, and in fact 5 of 7 were present (with one abstention due to perceived potential conflict of interest). The presumed 3 to 1 formal vote, which did not take place, would have de facto represented a nay vote on the part of the PB, the presumption being the unknown positions on the matter of two absent PB members, an absent member not being allowed to cast a vote, thereby rendering the 3 to 1 vote less than a majority of the full PB.

My nay position is based on the fact that the proposed PDD (a land area of more than 50 acres) is not a PDD, nor is it close even if one of the most salient points of the Town of Grand Island Zoning Code, 49-136.C.4, on page 80 is loosely interpreted (the standard per code being a minimum of 25% of open space):

"One of the Town's primary goals in authorizing Planned Developments is the preservation of open space. Open space may include walkways, plazas, landscaped areas, and recreation areas. Parking access and vehicle access facilities shall not be considered in calculating open space."

The amount of open space allotted by Applicant in the proposed site plan iteration presented at the June 14th PB meeting is exactly zero.

Notwithstanding all of the pronouncements, judicial opinions, etc, to date relative to open space under the historical, but no longer existent River Oaks Planned Unit Development (PUD) there is absolutely nothing compelling the Town of Grand Island to bend a literal interpretation of PDD. Additionally, code bending of such magnitude establishes, at best, a potentially dangerous precedent which can and will come back to

haunt the Town at some future point. If there are no concerns in this regard then disregard the zoning code altogether and pretend that every applicant, attorney, and engineer the Town has heard from on any proposal will never appear before a Town voting body again.

Ask yourselves whether you truly believe you should capitulate to the proposal before you. Dig deep and ask yourself why. Unless more is demanded, more will not be given. If you settle for second or third best because it looks like a pretty good deal, or the best that can be expected under the circumstances, then don't expect more in the future. Just because this process has gone on for two-and-a-half years is not cause for a "knee-jerk" on the part of any Town Board now or anytime soon. Grand Island historically has had its share of planning/zoning missteps, and this is not intended as finger-pointing, but rather to point out that missteps, or whatever you choose to call them, have consequences for decades to come.

The point has been made many times, of the River Oaks golf course as a significant element of open space. I recall a casual conversation with a neighbor of mine recently, knowing I'm a PB member he said he heard through the grapevine that the golf course might be sold and turned into condo developments. I said no, at least not anything I've heard, and even if sold, an investor would have to go through a lot of gyrations to convert it to any other use. Later on I thought more about it. River Oaks golf course is, after all, a private enterprise. Private enterprises come and go and/or are repurposed. The course has been around almost 40 years, but who knows what that land and facilities will be 40 years from now, or even in a few years.

Aside from zoning and other issues subject to voting, I'd like to digress a bit and look at some broader yet related issues, also viewed over a longer term. We all know that WNY continues to face systemic economic challenges as it has for decades, and that the region's population for decades has been static to declining in absolute terms. In my line of work I've had discussions with numerous investors, developers, regional economic development officials, and municipal leaders. All pretty much agree that WNY, for the foreseeable future, has reached the outer limits of developable land. Factors at play include the cost of developing additional infrastructure, as well as repairing, upgrading, or replacing that which already exists, most notably sanitary sewer systems and transportation. Additionally, there is a strong, emerging trend to repurpose vacant or degenerating areas in the City of Buffalo and older areas of the first ring suburbs to attract people back from farther out to closer in to the regional amenities. And, how far would people want to drive, absent the cost of tolls, if the cost of a gallon of gas in today's dollars goes to \$5 or \$6 or higher?

All of this leads me to my last point which is simply that people have a myriad of choices, particularly if they can afford to buy a residence for \$250,000, that number being at or below what most new construction, be it detached or attached, is being built for today in suburban WNY. Of course \$250,000 will buy even more house and amenities if you're considering existing homes. Given choices involving product differentiation does anyone really, truly believe that a housing product without internal neighborhood open space amenities, and with one of the two tallest man-made structures in Western New York looming in plain sight as one enters the neighborhood and which borders a number of larger, more choice lots within is very marketable? The competitive disadvantage is not only with housing product in other parts of Grand Island, but with virtually every other municipality in Western New York.

Money travels and leaves quickly when it doesn't like the way things look. I sincerely believe that we need to revamp our residential zoning codes overall to promote smarter growth and development concepts (and in the end much more valuable residential properties) if we ever hope to have a Town that will be broadly viewed as being at the top of the list of communities Western New Yorkers and others will want to move to.

My position has been and remains nay to the Whitehaven Farms PDD proposal.