

Wales Town Board
Public Hearing

Tuesday March 9th, 2021 @ 7:00 p.m.

The Public Hearing was called to order at 7:00 pm at the Wales Community Center, 12345
Big Tree Road, Wales Center, NY.

ROLL CALL:

Present Supervisor Rickey Venditti
Councilman Donald Butcher
Councilman Dan Driver
Councilman Kyle Barry Absent
Councilman Gerald Klinck

Also Present: Ronald Bennett Town Attorney, GHD Engineering, Building Inspector Walter
Rachiel (17) Residents whose names are on file.

Town Clerk Notice of Public Hearing as Published.

Attorney Marc Romanowski - The Broadway group is proposing to build a 9100 sq ft retail store the Dollar General, we have submitted a special use permit. The Town Board issued a negative declaration for the SEQR the beginning of December and continued the review of the project. We were granted the variance for the parking from the Zoning Board. The Planning Board asked for addition information regarding the traffic study, and sidewalk along the front, we did forward the plan to the DOT for approval for the sidewalk.

Steve Vukas - Traffic Engineer for the project is a 9100sq ft retail store, with 31 parking stalls and handicap stalls, a large majority of the stalls are in the front and some along the side. The project meets all the setback requirements, according to town code. The parking lot is light with LED downward facing lights. We meet the town's landscape requirements for greenspace. We have also proposed trees along the front and the side that meet the town code. Money is being invested here with sod along the front and areas that are not going to be sodded, will be hydroseeded. We have received approval for the septic from the Health department, NYSDEC approval for the storm water system. We are in stage two approval from the NYSDOT. The lighting and landscaping comply with all the town code. The building will be similar to the 20A store, meeting the aesthetics. Supervisor Rickey Venditti said we have had a problem with the 20A store, not keeping up with the landscaping and cutting the grass, we just hope if this project is passed, we will not have the same issues. We have reach out to the store manager, to correct the problem with cutting the grass and landscaping.

Gordon Stansbury with GTS Consulting. I am a Certified Professional Engineer and a Certified Traffic Operations Engineer. I have 26 years doing traffic studies. We conducted a traffic impact study focusing on the proposed Dollar Store location. We conducted a site visit on Thursday, December 12th, 2019 to collect traffic passing the site location. In addition to traffic gap data, site distance measurements and as well as speed measurements. The data collected was pre-COVID, we do not have the issue of seeing reduced traffic volumes. Based on the data we collected, we will get the typical morning and evening work hours. We count from 7:00-9:00 a.m. in the morning and 4:00-6:00 p.m. in the evening which captures the actual peak hour in that period. The 2019 traffic volumes were about 600 cars northbound, 300 cars southbound passing said driveway during the morning peak. About 350 northbound, 700 southbound passing during the evening peak. These traffic counts were compared to 2016 interstate NYSDOT NADT counts which is national average daily traffic passing the site and found to be very consistent with magnitude, therefore we did not make any adjustments to our counts. The roadways which we call effectively thru-way roadway this is a D.O.T. classification, which they give us a seasonal adjustment factor to apply to the volumes. Based on that factor group we did not apply the seasonal adjustment factor in December because it actually reduces the volume in the study. We went on the D.O.T. website to get heavy vehicles percentages, which we specifically applied in the analysis to make sure we accounted for trucks on the roadway and impact they may have. Based on the gap data collected, there was sufficient gaps in traffic

to accommodate approximately 250 or 350 vehicles turning right out of the same driveway during peak hours which is well more than the overall size it generates. There is sufficient gaps in traffic to accommodate approximately 180 vehicles turning left out of the driveway during peak hours. Again substantially higher than the volumes that we projected for the site. Operating speeds on Olean Road passing the site where the posted speed is 40 m.p.h. the average speeds were in the 43-44 m.p.h. range in each direction. We look at 85th percentile operating speeds when we do conduct our analysis, which is considered the design speed for the roadway. Based on the data we collected in the 85th percentile we collected, the operating speeds are in 45-85mile range in each direction. So using the operating speeds we looked at site distances from the driveway location to make sure there is adequate space to see on-coming cars safely turn in and out of site. We looked at the site distances based on a 50m.p.h. operating speed, with that the recommended site distances are about 550' in each direction to turn right out of the site driveway. We have excellent site distances with over 1,500' looking left and over 850' looking right. There is no concern over site lines at the driveway location. The basic conclusion from the data collection, we have ample gaps in traffic, good site lines, the overall volumes are in that 600-700 vehicles in the primary direction northbound in the morning and southbound in the evening. Dollar General generates approximately 280-300 cars per day while entering and exiting the site. During the peak hours were estimating about 15-20 cars entering and exiting during the morning peak. About 30 cars entering and existing during the evening peak. About 25% of that traffic would be pass-by trips, which is traffic passing the site on Olean Road. So the actual new trips are coming to and from the area are about 20 cars or less during the peak hours. So the overall increase on the road itself would be minimum. Based on distribution

we expect roughly 65% of the traffic to and from the south of Emery Road. 35% to travel to from the north. The overall conclusion of the traffic study is that we have good site lines, good gaps, and no capacity concerns. Concerns from the town such as people getting in and out of driveways and accident history along the stretch of Olean Road. We first completed an accident analysis from Route 400 intersection down to Emery Road for a five-year period. During that five-year period, there were 24 accidents on the stretch. Twelve accidents occurring at Emery Road signal intersection and 10 along the roadway. Based on standard calculation based on accident rates, this section of Olean Road would have an accident rate below a state-wide average below for a similar facility. It would not be considered a high accident corridor. In the data we reviewed we noted there ought to be 24 accidents. 12 at the intersection. 10 were mid road accidents. Seven out of the ten accidents involve only north south traffic and were not related to any vehicles turning on or off the roadway. Based on that data there was not really anything to substantiate a high accident pattern associated with trying to turn on or off the roadway. There was concern from the town and the residents that the accident analysis was not representative, because there is not a lot of existing commercial along this section we looked at. So we expanded our study area and did another accident analysis from Route 400 all the way down to Savage Road of Holland. It is a 6.4 mile section of roadway within a five-year period. In that five-year period there were a 165 total accidents along the 6.5 mile stretch. Of these accidents 49 occurred at intersections. The two big intersections were Emery Road with 13 accidents, Vermont Street with 11 accidents. The rest of the intersections were between 1-4 accidents. Darien Road, Blanchard Road down through the study area. There were 67 single vehicle accidents, 40% of the total accident corridor. Of the 116 accidents that occurred, not at an intersection, 33 were fixed object accidents and 32 were rear-end accidents. 88% of the accidents only involved in north south vehicles not vehicles turning on and off the roadway. 11% of the total accidents occurred involve vehicles turning. Concern of the high accident occurrence in the summer vs. winter. We looked at all of the data specifically by month, and found that the five high accident months are the five winter months. Each one have 10-15% of the accidents. Accidents are generally lower in the summer. Generally averaging 5-6% during those months. There are no indications during the extended accident data, that there is no substantial accident history turning on or off the roadway or accident problems. The calculation of the state-wide average rate of the road is 1.2 accidents per million vehicle miles per traveled, which is well below the state-wide average of 2.6. Again with the extended road analysis did not show us an extended history of problem. It is a standard practice and recommendation preference to have that cross signal. There are protective cross-walks at Emery Road. That is where we want people to cross the road and should be maintained. We are providing side walks in our frontage. We cannot extend those sidewalks down the road because we do not maintain that property.

Councilman Daniel Driver what the odds of people using the cross walk at Emery Road versus walking from the park. People crossing where it is convenient for them. If you have 2 paths one for people. One that is compliant and one that is steeper, is that feasible.

Gordon Stansbury-The sidewalk has to be under 5% of the line. This is a path that we can achieve that in. There is 5' of grade change. You can't get those slopes. We had an archeologist check for artifacts. They provided a report and stated that this project would have no impact on historic or cultural sensitive items. The State Preservation office concluded with the report. My opinion is that, the proposed site is far away that it will not impact the possible circle at the end of the 400

Attorney Marc Romanowski-stated someone that has limitations trying to go up the steeper slope not realizing there is one down the road. The problem is really the culmination of the site grade. It is coming down the hill off the railroad tracks pitches toward Emery Road. The entire yard is pitched that way for drainage, you cannot fight gravity. The culmination of things makes it unfeasible. We are not allowed to put stripping on the pavement, that is not a protective walkway. We have reached out 3 or 4 times to the N.Y.S.D.O.T.

Victoria Montague-1853 Olean Road. Regarding the sidewalks, the Gow School and the people in the trailer park there walking because they cannot drive. They basically walk along Route 16. They would need a sidewalk. It would make for sense to have the access come in to the south of the driveway.

Councilman Donald Butcher-we have crossing signals at Emery Road and Route 16. They have not been upgraded. At this point, this becomes a State problem. A sidewalk to come up there and be well marked. The biggest concern is that they cross safely with the traffic.

This is a question for the State D.O.T. We still have a question mark with the traffic circle going in at the end of Route 400.

Supervisor Rickey Venditti-down the road we could look into Community Block Grant money to establish some of those sidewalks.

INVITATION FOR PUBLIC COMMENT

Victoria Montague-1853 Olean Road. This will be kitty corner to my property. Unfortunately, the other residents in the area are not here today. If you do get a grant for a sidewalk, does that mean there would be more commercial development in that area? This evidently started like three years ago. I was never notified of anything. The first letter that I received that there was a Dollar General going in was in June, 2020 for the July, 2020 meeting. We should have been brought in the beginning to listen what they had to say and then vote on it. Supervisor Rickey Venditti- With regard to this SUP application, this has not been with the board for three years, this is a recent application that we received this until the tail-end of last year.

Victoria Montague asked about if this was staying within 300' of the property that's commercial, does it go back into the property that is agriculture and asked about the retention pond. What is the status of this retention pond? It is my understanding that if it does not, it has to be maintained. My other question is a moratorium.

Have you thought about anything else here going north of this building? It goes down to where the billboard is. I hope to preserve the integrity of that area.

Attorney Marc Romanowski-responded that the retention pond is a detention pond. They are not designed to hold water

Gordon Stansbury-the detention pond is designed not to retain the water. It will retain for just a little bit then slowly seep into the ground. There is a long-term maintenance plan that is in accordance with the NYS Department of Environmental Regulations. We have certain measures that an owner has to adhere to. Cleaning the basin out. Making sure it has the same soil permeability that the original intended was.

Supervisor Rickey Venditti responded that is up to the board to discuss in the future.

Kevin Ingraham-11933 Center Line Road-Is there a way to move the retention pond slightly more toward the east, bring everything to that side. Some small amount of change to the detention pond would be great. I think it would lessen any issues later on and build a good reputation for Dollar General in that area. I think it would be good for the town to look at a moratorium due to our laws being slightly antiquated. I know Wally you mentioned that last time we do not have updated laws as many other towns do for architectural standards. More community-based laws as to comply more along the lines of the commercial code to find better ways to align with our town code.

Merle Sly-11042 Big Tree Road-We would be rolling in money from the sales tax revenue from the Dollar General on 20A. Is there anywhere that shows up in our town? How much we get?

Supervisor Rickey Venditti responded. The sales tax from Dollar General is disbursed all across Erie County. It all Erie County sales tax and then the sales tax is disbursed amongst the towns in a quarterly basis.

Charles Ritter on behalf of owner Michael Rupp 6421 Olean Road is the parcel directly to the south of that. Mr. Rupp is in the process of submitting his own S.U.P. Application and should be in within a couple weeks. I would just note that in the prior meetings I heard a lot of conversation about the sidewalk requirement there, which we have been looking at and not sure what was going to happen. The DOT has a substantial pad and sign in their right-of-way of the front of his property now. I believe that the D.O.T. can hold any area where the sidewalk might go in the front of his property. Dating back to the 1960's the driveway enter for 6421 was the the driveway you enter into Kipp's today-that is the legal driveway and that is right on the property border there. If you were to adopt a representation that you cannot build a sidewalk with more than a 5% pitch. We will not have a sidewalk along there. I just do not want to be held at a different standard when we submit that application.

Lugene Maurer Bradley-4885 Reiter Road. Is there any way that this parcel for Dollar General can be set back farther? They own back to the railroad tracks. How close is this to Kipp's?

Supervisor Rickey Venditti responded. Probably be even worse because the land slopes up to the railroad tracks. When it rains there is a lot of rain that comes off that hill. It is right next door.

Attorney Marc Romanowski-We are at least 50 feet off of the east property line.

Gordon Stansbury-Over a 150' to the north of the side property line.

Invitation for Resident's input to the Town Board.

MOTION#___By Supervisor Rickey Venditti and second by Councilman Daniel Driver
adjourn the meeting at 7:54 p.m. CARRIED

Submitted by Mindy Eaton Town Clerk