

**IMAGINE AMHERST  
MEETING NOTES**

JOINT  
TECHNICAL and PROJECT WORKING COMMITTEE MEETING  
October 26, 2016

**Working Committee Attendees:** Dal Giuliani, Chair; Ellen Banks, Duncan Black, David Chiazza, Jim Cwierley, Steven Herberger, Brian Kulpa, Gary Palumbo, Frank Pasztor, and Daniel Ulatowski

**Absent:** Carl Montante, Jr., Ramona Popowich and Bob White

**Technical Committee Attendees:** Rick Gillert, Gary Black, Kelly Dixon, William (Bill) Pidgeon and Mark Rountree

**Absent:** Brian Andrzejewski, David Mingoia and Bart Roberts

**Staff Present:** Dan Howard, Kim Schueler, Amy Carrato

**Code Studio:** Lee Einsweiler (telephone)

Dal Giuliani thanked everyone for coming and stated that at this meeting the Committee will review the Charrette and make sure the committee members are in basic agreement on the direction of this project. He is pleased with the number of public participants who attended the Charrette and thought there was great input from committee members and the general public who participated.

Kim Schueler and Annette Herrman gave an update on Outreach Activity:

- Kim gave a general recap of what was done to promote the Charrette. There was an email blast in June, followed by multiple website announcements, save the date flyers placed on car windshields, a letter mailing to almost 2,000 residents who reside within 600 feet of the pilot centers, reaching out to local businesses who hung posters and schedules in their businesses, and television and radio spots.
- Annette thanked Kim and Gary Black for their appearances in the media spots. She noted that the demographics of stakeholders appeared to change after the televised segments. She was pleased with having about 40 people from the public attend the Saturday morning workshop. Annette encouraged everyone to look at the website to see how it is being used, to keep the public informed on this process.

Dal expressed concern about letters that had been published in the Buffalo News. He's not sure that the public truly understands the project; that we are looking at future commercial development of the Town of Amherst and are not trying to change zoning throughout the entire Town. When given the opportunity the Committees should explain that the purpose of this

project is to look at future commercial development so Amherst can remain economically competitive with neighboring communities and be attractive to future generations.

Discussion on the ZBA notes the Committee members received:

- Gary Palumbo thinks there could be some issues outside of the commercial centers regarding signage and temporary use permits. He stated most temporary use permits aren't actually very temporary because they keep renewing and getting approval. Hopefully this project can somehow address this issue, or look into it.
- Bill Pidgeon asked Gary if they (members of the ZBA) have spoken to the Commissioner of Building regarding temporary use permits? He stated there are more and more temporary use permits recently, and feels there should be a different approach to how this is done; there should be public input—one person shouldn't have the power to make that decision.
- Duncan Black said yes, they have discussed this with the Building Commissioner and would like to find a way to ease the workload for both the Building Department and the ZBA, possibly having the Building Department staff make some of the decisions would speed up the process. He is hoping that fixing the code could help; that less variances would be needed. Some sites ask yearly for temporary use permits—he used the WalMart storage trailers as an example. We need to either make the process different or just say no in some cases.
- Frank Pasztor discussed temporary use permits regarding pigs and chickens. He thinks this is a slippery slope and should be settled by the Town Board. He asked how other communities address this? He stated he feels property values decrease for those next to properties with farm animals, and that this should only be allowed in SA, not in any residential neighborhoods.
- Gary Palumbo stated the Town Board should regulate this; pets aren't a land use issue. It came to the ZBA that way because that is how it is defined in our code (livestock). Pets and livestock are two different things.
- Brian Kulpa stated this issue often comes up in the Village, and that it's ok to say no if the law states no. This is why there are laws and codes in place. The ZBA should say no unless there is a very special circumstance that they want to consider. All decisions should remain at Board level, not at staff level.
- Mark Roundtree stated other communities require an application for a permit for livestock through the Town Board, and that a possible solution to the temporary use permit issue is to extend the duration of the permit so it isn't being renewed so frequently.
- Rick Gillert stated that these issues are ones that should be looked at if possible during this project.

Lee Einsweiler spoke to Committee members via telephone regarding the Charrette and Summary Report:

- He stated that the attendance was good, as strong as they normally get.
- He felt some people didn't speak up due to very strong voices in our community and based off of written comments it seems as if there is a silent portion of the community that supports some of the changes.

- He stated that there are two major issues: height and immediate transitions to residential neighborhoods.
- He stated that David Versel's presentation points out challenges in the market place such as a lot of office vacancies which has tax impacts on the Town. The Town needs to maintain an economy that supports the tax base to remain viable and desirable to businesses and residents.
- Lee then asked if the Committee had any comments/concerns regarding the Height/Transition.

Brian Kulpa stated that residents spoke at Village meetings regarding the Charrette, that they have concerns with height, traffic, and parking ingress/egress on to side streets. He also commented on the Village West concept: that the multi-purpose trail diagonally shown could connect to the Lehigh Valley Trail but questioned why the parking is loaded on either side of it. He said it is not appealing for people to walk or bike through a parking lot; that there should be more landscape features, green space, or building mass along the trail.

Lee noted that it is expensive for multi-story buildings to be supported with structured parking, and that is why we see a lot more surface parking. The Town will continue to struggle with the inability to have structured parking unless the economics of a project supports it. He also stated that regulations can be made to give a denser presence along the trail. It may be a good idea to leave the structured parking shown in the image in there just as a possibility. If it is too expensive, it will not happen.

Brian would like the park/public green space more centralized, closer to the "gateway" building; the trail should be the central element, with green space and places to go/shop/visit along the trail for pedestrians.

Lee stated the green space location was selected to draw people into this site from the exterior; to make it appealing and inviting. There could be many variations on the proposed site plans – placement of five story building is currently on rear of lot, next to park where it doesn't affect as many nearby residents, but he is open to other ideas.

Brian stated that the Village lowered their height from 6 to 4 stories, and that 5 stories would get shut down by the public. He said he would encourage 4 stories instead of 5 because it's just going to put the public off. He also stated that the traffic along Main Street is intolerant and therefore no one wants that much density because it brings more traffic.

Lee stated there are no residences neighboring the rear of this site, just a Town park, so five stories may work there. He asked if Brian thinks one of the two Northown versions with three and five stories may work at this site?

Dal asked the committee how they feel about the building height and five story buildings, if they are acceptable?

David Chiazza said the trouble is that there are multiple property owners in the Village West area, but Northtown is unique in that there is only one, so it may be more feasible for new concepts to happen there rather than in Village West. He said he attended the Saturday morning workshop and sat at the Village West table. There was an outspoken senior citizen who was opposed to the building height and a younger person who wanted to see change and more density. He thinks there is a larger population in the Town who would like change but may not be represented in this project; we need input from more stakeholders.

Dan Ulatowski stated five stories are dependent on parking structures. He asked if somehow we could regulate the ratio of massing to surface parking because we can't allow tall buildings with massive seas of parking; it's not feasible.

Steve Herberger stated five stories are acceptable in certain applications, but they may need to be in an area with space for proper transitions and with other taller buildings. These tend to be areas with larger lots.

David C. thinks five stories are acceptable at certain highway interchanges. UB has taller buildings because of the sheer amount of land, so areas around UB may be more suitable for taller buildings. They should not be in denser residential areas.

Brian stated that there are acceptable places where the road infrastructure and context is correct and we can have taller, denser development. There needs to be streets that can handle it. Roads in Snyder, Eggertsville, Williamsville and Getzville have met their traffic capacity.

Dal suggested that there should be 4 stories near the Village and 5 stories (or maybe 65 ft.) elsewhere on large lots, on major arterials and interchanges.

Dan Howard asked Lee to talk about the process of defining commercial centers for the Comprehensive Plan amendment and the code.

Lee stated the Town Board needs an intimate knowledge of each center to make a decision. He suggested that the next steps are as follows:

- Work on the zoning code rules for each of the six centers examined during the Charrette
- Once rules are determined for each type of center, consider the map in the Comprehensive Plan to see which set of rules could be applied to similar areas in the Town – and classify these centers into categories.
- The result should be a package of rules for each type/category, recognizing there may have to be some minor modifications

He then asked if there are any concerns from the Committee about moving in that direction.

The Committee agreed with Lee's approach.

Lee said he will be in Town on November 21<sup>st</sup> to meet with the Town Board and Committees. He will seek general guidance from the Board on the direction of the project moving forward.

Lee then discussed the Charrette Summary Report. He explained that it is a summary of steps and conversations held at the Charrette; it describes the outcomes and lessons learned, and how to apply them moving forward with the project. He wants continued consideration and comment on the renderings; and noted that they can change how the rules are laid out. He suggested a summary of key findings from David Versel's Report will help people see the economic impact as well.

David C. asked about the precedent section and how it will be used/represented. Are these conceptual or examples?

- Lee said these are used to provide a visual image of what is happening across the country and in the northeast region, to show ideas that are possible. He stated that there are limited examples of new forms of development in this region to use. He asked if Committee members have other examples they would also use.

Kelly Dixon reiterated the importance of the economic analysis as part of what is explained to the Town Board and recommended that an in-depth description of why this is being done should be put in the Charrette Summary Report.

Ellen Banks feels we should include the need to reduce carbon based energy. She stated that density can help environmentally and can connect people/places. She asked if there is the potential to build green ideas into this zoning (electric outlets for cars, solar panels, geo-thermal, etc.)? The town has done little to reduce their carbon footprint thus far.

- Lee stated there can be requirements for greenspace in the code, and we can remove some barriers in the current code to try and promote and support green and sustainable infrastructure ideas without setting specific/significant requirements, and move toward a more sustainable pattern of development.

Gary P. wants to address transitions to residential areas because they are one of the issues that Lee brought up besides height. He stated that there are a lot of variances for parking at edges near residential areas, and hopes they are able to work on this area of the code. Dan Howard noted that would be helpful to pull some examples of this from the ZBA for the Committee to learn from.

Dal asked for more discussion on the Summary Report and the Precedent Report.

- David C. would like more explanation/instruction on how to use the precedent report, and suggested that there should be a summary at the beginning of it to explain to people what it is all about.
- Mark suggested that all the tall buildings in the precedents are on major streets/arterials, and maybe the market doesn't support that on Main St. in the Village West scenario.
- Gary P. stated that the Charrette Report should also have a summary at the beginning about the project and what this report is about.
- Duncan stated that for each report, there should be a memo or section that describes the role/charge of the Committee for that document. He reiterated that people do not understand that this does not deal with the entire Town, just sections of it.

- David C. stated that the appendix of the Charrette Report should also have an introduction or summary.

Dal reminded the Committees that the meeting with the Town Board is November 21<sup>st</sup> at 3:00p.m. and it is very important that the committee members attend. After the Town Board Meeting, there will also be a Joint Committee meeting at 7:00p.m. at Village Hall.

Dal also asked about the notes from their last meeting. Duncan, Dave C. and Dan U. had a few comments they wanted addressed. The Committee approved the notes with those minor changes.

Dan H. stressed that the purpose of the Charrette was not to redesign the six sites in specific detail, but to provide examples to guide development of code language/rules for various places in the Town that are similar.

Brian questioned the project process and purpose of these Committees. He noted that while the Committees reviewed documents, there is typically no vote taken on the items, just like there wasn't a vote for the renderings the Consultant provided from the Charrette. This does not really demonstrate a consensus among members. He pointed out that the Committee voted on the six pilot sites but they were switched by the Consultant afterward which doesn't make it look like the Committee's input was valuable. He stated he doesn't want to support something he didn't vote on. He also stated he still has concerns about showing parking structures in the Village West scenario.

- Duncan suggested that the Town should consider a parking structure funded through a public/private partnership.
- Dave C. said that parking structures are hard for developers to construct in the current market today, but that they are not impossible. If the economics work, they will build it. Sometimes trade-offs are needed as well. Having images of the parking structures isn't a bad thing.
- Dan H. stated that the images are renderings that represent concepts or possibilities, not exactly what has to go there or the exact vision for that site.
- Dan U. asked how realistic is the vision for Village West if there is no parking structure? Can the vision be realized without a parking structure?

Dal asked the committee to vote by a show of hands if parking structures should be included – the Committee voted yes.

Mark asked if there could be multiple variations shown for each site. For Village West, one could be shown with 5 stories and parking structures, and the other could be 3 stories and no parking structure.

Rick noted that with enough density a parking structure can be affordable.

David C. stated the need for structured parking becomes inherent to density and the market value of property.

Brian also has concerns that the renderings only show the maximum density. The two Northtown examples are the best because they show very dense and less dense options. If we show these renderings, it needs to be clearly defined that these are maximum densities, and only one option of many.

Gary P. stated we need more narrative to go along with the renderings to explain them.

Dan H. explained the renderings are not likely to be changed. He noted that the renderings may not illustrate maximum development for the sites. He also stated that it may be helpful to show a rendering of what the current zoning allows, because in some cases that may yield denser development than the renderings/rules proposed. It would be helpful to compare the density that would result in these places, the renderings may actually be less dense.

Dal stated the discussion at this meeting was exciting, there was a lot more dialogue and discussion than previous meetings.

Public Comment:

- Tom Franks – stated that this project is a major initiative

The Meeting was adjourned at 9:07 p.m.