

## **Zoning Review Working Group Meeting Notes**

October 11, 2018

**Working Committee Attendees:** Brian Kulpa – Chair, Brian Andrzejewski, Jacqualine Berger, Kelly Dixon, Dal Giuliani, Dan Howard, Ellen Kost, Scott Marshall, Dave Mingoia, John Radens, Mark Rountree, Alissa Shields

**Absent:** Doug Gesel, Dan Ulatkowski

**Staff Present:** Kim Amplement, Amy Carrato, Laurie Stillwell

**Code Studio:** Kevin Howard

The meeting began at 7:03 pm. The working group members introduced themselves.

Brian Kulpa reviewed the previous project work that has been completed and went over the goals of the project:

- Rezoning commercial areas / existing shopping centers.
- Working towards a hybrid Form-Based Code. This will help developers understand more what is expected/desired by the Town.
- Charettes were held to gather public input back in 2016.
- At the end of 2017, the previous Town Board adopted amendments to the Bicentennial Comprehensive Plan. The current Town Board took the opportunity to review the amendments to make sure they reflected community desires by holding 10 Neighborhood Forums around town. The results of the two activities held at the Forums (a Concentric Circle exercise and a Visual Preference Survey) were reviewed and confirmed the overall direction of the Plan Amendment and the project. A few minor changes may be made to the Plan Amendment based on information from the Forums.
- This working group will work on the next phase of the project: revisions to the zoning code.

Code Studio produced a Draft Code Assessment Report that assesses the Town's current Code and what changes are recommended. This was distributed to each working group member and will be discussed at the next meeting.

Dan Howard explained that the areas designated as Commercial/Mixed-Use displayed on the Comprehensive Plan Maps – Figures 6 and Figure 6-A – delineate the areas that this working group will focus on. He explained that these areas were previously assigned a form and type from the work done by the previous committees involved in this project. The work done included the following:

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- Two Forms:
  - Traditional
  - Suburban
- Four Types:
  - Low-Scale Node
  - Medium-Scale Node
  - Corridor
  - Center

Dan Howard explained that these plan maps are meant to be a guide for developers and residents about desires that the Town wants – they are not zoning maps. This working group will be tasked with creating new zoning districts that implement the forms and types in the plan, along with creating a zoning map delineating these new districts in the commercial/mixed-use centers. He also explained that there are some parcels zoned commercially that are not located within the centers delineated on the Plan maps – these outliers will also need to be dealt with by this working group.

Kevin Howard from Code Studio then reviewed the Code Framework which was developed at the end of 2017 to start to show how the new zoning may implement the Plan forms and types:

- Height – many of the amendments to the Plan have reduced heights in commercial/mixed-use areas than what is currently permitted.
- Transitions – an example on page 10 shows the differences in transitions to adjacent residential or other non-commercial districts depending on lot size (deep vs. shallow).
- Frontages – an example on page 9 showed the options for different frontages, which would be applied to some centers like an overlay district with additional rules that would apply.
- Block standards – an example on page 11 shows the breakdown for block standards, an attempt to break up larger parcels to keep them more at a “human scale” which could include internal main streets within a more suburban development.
- Use Table – one table will be created to show all the uses permitted in each of the newly created zoning districts which makes it easier and more convenient for users of the Code.
- Rules of Measurements – this will essentially be a cheat sheet with explanations and graphics of the various concepts which will help explain each standard with diagrams and illustrations.
- Reformatting/Modernizing the existing Code – the entire Code will be reformatted to match the new look and feel shown in the Draft Framework; pages will have more image examples and be color coded for each zoning district.
- The next steps will likely include the following:
  - Drafting the Code until January 2019
  - Public Review in January 2019
  - Finalize Draft Code in February 2019
  - Training & Education in March 2019
  - Code Adoption after March 2019 after public hearings at both the Planning Board and Town Board

Brian Kupla explained the current contract extension with NYSEDA and Code Studio goes through March 2019 and so this is going to be a very busy few months. This project is needed to be implemented because the Town wants to be able to better influence and inform development now. He also explained that a grant may be available next year for an opportunity zone that would impact development in the area between Niagara Falls Blvd., the I-290 and Sheridan Drive.

Dan Howard explained that the goal of this working group is to focus on Tasks 7, 8, and 9. We need to ensure that a complete Draft Code is ready to go to the Planning Board in March 2019. More public input and public hearings will be held after March as the Draft Code goes through the Planning Board and Town Board, along with training and education which are essential components as well. He explained that NYSEDA sees this project as a new way for suburban communities to think about zoning.

#### Committee Questions:

Dave Mingoia questioned how firm the meeting schedule is and work associated with it. Brian Kulpa explained that Code Studio has a lot to do before the end of the contract and that we need an accelerated schedule to make sure we have a Code that the Town Board will stand behind.

Dan Howard stated the Planning Department staff is available for any questions the working group may have – those questions can be sent to the Planning Department who will then send them to all those in the working group.

Alissa Shields asked if examples of actual code from other municipalities that can be provided, especially hybrid codes. Kevin Howard explained that Code is really individualized and written for each municipality. He suggested looking on code-studio.com as they have done many codes, and that Denver and Raleigh are good examples to look at.

Alissa Shields asked if there are examples of code/projects that were a failure. Kevin stated that CodeNext from Austin was a project that was thrown out and considered a failure.

Brian Kulpa stated the City of Buffalo's Green Code has a more traditional base and the Village of Williamsville's Code has a hybrid base so they can be local examples to look at.

John Radens asked if any changes to signage will be addressed in the new Code. Brian Kulpa explained that signage can be handled with Design Standards in the Code. The Town already has signage provisions but these could be looked at to see if any changes are needed.

John Radens asked if the new Code will limit the number of variance requests. Brian Kulpa stated the new Code should reduce the number of variances requested but there will always be a need for variances.

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Dan Howard stated the next meeting will be held Thursday, November 1, 2018 at Village Hall and that materials will be emailed to working group members prior to the meeting.

Public Comment:

Don Smith, N. Long St. – Questioned the scope of the project, the areas that will be affected and would like all information available for the public to view.

Dan Howard stated the information from the Imagine Amherst website has been transferred to the Town of Amherst website. Brian Kulpa stated the scope of the project hasn't changed and the public will be informed by public participation.

Jacqueline Berger stated the Neighborhood Forums were a way to involve the public and were well attended. The public will be kept in the loop and community meetings will be held in the future.

Alissa Shields asked if Kevin is aware of development mistakes that have been made in Town. Dan Howard stated that the Town knows there are some developments that were not desired and that the Planning Department has a list of technical problems with the Code. If the working group has specific areas in the Code they think need to be addressed that they should please share them via email with Dan.

Brian Kulpa stated there are buildings that meet code that are mistakes but that is why we need to change the existing Code. To eliminate the demand for variances the Town needs to keep up with market forces and economic viability needs to be created for a pleasing work/live/play community.

The meeting was adjourned at 8:15 p.m.