

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

November 1, 2018

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

**Absent:** Jacqueline Berger

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

**Code Studio:** Lee Einsweiler (via teleconference)

The meeting began at 6:35 pm.

Brian Kulpa asked the working group for any comments on or changes to the October 11, 2018 meeting notes. No comments or changes were suggested. Dave Mingoia motioned to approve the minutes, Brian Andrzejewski seconded. The meeting notes from October 11, 2018 were approved.

Lee Einsweiler (via teleconference) started the meeting by reviewing the Draft Code Assessment produced by Code Studio:

- Part 2 – Lee talked about the moving the definitions section to the end of the code and renaming it to Rules for All Districts.
  - **The Working Group accepted the changes to the definitions section.**
- Part 3 – Lee suggested renaming the residential districts and possibly adding a new multifamily district, along with reformatting the entire code and creating a consolidated use table.
  - Alissa Shields asked for more details on the new MFR district and possible examples of this elsewhere
    - Lee stated that this fills a void in the code with a higher density option that right now only exists for senior housing
    - Scott Marshall suggested that a new MFR district at a higher density would likely be on larger lots and along major arterial roads. Lee agreed.
  - Dave Mingoia questioned why we have a senior only district
  - Brian Kulpa suggested that Audubon office parks would probably be a great place for this new MFR district because of redevelopment potential but we would also likely want to write in form-based zoning for this district to be able to control placement and have some say in the architectural form.
  - Dan Howard stated that the TR-3 district was created for single-family lots in older neighborhoods such as Eggertsville and parts of Snyder where lots are in a

more dense form. Currently there are none of these districts on the ground – it was tried once but was unsuccessful. It would be helpful to keep this district or something similar to it so that if portions of these neighborhoods are slated for redevelopment, it will be in context with the surrounding homes.

- Lee says it is a good district to have and keep in the plan because it is intended to keep community character
- Brian Andrzejewski suggested that there should be maximum lot sizes for the TR-3 and/or CR-3A districts to ensure the lots are consistent with those around them.
- Dan Ulatowski stated that right now the Town is segregating its seniors by having a separate district for them, but we should be integrating them into mixed-use areas. They should be allowed in all districts.
  - Scott Marshall stated that they are allowed in all the multifamily districts but it doesn't specifically call them out.
- Brian Kulpa says that we do have a need for senior housing now but once that market starts to recede we want to be able to convert senior housing to something else and this needs to be possible within the code.
- Ellen Kost asked Lee if it would be possible to list the units per acre permitted in all the MFR districts – right now it is listed by square footage. Lee said it would be wise to have both in the new code.
- **The Working Group decided to think about the Residential District changes.**
- **The Working Group accepted the changes for reformatting the code and creating the consolidated use table.**
- Part 4 – Lee explained that this section mainly deals with the new commercial/mixed-use zoning districts that were created at the end of the Comprehensive Plan component of the project. He went through what districts would be deleted and talked about parcels zoned commercially outside of designated centers.
  - Dan Howard explained that this project only looked at the commercial and mixed-use centers identified on Figure 6 in the Comprehensive Plan. There are parcels zoned GB, NB and SC outside of these designated centers which are outliers. We need to decide if we should either change these to non-commercial zoning districts, assign them to one of the new commercial/mixed-use districts, or keep them as GB/NB/SC and keep these sections in the code. He explained that it would be hard to keep the old districts in the code because developers would likely still want to use them and that is not the objective of this project.
    - **It was determined that the Working Group will look at a map of these outliers at a future meeting.**
  - Lee explained that the Office, Industrial, and NCD districts should be moved to Part 5, that a few districts should also be deleted, and that an airport overlay district should be created.
    - **The Working Group accepted the changes to move these districts to Part 5 (newly created Airport Overlay, Industrial, Office, and NCD – in that order), and to delete the PRD, PDD, LW, and TNB Overlay districts.**

## Zoning Review Working Group

### Meeting Notes

October 11, 2018

- Part 6 – Lee explained the different changes regarding the Use Regulations including creating and moving standards, considering new uses such as short-term rental, the planned unit development process moving to Part 7, and moving definitions from the Telecommunications Facility and Solar Energy provisions to Part 10.
  - Brain Kulpa stated that the Town is working with the City of Buffalo on a short-term rental policy and licensing and will likely be moving forward with in at the beginning of next year.
  - Mark Rountree asked about creating regulations for in-law apartments as they have become more and more popular with the aging population. Alissa Shields agreed.
    - Lee stated that it would likely need public conversation about the topic and it may be out of the scope of this project, but that it should be looked at in the Town’s upcoming Comprehensive Planning process.
    - Brian Kulpa stated that likely most of the Residential changes are too far out of the scope of this project and should be dealt with separately. The charge of this Working Group is to look at the commercial and mixed-use zoning districts.
  - John Radens questioned by some of the dimensional standards for residential would be moved to Part 3
    - Brian Kulpa said that as a trained architect, it is much easier to have all the information about a district in that section. It’s more convenience and easier to find.
  - Dan Howard asked Lee to explain a little about the “gas-backwards” practices he’s see around the country.
    - Lee stated that the convenience store is now being pulled up to the street with the gas pumps or electric charging stations to the back. It is something to consider if automobile services being allowed in Traditional districts.
  - **The Working Group accepted the changes to Part 6.**
- Part 7 – Lee described the changes to the development standards including parking, loading and stacking, rethinking of landscaping, buffers and screening, flood hazard reduction being moved to Part 10, and sign provisions being cleaned up.
  - Scott Marshall asked whether Parts 2 & 7 could be combined? Lee said they are usually separate but this is something that can be looked into.
  - Mark Rountree asked about looking into reducing the standard parking spot sizes to allow for smaller vehicles or more compact parking.
    - Dan Ulatowski agreed and said that an overhang of vehicles into green or landscaped areas could help with this reduction.
    - Lee said the standard size around the country is usually 8 ½ or 9 ft. by 18 ft. and an overhang allowance of about 2 ft. – in Buffalo that overhang is reduced in winter months due to snow storage.
    - Mark Rountree said that in the City they observe that with smaller spaces it causes people to be more safe/careful.
  - Brian Kulpa stated that coordinated sign plans should not be mandated for all projects, especially some new mixed-use projects created by the new districts, because it is hard to get them through the process in a timely manner. He said that

- as long as the type, size, and location are regulated, it could be a more streamlined process. He said that illumination standards should be added to the regulations.
- Lee suggested that sign regulations could be worked into the new commercial / mixed-use districts if we have an idea of what we want them to be.
  - Dan Ulatowski questioned if the Flood Hazard Reduction should be in the code at all? He stated it could be a separate local law instead.
    - Lee said that most communities he has worked with has this in their code and it is usually either state or federally required to be in the code.
    - Scott Marshall agreed with Lee and stated that the Town would have to look into this more to see if it is required in the code or could be removed and created by a separate local law.
  - Alissa Shields stated that loading docks should be seriously looked at because there is a major problem with truck traffic in the area and it is important to regulate them.
    - Lee said that it can be a hindrance to new development if a loading dock is required for all uses and buildings. Smaller business who only require smaller trucks for loading may not need a dock. Sometimes with shallow lots it is hard to accommodate loading docks.
    - Brian Kulpa agreed with Lee. He said that there are a lot of delivery trucks in the Village of Williamsville who park on the street and it is just a reality of some smaller businesses to get deliveries on the street.
    - Lee stated that there may be a need to regulate certain uses and sizes of development to require loading docks.
  - **The Working Group determined that they would consider the changes in Part 7 in the future.**
  - Part 8 – Lee explained the changes to the administration and enforcement and talked about a new concept of alternative compliance which allows the Town to receive something back when a variance is granted. Lee said many other communities have started to use this.
    - Brian Kulpa said that it is mainly a design conversation or an architectural review done by a Board with that type of experience, which the Town currently does not have.
    - Dan Ulatowski suggested that it could be considered by the ZBA who could put reasonable conditions on a variance.
    - Ellen Kost asked Lee if the options that the Town could get would be spelled out in the code? Lee stated that most of the time in other communities they are just hinted at (such as more landscaping, public art, etc.) and not included in the Code. It is usually discretionary.
    - Alissa Shields stated that this should include public conversation.
    - Brian Kulpa said that usually this sort of thing would be reviewed by an Architectural Review Board, but the Town does not have one and so in our case the ZBA would hear the item and ask for recommendations from the Planning Board. He stated that we have think about how far the Town wants to go in architectural review.

- **The Working Group decided to think about this topic and revisit it at a future meeting.**
- Part 9 – Lee explained how non-conformities could be dealt with regarding the new commercial / mixed-use districts that are being formed – that there will be illustrations in the code that will show how non-conformities can be made better when an addition is put on a building.
  - **The Working Group accepted the changes to Part 9.**

Kim Amplement discussed more detail about the tentative schedule of the Working Group moving forward. They will receive a draft of the new Commercial/Mixed-Use zoning districts at the end of November and will review those along with start the mapping of those districts until the end of the year/the beginning of January.

Other Working Group Comments:

Brian Andrzejewski asked if Lee could take a look at making sure sexually-oriented uses are allowed in at least one district, whichever seems appropriate.

Alissa Shields stated she would have liked to talk about the rest of the Code Assessment document, particularly about the streamlined permitting that is mentioned. She has concerns that the public and the ZBA needs to see certain requests especially for temporary use permits that are being extended and may no longer be conforming.

- Dan Howard stated that the remaining concepts in the Code Assessment have been discussed before but that they will appear again in the actual code language and when the Working Group gets that language it will go over all these concepts again.

The Working Group had a general discussion about how the ZBA and the Planning Board could have more collaboration. Dan Howard mentioned that the zoning functions, including the ZBA, will now be housed in the Planning Department and that the Town is still figuring out how this will work.

Public Comment:

Don Smith, N. Long St. – Concerns about public notification and public participation.

The meeting was adjourned at 9:03 p.m.