

20/20 VISION
VILLAGE OF WILLIAMSVILLE COMMUNITY PLAN
COMMUNITY PLAN COMMITTEE

MEETING NOTES – AUGUST 25, 2009

The meeting was called to order at approximately 7:00 PM.

Attendees: Walter Pacer (Chair), Charles Akers, David Brody, David Chiazza (for Paul Iskalo), Victor Paquet, Charles Rizzone, Carolyn Schlifke, Kate Waterman-Kulpa, Edward Zabel

Absent: Steven Appler, Mary Carr, Thomas Claxton, Wesley Stone, David Vitka

Village Staff: Lynda Juul, Trustee Brian Kulpa

Behan Planning Staff: Lawrence Bice, Susan McLaughlin

Wally Pacer welcomed everyone back for the reconvening of the Committee.

Brian Kulpa outlined the history of the Community Plan and the progress made by the Village Board of Trustees. The Neighborhood Mixed Use (NMU) classification was the result of one of the Board's conversations. Brian pieced it together and tried to stay consistent with what was already in the Plan. The Board was uncomfortable with HDR and thought there may be an opportunity for mixed-use in some of those areas. Some areas may be better served returning to MDR after their existing use; some may be better served with mixed use. This would not be the same as mixed use on Main Street, but would incorporate a different level of mixed use.

The Village Board reached consensus on most areas. The second catching point came in terms of building height allowed in the Village Mixed Use (VMU) classification. The Village Board tried to negotiate to a happy medium. Some members of the Board were happy with three stories, some were happy with four stories with an allowance for five or six under certain circumstances. Brian firmly believes that there were many opportunities for community input and objections. That did not necessarily occur then, but did through late May and early June. That prompted the Village Board to consider rejecting the Plan. At the time, Brian made the motion to not reject, but simply ask the committee members to reconvene and pickup this issue specifically again, to help the Village Board come to the determination of what the public really wants. The Village Board would like the committee to "re-cross all the t's and re-dot all the i's". Since height is being looked at, it was felt best to have the committee evaluate NMU at the same time. The intent is *not* to make this a Village Board driven plan, which is why the committee is being requested to look at this again.

Vic Paquet commented that a lot of the concerns have to do with individual pieces of property. As a committee, is it advisable for them to go from a concept to something more physical? The committee was giving rough approximations of land use in the Village. It seems that people are looking at half parcels and parcels of land. What is his advice as a Village Board member?

Kate asked if he was talking about the height issue, or the zoning in general.

David Brody felt there weren't too many changes from HDR to NMU. Density is the same, but there is an allowance for some mixed use. He commented that even HDR isn't that high in density compared to other areas.

Brian responded that this is meant to be a conceptual driver for zoning. The Village is going to move into a zoning path in the fall that will run parallel with this. That process will hopefully include members of the Planning and Zoning boards, as well as members of the Community Plan Committee who may be interested. The details have not been worked out yet. The conceptual items need to be finalized to get to this point. With only one square mile, and an aerial underlay, it becomes clear which parcels are zoned which way. The existing buildings should be ignored as best possible.

Kate asked if the aerial could be dropped. This would make the map more conceptual. Brian asked Lawrence if the aerial it could be dropped. David Brody stated that he was afraid the public would be clamoring for a map if this was done. Neither scenario is the perfect situation. Discussion ensued regarding dropping or leaving the aerial map. It was decided to leave it as is, with the aerial in.

Chuck Akers stated he was against height to begin with, but has changed his mind. To be a viable community we need a population, and this requires areas with more density and more height. He doesn't understand why high density areas can't go where they have been laid out. We need people in order to have businesses. Others on the Committee agreed. David Brody stated that you need approx. 11 units per acre to have public transportation be economically feasible. To get the public transportation into the Village that is wanted, this needs to be the average through out the area, not just in one or two small sections of the Village. There needs to be areas with increased densities to get the tax base for the Village to be able to sustain itself without terrible increases in taxes. Vic felt that if you look where most of the high density is, it's not on Main Street. David Brody feels that what is called high density in the plan really isn't high density at all. Vic wondered if density needed to be closer to Main Street, and not on the outskirts of the Village. David Brody is not comfortable with taking so many areas down to a lower density (HDR to MDR). He agrees with Vic that he would like to see more density along Main Street. He would like to see more density in all the classifications. You need to keep the tax base in mind.

David Chiazza commented that compared to other communities, the Village has demand. There is a lot of demand as evidenced by traffic and increasing property values. As property values go up, the only way to harvest those properties economically is to

increase densities. Otherwise you get stale and the property values go back down. The value must be harvested appropriately. You have to consider market cycles and economics. For example, Main & Garrison is a unique opportunity. It's hard to assemble properties of over an acre. Low density use limits the opportunities available (to things such as Walgreens, Rite Aid, etc.). The sheer economic forces need to be acknowledged.

David Brody commented that you have to have room for growth. If you can't sustain yourself economically, you are in trouble.

Chuck Rizzone wondered if the Committee could adopt NMU without discussing density. Should it have a density attached to it?

Wally would like some other things in front of him. He would like to see the committee have the Village make copies of that portion of the plan. He would like hard copies of the various land use classifications. Also, he asked if the Draft Scope of Work is acceptable to the Committee. He would like to see more backup of the work session notes from the Village Board meetings. He is a bit incensed over the Village Board asking the committee to come back for them. He wants to know exactly what the Village Board is asking them to do. How far do they go, and what becomes of what they do?

Brian Kulpa responded that he can't answer for the full Board. Lawrence commented that if you take a step back, there are not a ton of issues to look at. There was controversy over the same issues, even within this Committee.

Brian stated that the Village Board isn't rendering a judgement on height, but is simply looking for more public input. There are essentially two questions – can the Committee find a way to strain out this NMU scenario? Can the Committee find a way to affirm or re-address the heights that were suggested prior in VMU. It is still a Draft Plan and a recommendation to the Village Board. The Village Board will still have to make a decision to adopt or accept.

Ed Zabel asked what specifically the Village Board didn't like about the high-rise issue. Brian responded that they were mixed as to what is tolerable and allowable for height. The fervor of the public crept to the forefront. He is unsure what percentage of the community did or didn't like a specific height. The underlying issue is how can we adopt or accept the Plan, preferably unanimously, with an outcome that they are sure reflects the village interests.

David Brody thought the committee took some pretty tough issues and compromised them pretty well. In looking over the plan, he does like adding mixed use into some residential areas. Aside from that, he feels the Plan stands pretty well as is. There is a tension between residents and businesses that has to exist for the Village to be viable. That tension will always be there. The fact is that there are real economic concerns. For a plan to be worth doing, you have to look forward. The committee did a good job – nobody was happy but everybody was okay with it. His recommendation is to send it back to the Village Board as is.

MDR reduces the density – David Brody stated he would be opposed to this. He would suggest adding NMU as an additional class, and putting it in certain areas, but leaving the others HDR. He suggested changing the name of the classification, since he feels there is nothing that is truly high density in the plan.

Lawrence clarified the change to NMU. HDR covers areas that are already developed (Evans), as well as areas that have the potential for development (S. Long). S. Long would now be MDR instead of HDR. He stated he does not have an opinion one way or another, but is simply clarifying.

Brian Kulpa would like to see the committee comment on the various areas.

Wally asked about the public hearing as shown in the Draft Scope of Work. Brian Kulpa stated that the Village looked to Amherst Planning for some advice on how to readdress the issues. This is where the Draft Scope of Work came from. Ultimately, he would like the Committee to discuss the Draft Scope of Work. He feels the Village Board would reach a comfort level with the plan, should the Committee follow something close to the scope of work. The public hearing is probably a big aspect of that, which would confirm to the Board as a whole that there is a good publicly participated and publicly vetted plan.

Kate stated that this is what the Committee already did, and wondered why, then, they are here.

Chuck Rizzone stated he wants to know exactly what NMU means. Do we want to be specific?

Brian Kulpa stated that the single hardest issue to deal with at the Village Board level is height. There is a perception that there hasn't been enough public vetting. Carolyn Schlifke wondered what the percentage of the public is that is causing all these issues. She stated that as an elected official, you can't make everyone happy all the time. You have to choose what is best for the public as a whole. It is not the whole community that is objecting to what this Committee has done.

Wally stated that David Brody was right – there was a lot of input and discussion regarding these issues.

David Brody wondered if the Committee could look at this differently. Instead of questioning what was done, the Village Board went through the entire document and found only one area that they wanted clarified. How does the Committee feel about the proposal? He likes NMU. It adds mixed use. He doesn't like going down in density in the other areas.

Wally doesn't want to see the entire Plan disregarded due to one or two objections.

Carolyn spoke regarding Evans Street. The Committee already discussed that this would be a good area for mixed use. All that was done was changing the name from HDR to NMU. Brian Kulpa clarified that the Board did go through the entire plan, and only came to one or two areas where there are issues. Height came up as an area that may be a bigger issue with the community than was originally felt. There are many similarities between NMU and HDR. The Village Board was not certain that with HDR, a residential-commercial mix would be achieved. At the same time, certain areas that have traditionally been high density may not be high density in the future. There is some give and take between these two areas. Where is the give back to those who want lower density? That is how NMU came about. If the committee said they didn't like NMU, that it is inconsistent with conversations they have had, and that wanted to eliminate it, the Village Board would have to listen to that. As a Board, they are looking to add retail/office/service to certain areas that are not incorporated into HDR.

David Brody suggested that the Committee marks their maps, MDR is in the middle of residential neighborhoods, and NMU is on the edges of the Village. Overall, he does not have a problem with this. Vic stated that he agrees with this. David Brody stated he does feel that the densities in general are not high enough.

Lawrence suggested that he was disappointed to see the industrial area be changed to MDR. David Brody agreed. He felt that area was an opportunity to do something new and different. That area would make awfully good sense to go to HDR. Kate disagreed. She felt of anywhere, this should be MDR. Chuck Rizzone still wanted to clarify. NMU was suggested to deal with HDR. NMU can be all residential, or service with residential. It must have a residential component. Kate asked if you could take a Rite Aid, etc. and put residential above. Yes, that is the case. The traditional Walgreens, set back from the road, parking in front, etc. would not be accepted simply because it has residential above. It would still have to adhere to the HDR aesthetics, but offer the potential for service as well. There must be consistency with the neighborhood.

Lawrence asked about the units per acre under density – there is nothing defined. Brian felt that it is open because there is retail and residential. FAR was left in. FAR could be different in different areas, and defined that way in the zoning.

Public sentiment has to do specifically with allowable stories in the VMU portion of the plan. The impacts of moving forward with the changes described by the Village Board will need to be outlined.

David Brody asked how many had serious objections to the changes. Wally has objections without having alternatives. Chuck Akers suggested a third option of taking HDR and adding mixed use to it.

Lawrence felt that Behan could come back with alternatives by way of making implications by making certain changes. If anyone has their own ideas between now and then, they could be put them out there as well. There are a relatively limited number of issues that are being dealt with.

Chuck Akers asked if the alternatives could be sent via email a week ahead. Lynda stated it could be emailed or mailed – not everyone has email. The intent would be to get the information to the Committee a week ahead of time for discussion at the next meeting.

Vic Paquet asked about the timeline and SEQR. The Village Board will have to go through SEQR again. Lawrence felt that this would be determined by the extent of the changes. David Brody felt that SEQR may not be required if most areas are being downgraded. The recommendations of the Village Attorney should be followed. At the very least, we will go back to Erie County for their input. There shouldn't be any major obstacles unless there are drastic changes to the Plan.

The timeline was discussed. Brian Kulpa suggested that the public hearing makes sense, when the complaint is that the public hasn't been involved. Some committee members felt that the public had the opportunity to be very involved. If they weren't involved it was because they didn't want to be involved.

There are alternatives that can be given pertaining to height also. Leave at six stories, bring down to three, give additional stories for incentives, etc.

Kate Waterman-Kulpa asked for copies of the comments that were submitted to the Village Board raising the issue of the lack of public input regarding height. Lynda commented that nothing that has been submitted to the Village in writing. Brian Kulpa stated that there were many conversations and statements, as well as editorials in the paper. The Committee wondered why they are even looking at this if there is nothing that has been submitted in writing.

David Brody stated he had a concern with NMU. This is an alternative they hadn't thought through that makes a lot of sense. The issue of height can be a deal breaker. The only area for height is in VMU. If this isolated issue is brought forward without the commentary of the broad discussion that took place, they are slanting things in favor of lower density, and that in itself is an issue. He feels that this was a very complex compromise and to tamper with it now would not be in the best interest of the Village. Incentives might be okay, but anything that says you can't go to the level of six stories will unravel all the prior work that has been done.

Brian Kulpa stated that some members of the Village Board were talking about allowing five or six stories with incentives, such as buried parking, reduced surface lots, public settings, etc. These are the type of incentives that could be alternatives.

Kate Waterman-Kulpa wondered how this could be done without Exceptional Development. Form-based zoning would have different implications on how the height of a building is determined from other types of zoning. The Village Board indicated that 2-6 stories, without more public vetting, would not be voted for. That's where we're at.

David Brody felt there has to be an elaboration as part of the presentation to the public. The issue isn't that you have to take the public sentiment. You could get a room of 100 people. 51 want lower density, so it has to come down. It's not a balance like that in a public hearing. The opinion of the committee, plus the public input, plus the committee's knowledge of what the numbers suggest for the area need to be meshed. Chuck Akers stated that there is a fallacy that if there are 125 of 150 people against height only the 125 people dictate what happens. This is a problem. Things can be orchestrated. Carolyn felt that the elected official needs to be able to listen to the person and make sure what they are saying is logical. The Committee is appointed to make the decision. The Village Board is asking for another public hearing.

Kate asked if it makes sense to have a public hearing solely on these two issues. David Brody felt you can't just focus on the two districts alone. He is hesitant as to whether this can be accomplished. Brian Kulpa wondered if the Committee has a real issue going to public hearing, is there some other workshop format that could be used. Is there a poll that could take place? It is public input that is needed. Is there another way to gauge public sentiment? Kate feels the entire plan should be presented again so that the room is not biased to one issue. If no one pays attention to VMU, that says a lot.

Brian Kulpa stated that he will be stepping back to allow the Committee to reach consensus and form their own conclusions. He has conveyed the position of the Village Board to the committee. Wally thanked Brian for fielding so many questions.

The meeting was adjourned at 8:55 PM.