

Minutes of the virtually held Village of Williamsville Planning Board meeting of September 8, 2020 at 7:30 p.m.

*This meeting was held via Zoom due to the NYS on Pause Executive Order by Governor Cuomo.

Present: Wesley Stone, Chairman
Charles Rizzone, Member
Ronald Trigilio, Member
Kevin Lester, Member
Walter Pacer, Member
Ms. Waterman-Kulpa, Member (joined later)
Amy Alexander, Alternate Member (sitting as member in the place of Ms. Holden)

Also present: Deborah A. Habes, P/T Clerk
Charles Grieco, Village Attorney
Tim Masters, CEO

Excused: Elizabeth Holden, Member
Ellie Grenauer, Alternate Member
Matthew Etu, Trustee

Chairman Stone opened the meeting at 7:30 p.m.

ON MOTION by Mr. Lester, seconded by Ms. Alexander, it was moved to approve the minutes of the August 3, 2020 Planning Board meeting, as submitted.

Motion carried. 5 – 0. 1 Abstention (Mr. Trigilio)

Log #2019-PB-6a & 6b

Blocher Home

A) Site Plan Review

135 Evans Street (NMU)

B) Architectural Review

Applicants' attorney Sean Hopkins, and project architect Matt Long were present.

Mr. Hopkins gave an overview of the history of this redevelopment proposal. He then proceeded to present updated plans with modifications as per the Planning Board meeting of August 3, 2020 and today's date. He gave a PowerPoint presentation of the overall proposal and most updated plans, which included the following:

The total number of units has been reduced to 93. Seventy-five one-bedroom units and eighteen two-bedroom units. Twenty units out of the total number of units will be dedicated to individuals who are homeless and have been identified as having un-met housing needs and also developmental disabilities.

Minutes of the virtually held Village of Williamsville Planning Board meeting of September 8, 2020 at 7:30 p.m.

Driveway Connection to Village Pointe Lane – As per the Planning Board’s directive of 8/3/20, the applicants made application to the Town of Amherst Highway Superintendent for permission to connect a driveway to Village Pointe Lane, which is located in the Town of Amherst. They also met with Superintendent Lucey who once again denied the application for a curb cut onto VPL stating that there was no need since the Village’s own independent traffic study did not support the need for access to this Town-owned street.

Referred to a letter received from Mr. and Mrs. Hunt of 81 Evans St. requesting that the proposed privacy fence along their property line be relocated to 10-feet off their property line. It will now be extended all the way to the rear of the property. The applicants requested that the Hunts maintain the area south of the proposed line.

No trees will be removed from the common property line to the east with Mr. Hein.

This proposed project was designed according to the Village Community Plan as adopted in 2015 and is appropriate for the designated NMU District. Nearby uses include single-family, 2-family, multi-family and businesses.

Referring to waivers, Mr. Hopkins stated they are seeking two waivers from the Planning Board. One is for side yard setback of the south building. It is 10’ greater than permitted to provide additional greenspace for the adjacent homeowner. The second waiver request is for front yard setback of the north building. It is proposed to be five feet greater than permitted. He added that these two issues are the result of Planning Board recommendations at the 5/18/20 meeting. There will be no adverse consequences from either waiver if granted.

Re-location of southern driveway/headlights – Mr. Hopkins reported that he and Mr. Long recently visited the site at night and took photos of the ambient light at that location and as it affects headlights of cars leaving the proposed driveway onto Evans. The photos showed no headlights aiming into the windows of the houses across the street, specifically at 98 Evans and 88 Evans. No adverse lighting issues were demonstrated. The applicants are cognizant of the owner of 98 Evans issue with anticipating headlights shining into his home from across the street and have offered to install landscaping in his front yard to prevent any such possible issues if they should arise. The property owner of 98 Evans indicated he did not want any landscaping in his front yard. Mr. Hopkins gave him his cell phone number and invited him to call him after the meeting so they could discuss the issue further. Mr. Valentine invited the board members to come visit his driveway at night to see the headlights. Mr. Trigilio asked at what point does the southern driveway flatten out at the rear? Mr. Long answered that at the rear it is at an elevation of 674’ and heads downward towards the street to an elevation of 668’, so it should not have any impact. Mr. Hopkins opined that the street lighting itself is surprisingly bright at night. The traffic study indicated that there would be about ten vehicles exiting this driveway during the peak hours.

The number of stories has been reduced so all three new buildings will be 2 stories. Max. height to the peaks will be 32.8’. They have made many modifications. They have updated the west and north elevations of the north building. Have varied the bays of the elevations. They provided an updated color plan of the 3 new buildings.

Minutes of the virtually held Village of Williamsville Planning Board meeting of September 8, 2020 at 7:30 p.m.

Height of structures on Evans St. – Mr. Hopkins provided a height study of the structures on both sides of Evans as adjacent to the proposed new buildings. This showed the heights of the new buildings to be consistent with the other structures.

Referenced a letter received from Bruce Benson regarding fears he has of any potential drainage issues that may be caused by the construction near 630-640 Essjay Rd., which lies to the north of the proposed project. Mr. Benson's letter was referred to the Village Engineer for review who determined that no negative stormwater impacts were expected and that, in fact, it was expected to be an improvement to the area since there is currently no storm water management in place on the property and with the new construction, there will be.

Since Ms. Waterman-Kulpa had still not arrived at the meeting, and they were not sure if she would arrive before the meeting ended, Village Attorney Grieco asked the applicants if they preferred to have the Planning Board vote tonight without a full 7-member board even though it could be to their detriment. Mr. Hopkins responded they would prefer to move forward tonight with a vote.

Snow removal/storage – Mr. Lester asked if there was a major snow event what would they do with all the snow? Mr. Hopkins stated that the snow storage areas were designed to comply with the snow storage requirements of the Village of Ellicottville (which receives significantly more snow fall than the Village of Williamsville), and thus were expected to be adequate. Mr. Hopkins also stated that the applicants were prepared to remove excess snow in the case of such an event but were confident they have provided plenty of snow storage onsite already.

Mr. Stone asked if the price tag of \$31,000,000 was consistent with their other similar projects. Mr. Long stated that costs have risen but it is still within the parameters of funding of other similar projects. Timetable for Blocher Home closing? – No set timetable for the closing has been set yet.

Mr. Stone allowed Elizabeth Holmes, the attorney for the lawsuit against the Village, to speak briefly. She referenced her letter dated September 6, 2020, and indicated her clients still hold that the scale and density of this project does not fit into the surrounding neighborhood, as well as it does not harmonize with the surrounding neighborhood. Their position is that it will have a detrimental impact on this small and historic section of the Village.

In reference to a letter the board received from someone who lives outside the Village, Mr. Pacer stated he was insulted by the letter writer's statement that the Village was being discriminatory against low income people when that is not the case. He would like to vote with a full 7-member board in attendance. Ms. Alexander stated that the Planning Board is tasked with site plan and architectural review. It is not up to the Planning Board to be concerned with any other aspects of the proposed project. Mr. Lester would like a full 7-member board to vote also. Mr. Grieco stated that no one ever suggested they could not vote without a full 7-member board, particularly if the applicant requested such a vote.

Minutes of the virtually held Village of Williamsville Planning Board meeting of September 8, 2020 at 7:30 p.m.

Site Plan

ON MOTION by Ms. Alexander, seconded by Mr. Trigilio, it was moved to approve the site plan as submitted and reviewed on 9/8/20 and will include the two waivers the applicant has asked for:

- 1) Front yard setback on the north building
- 2) Side yard setback on the south portion of the project.

Mr. Stone asked to make the following two additions to the motion:

- 1) A fence along the south property line will be extended all the way to the rear property line and set back 10' from the north property line.
- 2) Applicant will meet with the owner of the property along the eastern property line and coordinate with him about the exact location of the proposed fence along that line.

Mr. Trigilio asked to make the following addition to the motion: Applicant will coordinate with the owner of 98 Evans Street about the headlight screening issues and if necessary, the applicant will make adjustments. As long as they meet and talk it through, he is good.

(At this point, Ms. Waterman-Kulpa joined the meeting in progress.)

Ms. Alexander agreed to the amendments to her motion from Mr. Stone and Mr. Trigilio.

The page that this motion refers to is Site Plan Layout C-2 with the latest revision dated 9/8/20.

At this point it was decided it would be best to consider each of the waivers separately and then move on to a separate motion for the site plan. Ms. Alexander and Mr. Trigilio agreed and were fine with moving in that direction.

Waiver #1

ON MOTION by Ms. Alexander, seconded by Mr. Rizzone, it was moved to approve the waiver for 5 ft. as requested by the applicants, for the front yard setback on the north building.

Roll Call:	Mr. Rizzone	Yes
	Mr. Trigilio	Yes
	Mr. Lester	No
	Mr. Stone	Yes
	Mr. Pacer	No
	Ms. Alexander	Yes
	Ms. Waterman-Kulpa	Yes

Motion carried. 5 – 2.

Minutes of the virtually held Village of Williamsville Planning Board meeting of September 8, 2020 at 7:30 p.m.

Waiver #2

ON MOTION by Ms. Alexander, seconded by Mr. Trigilio, it was moved to approve the waiver for 10 ft. as requested by the applicants, for the side yard setback on the south portion of the south building for the reason being due to the density of the project and it is not taller than the surrounding houses and allows to move the driveway further away from the neighbor’s property line.

Roll Call:	Mr. Rizzone	Yes
	Mr. Trigilio	Yes
	Mr. Lester	No
	Mr. Stone	Yes
	Mr. Pacer	No
	Ms. Alexander	Yes
	Ms. Waterman-Kulpa	Yes

Motion carried. 5 – 2.

Site Plan Review

ON MOTION by Ms. Alexander, seconded by Mr. Rizzone, it was moved to approve the Site Plan Layout as per page C-2 dated 9/8/20 and with the two waivers as granted this evening for the fence along the south property line going all the way to the rear property line (plans were adjusted this evening to accommodate this change as requested by property owner of 81 Evans St.) and for the fence along the east property line, and the headlight issue with 98 Evans.

Ms. Waterman-Kulpa apologized for being late to the meeting and asked if the Town Highway Superintendent agreed to the curb cut request on Village Pointe Lane and was informed that he had denied it.

Roll Call:	Mr. Rizzone	Yes
	Mr. Trigilio	Yes
	Mr. Lester	No
	Mr. Stone	Yes
	Mr. Pacer	No (cited striking visual discord with the surrounding neighborhood due to scale and density of the proposed project)
	Ms. Alexander	Yes
	Ms. Waterman-Kulpa	No

Motion carried. 4 – 3.

Minutes of the virtually held Village of Williamsville Planning Board meeting of September 8, 2020 at 7:30 p.m.

Architectural Review

Brick – Ms. Waterman-Kulpa suggested a change to the brick color on bays 2 and 4 of the north building. It was agreed to change the brick color on the first-floor portions to the same red brick as above. Make the entire façade matching red brick. Mr. Long agreed to make the change.

Window/door grids – Ms. Waterman-Kulpa suggested 4 divided lights for the fake dormer windows along the ridge line. She noted that blacked out windows are not allowed by code. Re the slider doors on the second floor, Ms. Waterman-Kulpa suggested that there should be more open glass on these doors. It was agreed to have 18 divided lights on each. The entry doors on the first floor should be solid with 6 divided lights toward the top of each door. This will provide more privacy for the residents in those units.

ON MOTION by Ms. Alexander, seconded by Mr. Trigilio, it was moved to approve the architectural plans per A-201, A-202, A-203, with revision date of 8/18/20, as submitted and reviewed on 9/8/20 *with the following modifications:*

- 1. North Building – Bays 2 and 4 will have red brick continue from water table to second story.*
- 2. First floor front entry doors will be solid doors with 6 divided lights toward top and second floor sliders will have 18 divided lights.*
- 3. Dormer window grids will be changed to 4 divided lights (Bays 1, 2, 3, 5, 6) and Bay 4 will have a 6 divided light window.*

Ms. Waterman-Kulpa asked if there could be a slight variation in roof shingle color between bays and suggested modification #4 as follows:

- 4. Roof shingle colors: Bays 1 and 2 – same color; Bays 3 and 4 – slightly different shade of grey; Bays 5 and 6 – same as 1 and 2.* Applicant should submit samples of the asphalt shingle colors to the Building Inspector. Mr. Long agreed.

Ms. Alexander and Mr. Trigilio agreed to the shingle color modifications to the motion.

On the motion, as amended:

Roll Call:	Mr. Rizzone	Yes
	Mr. Trigilio	Yes
	Mr. Lester	No
	Mr. Stone	Yes
	Mr. Pacer	Yes (Based on the improvements from the original architectural plans)
	Ms. Alexander	Yes
	Ms. Waterman-Kulpa	Yes

Motion carried. 6 - 1.

Minutes of the virtually held Village of Williamsville Planning Board meeting of September 8, 2020 at 7:30 p.m.

Mr. Grieco reminded the applicants of the need to pull a building permit within 12 months of today's approval.

ON MOTION by Mr. Pacer, seconded by Mr. Rizzone, it was moved to adjourn the meeting at 9:55 p.m.

Motion carried. 7 – 0.

Submitted by:
Deborah A. Habes, P/T Clerk

**Next regularly scheduled Planning Board meeting will be held on
October 5, 2020 at 7:30 p.m. *Work Session starts at 7:00 p.m.**