



**MINUTES
TOWN OF AMHERST
DESIGN ADVISORY BOARD MEETING
January 25, 2024
6:00 PM**

The regular meeting of the Town of Amherst Design Advisory Board was called to order by Chair Giuliani on Thursday, January 25, 2024 at 6:00 pm in the Council Chambers of the Town of Amherst Municipal Building, 5583 Main Street, Williamsville, New York.

ROLL CALL

Attendee Name	Organization	Title	Status	Arrived
Duncan M. Black	Town of Amherst	Vice Chairperson	Present	
Dal Giuliani	Town of Amherst	Chairperson	Present	
Marissa Colucci	Town of Amherst	Member	Absent	
Peter Talty	Town of Amherst	Member	Present	
Tracy Conhiser-Uy	Town of Amherst	Member	Present	
Jacqueline Berger	Town of Amherst	Councilmember	Present	
Anne Dafchik	Town of Amherst	Architect	Present	
Dan Howard	Town of Amherst	Planning Director	Present	
Gary Palumbo	Town of Amherst	Associate Planner	Present	
James Quinn	Town of Amherst	Assistant Planner	Present	
Rachel Boerschig	Town of Amherst	Clerk-Typist	Present	

DESIGN REVIEW APPLICATIONS

- 1.1. DESIGN REVIEW, SP-2023-14; PROPOSED MIXED-USE BUILDING
Property Located at 5226 & 5228 Main Street
Ellicott Development Company, Petitioner

Project Description:

The proposed mixed-use project consists of a four-story building comprised of 10,930 sq. ft. of first floor commercial space and 30 apartments on the upper floors along with all related site improvements including 66 parking spaces, access aisles, landscaping, lighting, utility connections and improvements.

Sean Hopkins, Esq. represented the petitioner, described the proposed project and was available to answer questions from the Board. Patrick Sheedy Jr, PE, Brian Sleva, AIA, and Thomas Fox presented the materials to the Board and were also available for questions.

General Discussion:

The petitioners presented material samples and submitted photos of a local building with a façade using said materials as an example. Mr. Fox identified the materials used on the example's façade. The petitioners also described the changes made to this project since the preliminary review as required by reviewing departments.

Mr. Hopkins informed the Design Advisory Board that they contacted Benchmark, the owner of the adjacent property to the north (Tops Plaza), for approval to create a connection. Benchmark agreed to pedestrian access but vehicular access will be required when Benchmark revises its site plan. Ms. Conhiser-Uy asked if the northern access road would be usable or if this would be a one-exit parking lot. Mr. Hopkins stated the road will have a locked gate for emergency vehicle access only. Gary Palumbo, AICP, Associate Planner, requested the potential future connection be notated on the plans and asked about the status of the parking spaces currently placed near the potential connection. Mr. Sheedy showed on the current site plan where striping for a crosswalk would be placed from the back of the building to the access area. He also confirmed the current parking spots would be removed when vehicle access was granted. Mr. Hopkins added that they could not connect to the current sidewalks on Benchmark's lot as they can't build sidewalks on their property. He stated a new site plan will be submitted with these updates.

Ms. Conhiser-Uy complimented the addition of the residential entrance onto Main Street but noted the base of the building felt weak due to the large storefronts. She suggested a water table as an example and referenced the photos of the local building. Mr. Sleva stated that the renderings don't highlight how the canopies, which wrap the entire building, help define the base. Mr. Fox explained this was a modern style unlike the building in the photos. He also explained the windows may look bright in the rendering but in reality, they will be transparent and thus much darker.

Mr. Black stated that he appreciated the petitioner's efforts to incorporate their previous statements into the design. He was concerned, however, about the windows and doors starting at the ground, as they will be vulnerable to damage from heavy snowfall and plowing.

Mr. Talty acknowledged the very modern style as seen in the rhythm of the façade but suggested they consider adding an element to contrast the black base. He also asked about outside seating. Mr. Sheedy presented the most updated landscape plan to show there will be seasonal seating on Main Street for customers and residents.

Anne Dafchik, Town Architect, requested clarification regarding the elevator access to the rooftop. Mr. Sleva explained that due to the current size of the rooftop amenity area, which was smaller than before, the elevator is capped at the third floor without rooftop access.

Application Checklist Review:

The Board reviewed the Application Checklist to determine the application's adherence to the Design Guidelines and had the following comments and/or recommendations for each section:

A-1 - Pedestrian Access and Connectivity:

Ms. Conhiser-Uy stated the path for pedestrian access to the Benchmark property with the Tops plaza to the north should be provided.

A-2 - Outdoor Amenity Space: No comments.

A-3 - Bicycle Amenities: No comments.

A-4 - Public Art: No comments.

A-5 - Site Landscaping: No comments.

A-6 - Sustainable Features: No comments.

A-7 - Residential Transitions: No comments.

B-1 - Façade: No comments.

B-2 - Entryways: No comments.

B-3 - Windows: No comments.

B-4 - Roofs and Architectural Details: No comments.

B-5 - Street Level Interest: No comments.

B-6 - Sustainable Building Features: No comments.

B-7 - Building Materials: No comments.

C-1 - Open Space: No comments.

C-2 - Sidewalk: No comments.

C-3 - Curb Zone: No comments.

Recommendations:

The Board then reviewed their recommendations to the Planning Board.

1) That a dedicated pedestrian access route be provided via a sidewalk with appropriate pedestrian safety features through the site to the adjoining shopping center at the north property line.

Mr. Talty moved that the proposed site and building design recommendation will adequately address the Town's Design Guidelines for Mixed-use Development. The motion was seconded by Mr. Black and carried. Ayes 4, Noes 0, Abstain 0, Absent 1 (Colucci).

MISCELLANEOUS

2.1. 2024 DESIGN ADVISORY BOARD CALENDAR

Gary Palumbo, AICP, Associate Planner, presented changes to the Design Advisory Board calendar.

Mr. Black moved to approve the changes. The motion was seconded by Ms. Conhiser-Uy and carried. Ayes 4, Noes 0, Abstain 0, Absent 0 (Colucci).

2.2. 2024 DESIGN ADVISORY BOARD ROSTER

No comments.

OTHER COMMUNICATIONS

None.

UNFINISHED BUSINESS

None.

MINUTES APPROVAL

December 13, 2023

Ms. Conhiser-Uy moved to approve the minutes. The motion was seconded by Mr. Black and carried. Ayes 4, Noes 0, Abstain 0, Absent 1 (Colucci).

ADJOURNMENT

The Design Advisory Board meeting of January 25, 2024 was adjourned at 6:32 pm.



December 22, 2023

Gary Palumbo, AICP, Associate Planner
Town of Amherst Planning Department
5583 Main Street
Williamsville, New York 14221

Re: DAB Design Review Application – Mixed Use Project
5226 & 5228 Main Street [SP-2023-14]
File No. 10073.15

Dear Gary:

Enclosed are six (6) copies of the DAB Design Review Application and supporting documentation for the mixed-use redevelopment project to be located at 5226 and 5228 Main Street that are being submitted on behalf of Ellicott Development Company for review by the Design Advisory Board during its meeting to held on Wednesday, January 19th.

The DAB completed its review of the Preliminary DAB Application and supporting documentation during its meeting held on Wednesday, December 12th.

If you have any questions regarding the enclosed project documentation, please feel free to contact me at 510-4338 or via e-mail at shopkins@hsmlegal.com.

Sincerely,

HOPKINS SORGI & MCCARTHY PLLC

Sean W. Hopkins, Esq.

Enc.

cc: Thomas M. Fox, Director of Development, Ellicott Development Company
Bill Paladino, Chief Executive Officer, Ellicott Development Company
Patrick Sheedy Jr., P.E., Carmina Wood Design
Brian J. Slevar, AIA, Carmina Wood Design

HOPKINS SORGI & MCCARTHY PLLC

Attorneys at Law

5500 Main Street, Suite 343 • Williamsville, New York 14221

Direct: 716-510-4338 • E-mail: shopkins@hsmlegal.com • www.hsmlegal.com

Attachment: Cover Letter SP-2023-14 (28526 : SP-2023-14, 5226 & 5228 Main St., 5226 Group LLC)



TOWN OF AMHERST PLANNING DEPARTMENT

Application for Design Review

For Official Use

File #: _____

Design Review

Materials Received by
Planning Department

RECEIVED BY _____ DATE _____

Scheduled Design Advisory Board
Meeting Date:

DATE _____

To Be Completed By Applicant

Petitioner:

Name: 5226 Group, LLC

Address: 295 Main Street, Suite 700

Buffalo, NY 14203

City _____ State _____ Zip Code _____

Phone: (716) 854-0060 Fax: (716) 240-9780

E Mail: tfox@ellicottdevelopment.com

Representative (Architect, Engineer, Landscape Architect, Surveyor, or Attorney):

Name: Sean Hopkins, Esq.

Address: 5500 Main Street, Suite 343

Williamsville, NY 14221

City _____ State _____ Zip Code _____

Phone: (716) 510-4338 Fax: _____

E Mail: shopkins@hsmlegal.com

Owner (if different):

Name: _____

Address: _____

City _____ State _____ Zip Code _____

Phone: _____ Fax: _____

E Mail: _____

GENERAL DESIGN INFORMATIONProject Site Address: 5226 & 5228 Main StreetProject Site Mixed-Use Zoning District Designation: TI-4Project Description: The proposed mixed-use project consists of a four-story buildingcomprised of 10,930 sq. ft. of first floor commercial space and thirty apartmentson the upper floor along with all related site improvements including 65 parkingspaces, access aisles, landscaping, lighting, utility connections and improvements.The layout of the proposed mixed-use project is depicted on the Site Plan[Drawing C-100] prepared by Carmina Wood Design. The Design Advisory BoardConducted a preliminary review of the mixed-use project during its meeting onDecember 12, 2023.Square Footage of existing structure(s): 5,000 +/- sq. ft.Square Footage of proposed structure(s): 43,720 sq. ft.Existing number of residential units: 0Proposed number of residential units: 30 upper floor apartments for lease

What are the project impacts on existing Neighborhood Character: _____

The proposed mixed-use project will not result in any adverse impacts to neighborhood character. The Project Site was rezoned from GB to TI-4 by the Town Board to accommodate the mixed-use redevelopment of the Project Site.

How will the project enhance the public space: _____

The mixed-use project will enhance the relevant segment of Main Street by providing a mixed-use project consistent with the existing TI-4 zoning classification and the relevant planning objectives contained in the adopted Comprehensive Plan.

HOW TO USE THE CHECKLIST:

This checklist is meant to be used as a tool to aid in providing a thorough and complete application for Design Review. It is meant to be used by the applicant to track and explain which design guidelines apply to the project, and for those that do apply, what design technique is being employed to meet or exceed the proposed guidelines.

The format of the checklist is the following:

Guideline Topic: The corresponding category of topic, as represented in the Design Guidelines table of contents.

Intent: The intent of the set of guidelines for that guideline topic.

Page #: Corresponding page in the Design Guidelines

Recommendation #: The specific guideline reference in the Design Guidelines.

Recommendation Description: Description of the recommendation

Brief Description of how the guideline is achieved: The applicant is urged to include specific references in the submittal materials (i.e. references to plan page number, calculations, descriptions, etc.). Please provide additional pages as necessary.

Shaded Areas for Official use only

SITE DESIGN GUIDELINES:

A-1. PEDESTRIAN ACCESS AND CONNECTIVITY

Intent Statement: Pedestrian access and connectivity within a site should enhance walkability throughout the site and to adjacent sites, promote safety and provide clear connections to the public realm.

Page #	Guideline #	Recommendation Description	Brief Description of how the recommendation is met, if applicable	Recommendation
4	A-1a	Establish a continuous internal walkway system throughout the site.	Proposed sidewalk network connects to the public sidewalk along Main Street and internal parking areas.	
4	A-1b	Provide a physical pedestrian connection between the site and nearby public space.	Proposed sidewalk network connects to the public sidewalk along Main Street.	
4	A-1c	Provide public pedestrian access through a block.	Proposed sidewalk network connects to the public sidewalk along Main Street and internal parking areas.	

A-2. OUTDOOR AMENITY SPACE

Intent Statement: Although opportunities will vary by site, projects should incorporate amenity spaces, where required, into the design. Courtyards, plazas, playgrounds, outdoor dining areas and other amenity spaces provide opportunities to gather and engage in activities for both the general public and residents of the development. When located adjacent to the public realm, these features activate and enhance the pedestrian experience.

Page #	Guideline #	Recommendation Description	Brief Description of how the recommendation is met, if applicable	Recommendation
5	A-2a	Locate and program an amenity space to receive regular use.	Outdoor amenity space will be provided for the residential tenants of the proposed building mixed-use building via a rooftop patio.	
5	A-2b	Place amenity space so that it is connected to the public realm.	The opportunity for at-grade amenity space is limited given the proposed building coverage in combination with narrow width of the Project Site and providing on the eastern and northern sides of the Project Site.	
5	A-2c	Designs should not appear to privatize the space.	Unavoidable for this project given the constraints explained in Response to A-2b above.	

A-3. BICYCLE AMENITIES

Intent Statement: Providing bicycle amenities such as parking facilities and repair stations promotes the use of active transportation methods which help improve the safety, health and experience of community residents.

Page #	Guideline #	Recommendation Description	Brief Description of how the recommendation is met, if applicable	Recommendation
6	A-3a	Provide connections to existing or planned bike paths.	No existing or planned bike paths are directly in the vicinity of the Project Site.	
6	A-3b	Incorporate bicycle amenities into site designs.	The proposed project includes the installation of bike racks as depicted on the Site Plan.	

A-4. PUBLIC ART

Intent Statement: Public art includes decorative and functional features that are accessible or visible to the public. These may include sculptures, landscaping elements, or street furniture (benches, bike racks, or other functional features with an original design). Public art enhances the pedestrian experience and should be integrated into a project as a design amenity.

Page #	Guideline #	Recommendation Description	Brief Description of how the recommendation is met, if applicable	Recommendation
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7	A-4a	Encourage the inclusion of public art in a project.	Applicant is not proposing installation of public art as part of this project. This topic was discussed during the DAB meeting on December 12, 2023.	
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A-5. SITE LANDSCAPING

Intent Statement: Landscaping can enhance a project by providing visual interest, tying together key site features, providing shade, screening areas from public view and providing buffers between properties. It can also help soften the urban environment and visually enhance the public realm. The guidelines in this section go beyond the requirements of the Zoning Ordinance and are in addition to the requirements of Chapter 203-7-2.

Page #	Guideline #	Recommendation Description	Brief Description of how the recommendation is met, if applicable	Recommendation
8	A-5a	Preserve existing viable, healthy and attractive trees.	All existing vegetation on site is to be removed as part of this project. If possible during construction, any existing trees are deemed to be salvageable will be preserved.	
8	A-5b	Incorporate into the project's stormwater management system through the use of Low-Impact Development and other green infrastructure approaches.	A bioretention area is proposed along the west side of the property as shown on the Landscape Plan.	
8	A-5c	Use a coordinated landscape plant and materials palette to establish a sense of continuity within the project.	A Landscape Plan prepared by a registered Landscape Architect has been submitted and includes plantings complimentary to the Project Site and surrounding area in conformance with the Town's landscaping requirements.	
8	A-5d	Choose appropriate tree and plant species.	All plant species selected are appropriate for this project site and meet Town requirements.	

A-6. SUSTAINABLE FEATURES

Intent Statement: Each site design should create opportunities to contribute to a sustainable future for Amherst. Incorporate sustainable features that help reduce energy and water consumption, improve stormwater management, and create an overall healthy environment.

Page #	Guideline #	Recommendation Description	Brief Description of how the recommendation is met, if applicable	Recommendation
9	A-6a	Integrate Low-Impact Development (LID) features throughout the site to minimize impacts to the municipal stormwater system and area watersheds.	As previously noted, a bioretention area is proposed along the west side of the property.	

9	A-6b	Use landscaping to reduce heating and cooling needs.	A Landscape Plan prepared by a registered Landscape Architect has been submitted and includes plantings complimentary to the project site and surrounding area in conformance with the Town's landscaping requirements.	
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A-6. SUSTAINABLE FEATURES (cont.)

Page #	Guideline #	Recommendation Description	Brief Description of how the recommendation is met, if applicable	Recommendation
9	A-6c	Include materials and natural features that conserve and promote wildlife habitat and local biodiversity.	The Project Site is small and has been previously developed. This guideline does not apply to the proposed mixed-use project.	
9	A-6d	Reuse site or construction materials.	There is no feasible opportunity to reuse existing site or construction materials.	

A-7. RESIDENTIAL TRANSITIONS

Intent Statement: Residential transitions, where required in Section 5A-5, should focus on minimizing the impact of new development and site activity on adjacent protected districts.

Page #	Guideline #	Recommendation Description	Brief Description of how the recommendation is met, if applicable	Recommendation
10	A-7a	Take into consideration the project's building and site elements that are located near the residential transition.	The Project site is not located adjacent to or in the immediate vicinity of a residential area.	
10	A-7b	Use wall and fence materials that can be maintained to last as long as the principal building.	All materials proposed are of high quality and long-lasting products. Sample materials were presented to the DAB during its meeting held on December 12, 2023.	
10	A-7c	Use colors that match or complement the principal building or are subdued and blend in with the natural environment.	Colors proposed for this project complement the surrounding area while providing a unique and distinct aesthetic.	

Attachment: DAB Application SP-2023-14 (28526 : SP-2023-14, 5226 & 5228 Main St., 5226 Group LLC)

BUILDING DESIGN GUIDELINES:

B-1. FAÇADE

Intent Statement: The façade of a building should be appropriate to the style and character of surrounding buildings, the site, and the general character of the surrounding community.

Page #	Guideline #	Recommendation Description	Brief Description of how the recommendation is met, if applicable	Recommendation
11	B-1a	Design the building to incorporate a “base, middle and cap” to divide the façade into separate components, that produce well defined ground or lower floors and a distinctive “cap “ element framing the middle floors, especially on taller buildings.	Proposed building design incorporates a tall base and middle, but a narrow cap except for along Main Street and the rear elevation. This is to achieve a more vertical language to break up the very long façade.	
11	B-1b	On larger building frontages, implement a variety of façade treatments to provide visual distinction, variety, and the appearance of multiple structures to break up the facades.	The proposed building design incorporates a variety of facade treatments to provide visual distinction, variety, and the appearance of multiple structures through the incorporation of projections from the core building facade to break up the building elevations.	
11	B-1c	Arrange elements on the façade (e.g. windows, doors, canopies, etc.) to create a generally consistent rhythm and overall visual interest.	Proposed building elements have been arranged on the facade to create a generally consistent rhythm and overall visual interest.	

B-2. ENTRYWAYS

Intent Statement: Entryways should be well-identified and provide a welcoming experience for those utilizing them, while contributing to the overall style and character of the building.

Page #	Guideline #	Recommendation Description	Brief Description of how the recommendation is met, if applicable	Recommendation
12	B-2a	Doors and entryways should be of a style, scale, and coverage appropriate to the overall architectural style of the building.	The proposed building design is consistent with this guideline.	

B-2. ENTRYWAYS (cont.)

Page #	Guideline #	Recommendation Description	Brief Description of how the recommendation is met, if applicable	Recommendation
12	B-2b	The primary entrance of a building should be clearly identifiable.	The primary entrance to each commercial space is identified via a canopy, lighting, and full storefront glazing. The primary residential entrance is located on the rear portion of the building but also a Main Street residential entrance is provided recessed back but accessible from the street.	
12	B-2c	Incorporate accessibility into primary entrances without the need for switchbacks or railings.	The proposed building has been designed to incorporate accessibility into primary entrances without the need for switchbacks or railings.	
12	B-2d	Commercial buildings should have a transparent primary entrance.	The mixed-use building features have a steady rhythm of storefront entrances signaled by canopies, lighting, and large amounts of glass.	

B-3. WINDOWS

Intent Statement: Window design and arrangement should express a human scale. Where compatibility with adjacent building character is important, use windows to create visual continuity with the existing character and provide visual interest.

Page #	Guideline #	Recommendation Description	Brief Description of how the recommendation is met, if applicable	Recommendation
13	B-3a	Windows should be of a scale and proportion appropriate to the overall architectural style of the building and in character with the window sizes of adjacent building and sites.	Windows are appropriately sized and have applied mounting to reflect the context of the neighborhood. The first floor commercial space complies with the transparency requirements and affords maximum visibility into the commercial spaces.	
13	B-3b	Locate windows to create visual continuity.	Windows are stacked vertically reflecting interior space to maximize daylighting into the residential units.	
13	B-3c	Window openings should be trimmed with an appropriate material.	Windows have integrated trim with a nail flange; the fiber cement panels are terminated directly to the integral trim and provide a clean and modern aesthetic.	

B-4. ROOFS AND ARCHITECTURAL DETAILS

Intent Statement: These crucial components of a building's façade and massing should complement and enhance the overall building composition. The use of these details should be kept consistent with buildings of a similar architectural style, but should also help create a unique identity for the structure. An appropriate amount of architectural detail should be used.

Page #	Guideline #	Recommendation Description	Brief Description of how the recommendation is met, if applicable	Recommendation
14	B-4a	Architectural details such as overhangs, cornices, eaves and parapets, should complement the architectural style of the building and its surrounding context.	Consistent with the modern approach for the building architecture and design, a simple parapet with the vertical elements and straightforward infill areas will be utilized and a more detailed profiled cornice will be utilized on the Main Street corner.	
14	B-4b	Rooflines should be in character with the overall style of the building.	The roofline is in character with the overall style of the building.	
14	B-4c	Cornices should be used to differentiate and enhance the vertical composition of the façade.	Detailed cornices are provided over the "brick" areas and a simple-modern cornice in the vertical panels – a balance of traditional and modern accentuating the verticality.	
14	B-4d	Building stories, cornice lines and other horizontal elements should be generally consistent with adjacent buildings to help provide a rhythm to the streetscape.	While there is not much context in the immediate vicinity of the Project Site in terms of the Town's mixed-use design standards, the building shares similar stylings of other Main Street buildings in the area.	
14	B-4e	Varying the building placement (setback from the street) on a large building helps break up the block and reduce the impact of long buildings on the streetscape.	The building is along the build-to line but has some varied sections to break up the façade and material changes.	
14	B-4f	Architectural lighting may be used to enhance specific elements of the building.	Decorative lighting will be used to identify the building's entry points.	

Attachment: DAB Application SP-2023-14 (28526 : SP-2023-14, 5226 & 5228 Main St., 5226 Group LLC)

B-5. STREET LEVEL INTEREST

Intent Statement: The character of a building's ground floor strongly impacts the pedestrian experience. The ground floor of a building should be designed to generate activity, animate the sidewalk and help establish a visual/physical connection between the inside of the building and the adjacent outdoor area.

Page #	Guideline #	Recommendation Description	Brief Description of how the recommendation is met, if applicable	Recommendation
15	B-5a	Design a building to provide interest at the street level adjacent to the public realm.	Being close to the Main Street Right-of-Way ("ROW"), the mixed-use building has been designed to invite pedestrians in with an outdoor patio directly off the sidewalk and a canopy that creates a decorative entranceway that physically connects to the site. The large amounts of glass offer a strong connection to the interior of the building.	
15	B-5b	Incorporate landscaping along the ground floor of the building.	Landscaping cannot be incorporated along north, south and east sides of the proposed building given the narrow width of the Project Site.	

B-6. SUSTAINABLE BUILDING FEATURES

Intent Statement: Buildings should incorporate sustainable features that help reduce energy consumption, reduce water use, and contribute to a more sustainable environment.

Page #	Guideline #	Recommendation Description	Brief Description of how the recommendation is met, if applicable	Recommendation
16	B-6a	Should seek to reduce water usage and reuse water with the building.	The fixtures will comply with the applicable standards.	
16	B-6b	Should seek to reduce energy use and generate energy on-site.	The building will be engineered to meet or exceed the current energy code.	

B-7. BUILDING MATERIALS

Intent Statement: Building materials should evoke the character, style and purpose of the structure. Each building façade should use high-quality, durable materials that contribute to the visual continuity of the building’s character. They should be consistent with those used traditionally in the surrounding area, however, materials with new and innovative materials may also be appropriate, especially in Retrofit Districts.

Page #	Guideline #	Recommendation Description	Brief Description of how the recommendation is met, if applicable	Recommendation
17	B-7a	Use high quality, durable building materials.	The proposed building uses high quality, durable building materials as detailed on the provided building elevations and the project information presented to the DAB during its meeting held on December 12, 2023.	
17	B-7b	Use responsibly-sourced and long-lasting building materials.	The proposed building materials will be long-lasting and responsibly sourced. The Applicant has no intention of selling the mixed-use project and will be responsible for its maintenance and upkeep. As such, the Applicant’s best interests are to specify quality, low-maintenance, long-lasting materials.	
17	B-7c	Any side or rear wall facing a street, residential district or public area must consist of the same finish materials as the primary façade.	The building is proposed to have the same materials on all four-sides.	
17	B-7d	Decorative masonry materials (such as split face and textured finish blocks) are discouraged but may be considered an acceptable façade material at the discretion of the Planning Board.	Decorative masonry will not be used on the proposed structure.	
17	B-7e	Exterior finishing materials for renovation, additions and rehabilitations should be consistent with those being retained on the existing structure.	Not applicable.	

Attachment: DAB Application SP-2023-14 (28526 : SP-2023-14, 5226 & 5228 Main St., 5226 Group LLC)

17	B-7f	Exterior Insulation Finish System (EIFS) should not be utilized as a primary building material, but may be utilized, at the discretion of the Planning Board, as a decorative or complementary material on upper stories only.	EIFS will not be used on the proposed structure.	
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PUBLIC REALM GUIDELINES:

C-1. OPEN SPACE

Intent Statement: Open space is a public outdoor area provided for social and recreational use. Examples of open space include parks, parklets, greenways, trails, playgrounds, gardens and more. Open space is required in the Retrofit Districts.

Page #	Guideline #	Recommendation Description	Brief Description of how the recommendation is met, if applicable	Recommendation
18	C-1a	Open spaces should ideally be centrally located.	No publicly accessible outdoor open spaces are proposed, outdoor amenity space is proposed for residential tenants of the mixed-use building via a rooftop patio area. It is important to mention that the parks with amenities located in the Town of Amherst and the Village of Williamsville are accessible via a less than five minute walk from the Project Site. This guideline was discussed during the DAB meeting held on December 12, 2023.	
18	C-1b	Open spaces should contribute to an existing or planned open space or greenway network when possible.	Please see the response to C-1a.	
18	C-1c	Open spaces should be easily accessible by everyone.	Please see the response to C-1a.	
18	C-1d	Open spaces should be designed to be proportionate in scale to their surrounding context.	Please see the response to C-1a.	
18	C-1e	Existing natural features and systems should be utilized or highlighted in the design of an open space.	Please see the response to C-1a.	
18	C-1f	Open spaces should be programmed in ways that allow for a variety of uses.	Please see the response to C-1a.	

Attachment: DAB Application SP-2023-14 (28526 : SP-2023-14, 5226 & 5228 Main St., 5226 Group LLC)

18	C-1g	Incorporate pedestrian and bicycle amenities such as seating, trash receptacles, drinking fountains, bicycle parking, and pedestrian-scaled lighting.	19 bike rack spaces are provided exterior to the building as shown on the Site Plan.	
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C-2. SIDEWALK

Intent Statement: Design sidewalks to enhance the pedestrian experience. A well-designed sidewalk increases walkability and safety, and helps to connect ground floor activities to the public realm.

Page #	Guideline #	Recommendation Description	Brief Description of how the recommendation is met, if applicable	Recommendation
19	C-2a	Coordinate building elements such as furnishings, overhangs, lighting and signs to create an engaging sidewalk space.	The front façade and building design features are designed to have an inviting and accessible connection between the public sidewalk along Main Street and the project.	
19	C-2b	Sidewalk elements should be scaled according to their context, including the intensity of activity, building heights and noise levels.	The proposed patio is complementary in scale to the area in the front of the proposed building.	
19	C-2c	Locate exterior uses and amenities to support and connect to interior activities.	An outdoor patio is proposed along the front of the building.	
19	C-2d	Use surface materials that complement the architecture and character of the area.	The surface materials proposed for the building are consistent with the surrounding development.	

C-3. CURB ZONE

Intent Statement: The curb zone is the area between the back-of-curb and the sidewalk where landscaping and streetscape amenities should be placed so that they can contribute to the pedestrian experience.

Page #	Guideline #	Recommendation Description	Brief Description of how the recommendation is met, if applicable	Recommendation
	C-3a	Streetscape amenities may be placed in the curb zone with approval of the Town or other regulating agency with jurisdiction.	No curb zone is proposed.	
	C-3b	Trees and other landscaping should be planted within the curb zone.	No curb zone is proposed.	

X:\Current_Planning\Design Advisory Board\DAB Application\DAB_Application_Approved_03252021.doc

CARMINAWOOD DESIGN

January 5, 2024

Scott Marshall, Principal Planner
Town of Amherst Planning Department
5583 Main Street
Williamsville, NY 14221

Re: Major Site Plan Application
Proposed Mixed Use Project - 5226 & 5228 Main Street [SP-2023-14]
Applicant/Project Sponsor: Ellicott Development

Dear Scott:

On behalf of our client, Ellicott Development ("Project Sponsor"), please find enclosed the following documents being submitted in connection with the pending request for Site Plan Approval for the above referenced proposed mixed-use project at 5226 & 5228 Main Street (the "Project Site"):

Site Plan Application

- (8) Revised Civil Plan Set;
- (2) Revised Architectural Elevation Plans;
- (3) Revised SWPPP Report;
- (3) Revised Engineer's Report;
- (3) Developer I/I mitigation commitment letter;
- (3) Legal Description; and
- (3) Reduced copy of Revised Site Plan [Drawing C-100] 8.5"x11"

Design Advisory Board Application

- (1) Revised Site Plan [Drawing C-100] and Landscape Plans [Dwg. L-100 & L-101] full size 24"x36";
- (6) Revised Site Plan [Drawing C-100] and Landscape Plans [Dwg. L-100 & L-101] half size 11"x17";
- (1) Revised Architectural Elevation Plans full size 24"x36"; and
- (6) Revised Architectural Elevation Plans half size 11"x17"

The following sections of this letter have been prepared for the purpose of responding to the written comments from the Town of Amherst Departments and Committees regarding the pending application for the Site Plan Approval for the proposed mixed-use project. For convenience, each of the written comments received from the Town of Amherst to date are listed below in *italics*, followed by the responses.

I. COMMENT LETTER OF DANIEL C. HOWARD OF THE PLANNING DEPARTMENT DATED OCTOBER 18, 2023:

The comment letter of Daniel C. Howard of the Planning Department dated December 7, 2023 contained thirty (37) comments reproduced below in *italics* followed by responses.

A. ZONING ENFORCEMENT OFFICER REVIEW:

1. *Unable to determine compliance with 203-5A-1-4BA of Town Code (building height) as no dimensioned elevations were provided.*

Response: The Zoning Board of Appeals granted an area variance to allow the peak height of the building to be 55 ft. during its meeting held on December 19, 2023.

2. *Unable to determine compliance with 203-5A-2-3 Story Height of Town Code as no dimensioned elevations were provided that indicate grade.*

Response: Story height dimensioning has been added to the revised Elevation Plans.

3. *Unable to determine compliance with 203-5A-2-3F, 203-5A-2-3G and 203-5A-2-3H of Town Code (building transparency) as no dimensioned elevation and calculation were provided.*

Response: Transparency calculations are included on the revised Elevation Plans. Additionally, per the discussion during meeting held on Tuesday, January 2nd, the length of blank walls on the front and parking facing side of the mixed-use building facing Main Street have been added and do not exceed the maximum allowed length of 20 ft.

4. *Unable to determine compliance with 203-5A-2-3J and 203-5A-2-3K of Town Code (streetscape) as no dimension were provided nor are required trees provided.*

Response: Per the discussion during the meeting held on Tuesday, January 2nd, the above referenced sections of the Zoning Code do not apply since the Project Site is zoned TI-4.

5. *The requirement of 203-5A-7-1B(2)(f) of Town Code is not met (outdoor amenity space).*

Response: The Zoning Board of Appeals granted an area variance from the above cited section of the Zoning Code during its meeting held on December 19, 2023.

6. *Seating required by 203-5A-7-1B(2)(g) of Town Code is not provided.*

Response: Approximate seasonal seating layout has been added to the Site Plan [Drawing C-100] for the at grade front patio and the rooftop patio areas.

7. *Unable to determine compliance with 203-5A-7-15A and 203-5A-7-15B of Town Code (building materials) as no detailed building elevations were provided that indicate the materials used.*

Response: Material labeling has been added to the revised Elevation Plans and sample materials were presented to the Design Advisory Board during its meeting held on December 12, 2023.

8. *Unable to determine compliance with 203-5A-7-18 of Town Code (covered pedestrian walkways) as no detailed building elevations were provided that dimension what appear to be covered areas nor were floorplans provided indicating the number of retail tenants.*

Response: Proposed overhangs as shown on the Elevation Plans provide the required covered pedestrian walkway at all commercial entrances. Floor plan drawings will be submitted at a later date.

9. *Parking required by 203-5A-9 of Town Code is not provided (65 proposed, 66 required). If the outdoor patio is to be used for dining additional parking may be required.*

Response: Seating for the front outdoor patio will be minimal and seasonal and not meet the threshold to be included in the required parking calculations. The Site Data box has been revised on the Site Plan [Drawing C-100] to show 65 required parking spaces and 65 proposed parking spaces.

10. Landscape materials do not meet the minimum size requirements of 203-7-2-3A(1)(g) of Town Code for ornamental trees (1.75 inches in caliper or 8 ft. in height if multi-stem).

Response: Planting Schedule listed on Drawing L-100 has been revised to list a minimum diameter of 1.75" and 8' in height for all tree species.

11. Required landscape area adjacent to the building is not provided on the south, east and north sides of the building as required by 203-7-2-3A(2) of Town Code.

Response: Per the discussion during the meeting held on Tuesday, January 2nd, the above referenced sections of the Zoning Code do not apply since the Project Site is zoned TI-4. However, a landscape bed has been added to the southwest and northeast corners of the building as requested by the Planning Office.

12. The minimum interior landscape area is not provided on the site as required by 203-7-2-3A(3)(a) of Town Code. 5% required, 3% provided.

Response: The Zoning Board of Appeals granted an area variance from the above cited section of the Zoning Code during its meeting held on December 19, 2023.

13. Interior landscape islands required by 203-7-2-3(3)(b) of Town Code are not provided in the parking field east of the building.

Response: The Zoning Board of Appeals granted an area variance from the above cited section of the Zoning Code during its meeting held on December 19, 2023.

14. The landscape island adjacent to the emergency access to 5214 Main Street does not comply with the minimum size requirements of 203-7-2-3A(3)(b) of Town Code.

Response: The Zoning Board of Appeals granted an area variance from the above cited section of the Zoning Code during its meeting held on December 19, 2023.

15. The landscape island in the northeast corner of the site adjacent to the vehicular access to 5262 Main Street is not curbed as required by 203-7-2-3A(3)(k) of Town Code.

Response: Curbing has been added to this landscape island as shown the revised Site Plan [Drawing C-100].

16. All rows of parking do not all terminate in a landscape island as required by 203-7-2-3A(3)(c) of Town Code (parking north of building and at shared access drive to 5262 Main Street).

Response: The Zoning Board of Appeals granted an area variance from the above cited section of the Zoning Code during its meeting held on December 19, 2023.

17. The minimum screening required by 203-7-2-4B of Town Code is not provided along the east, north and west sides of the site. A low impact screen is required consistent with the formula in 203-7-2-4B(3)(b).

Response: Per the discussion during the meeting held on Tuesday, January 2nd, the above referenced sections of the Zoning Code do not apply since the Project Site is zoned TI-4.

18. *The light pole foundation detail (sheet C-101) does not meet the requirements of 203-7-3-3F of Town Code in paved areas.*

Response: Detail 9 on Drawing C-101 has been revised accordingly.

19. *Illumination required by 203-7-3-4C of Town Code is not provided for the Main Street (south) building entrance.*

Response: The revised Lighting Plan [Drawing LP-100] shows all required photometric readings as required.

20. *Lighting levels exceed that permitted by 203-7-3-4D of Town Code along the east property line.*

Response: The revised Lighting Plan [Drawing LP-100] shows all required photometric readings as required.

B. PLANNING DEPARTMENT STAFF REVIEW:

1. *The rezoning of the parcel from GB to TI-4 is not complete and must be finalized prior to issuance of any final approved site plan drawing set by this department.*

Response: The Project Sponsor is requesting that the necessary steps be taken by the Town to finalize the rezoning of the Project Site from GB to TI-4 as approved by the Town Board on September 5, 2023.

2. *Provide a legal description of the property involved with this request.*

Response: A legal description of the Project Site is enclosed.

3. *Provide drafts of the reciprocal agreement/easements with the properties located at 5214 & 5262 Main Street. The agreement/easements should state that they not be modified or rescinded without the approval of the Town.*

Response: The Project Sponsor has requested that the owner of the adjacent Tops Plaza grant a reciprocal driveway access easement.

4. *Provided detailed and dimensioned building elevations for the development. These drawings once reviewed by the DAB and approved by the Planning Board as part of the site plan will also need to be incorporated into any final approved site plan drawing set by this department.*

Response: Two (2) full size copies of the updated Elevation Plans are enclosed in connection with the pending request for Site Plan Approval and additionally one full size copy and 6 reduced size copies [11" x 17"] are enclosed in connection with the pending Design Review Application that will be reviewed by the Design Advisory Board during its next meeting on Thursday, January 25th. The Design Advisory Board completed its preliminary review of the mixed-use redevelopment project during its meeting on December 12, 2023 and the Design Review Application and supporting documentation was submitted to Gary Palumbo of the Planning Department on December 22, 2023.

5. *On the site data table, indicate the number of parking spaces, EV parking spaces, and bicycle spaces provided on the site plan.*

Response: All vehicle parking spaces, EV charging spaces, and bicycle spaces are listed and calculated in the Site Data Box on the Site Plan [Drawing C-100].

6. *Signage and signage location indicated on the plan provided are exempt from site plan review and approval will require separate future approvals by the Town. Please see 203-7-8-3B1 of Town Code for address signs.*

Response: Comment acknowledged.

7. *On the plans indicate any other site features that may be proposed such as generators, hot boxes, condenser units, multiple meter boards, external grease interceptor, fire pits, grilling areas, patios, etc. and provide the associated details.*

Response: No such features are proposed for this project.

8. *Concurrence from NYSOPRHP that there will be no impact to cultural archaeological resources is required.*

Response: During the meeting held on Tuesday, January 2nd, Scott Marshall confirmed he had received a No Impact Determination letter from the NYSOPRHP.

9. *The following items need to be addressed or corrected on the Environmental Assessment Form submitted for review:*

- *Item B.i.ii. The Town has adopted a Local Waterfront Revitalization Plan. Correct the response.*
- *Item E.1.c.1. Provide a response as the box was checked yes.*
- *Item E.1.d.i. There is an elderly care facility located at 5271 Main Street and day care at 5125 Main Street in addition to the group home indicated.*

Response: An Amended Part 1 of the Full Environmental Assessment dated December 21, 2023 has been previously submitted to the Planning Department.

10. *Note that any other SEQR-related issues raised during the review process for this site plan must be addressed prior to action by the Planning Board.*

Response: Comment acknowledged.

11. *Provide the required reserved 4"x6" area in the lower right hand corner of all drawings for official Town use.*

Response: Due to the drawing title block/site data/legend/scale bar/notes/etc. the reserved 4"x6" area may not be directly located in the bottom right corner of the drawings but is provided on all plans near the bottom right corner.

12. *Please provide an 8 ½" x 11" reduction of the site plan and an electronic version of any revised plans, amended or additional materials submitted for review.*

Response: A reduced-sized copy of the revised Site Plan is included with this updated Site Plan submission and an electronic copy of all documents will be provided to the Town.

C. LANDSCAPE ARCHITECT REVIEW:

1. *Substitute the maple trees on the plant list on L-100 to another deciduous shade tree species as per the Town of Amherst Community Forestry Management Plan (April 2023). Diversity within plant communities is important for increasing their resistance and resilience to disturbance.*

Response: Maple trees have been revised to a variety of other large deciduous shade trees as requested.

2. Please provide a standard/typical screening detail for above ground mechanical units as per zoning ordinance 7-2-4(C)(1) Non-single-family residential properties which may be viewed from residential uses, public streets or public park areas shall screen all roof, ground and wall mounted mechanical equipment (utility structures, multiple meter boards, generators, air condition units, backflow preventor (RPZ) hot boxes, etc.) from view at ground level of the property line.

Response: No ground mounted equipment is proposed for this project, all mechanicals will be interior to the building or roof top mounted.

3. Within the landscape beds and rows of proposed plantings please show the above ground equipment and the 3-foot clear space around fire hydrants and other fire apparatus as per 2020 Fire Code of NYS Section 507.5.5 "All fire hydrants shall have clear space around them. Clear space around hydrants. A 3-foot clear space shall be maintained around the circumference of fire hydrants."

Response: No above ground equipment or hydrants are proposed in any of the landscape islands.

4. All interior landscaped areas shall have a minimum planting soil depth of three feet and be free from all forms of construction debris and foreign material as per Zoning Ordinance 7-2-3(A)(3)(j).

Response: This is noted on Drawing L-101 as Planting Note 1.

5. Petitioner and petitioner's contractor shall take all reasonable measures to protect existing trees (on adjacent sites) which are to be preserved from all possible types of root, trunk, and limb damage; including but not limited to, retaining wall which prevent filling on top roots or excavation tree roots as per Zoning Ordinance 7-2-3(B)(3).

Response: The Project Sponsor acknowledges this standard Site Plan condition, Planting Note 6 has been added to Drawing L-101.

II. AMHERST TRAFFIC SAFETY BOARD COMMENT LETTER DATED DECEMBER 7, 2023:

1. Parking area immediately north of the building has limited space for turn-arounds or "escapability" if parking is completely occupied within the area.

Response: This is acknowledged, the central parking area has been revised to align the parking stalls allowing for pull-through traffic when spaces are not occupied. Given the dead-end length is less than 150', no turnaround is required by Code. Also, the rear area of the parking lot where vehicles would enter this lane is large enough to see all visible parking spaces prior to driving into the lane towards the building.

2. Back-to-back parking spaces north of the building are offset. Town has a preference is for these to line-up to ease thru movements and ability for drivers to pull-thru and park.

Response: The back-to-back spaces have been aligned as requested as depicted on the updated Site Plan [Drawing C-100].

3. While the Traffic Safety Board supports the inter-parking lot connections, emergency and full access, the TIS submitted does not account for the trips to/from the Tops Market Plaza.

Response: No response required.

III. MEMORANDUM OF THE AMHERST FIRE CHIEFS' ASSOCIATION DATED OCTOBER 19, 2023:

The Memorandum of Krista Halt dated December 8th approved the Site Plan subject to the following conditions and comments:

1.D.1. 503.2.1: Fire apparatus access road must be an unobstructed width of not less than 20 feet and a vertical clearance of 13 feet 6 inches. An access road is required on the west side of the building a minimum of 20-ft wide.

Response: The proposed fire access road is greater than 20 feet in width and has a vertical clearance of greater than 13 feet 6 inches along the east side of the building. The parking lot to the west is located on the neighboring property owned and controlled by the neighboring entity. The proposed building will be equipped with an automatic sprinkler system meeting the requirements of Section 903.3.1.

1.D.3. 503.2.4: The turning radius for fire apparatus access roads is 22 inside and 45 outside.

Response: This is acknowledged, however given the narrow width of the project site these radii are not feasible in certain areas. The provided fire truck turning plan does show the truck has maneuverability and space to make the required turns without impacting parking or curbing as designed.

1.D.5. 503.3 fire apparatus access roads must be marked as fire lanes per the signage specification established by Appendix D FCNYS 2020.

Response: Fire access road signs have been added to the Site Plan [Drawing C-100].

1.D.6. Appendix D - Access Roads: Width, Distance from bldgs. Remoteness requiring 2 separate access roads. Per D104.1 Bldgs. Exceeding 30ft in height or 3 stories shall have fewer than 2 means of fire apparatus access for each structure.

Response: A secondary access is proposed via an easement granted by the neighboring property to the west (5214 Main Street) to North Forest Road. A copy of the executed agreement and filing has been previously provided to the Planning Office.

2. Section 506 FCNYS 2020 - Key Boxes - A fire department Knox key box is required for access to building keys.

Response: Comment acknowledged, details to be provided with the Architectural plans submitted for building permit at a later date.

3.E. [B] Section 912 - This project may be required to install a Fire Sprinkler System, if so, indicate the location of the fire department connection for the sprinkler system, which must be located on the street side of the building. Show fire department connection.

Response: Fire department connection has been added to Drawing C-400.

4. Provide a fire apparatus turning plan through the site for a 48' long truck with 236" wheelbase.

Response: Drawing CT-100 has been revised accordingly, the vehicle used is slightly larger than requested due to limitations in available vehicles within the AutoTURN product. As shown on the revised plan there is room for maneuverability of the larger vehicle.

IV. MEMORANDUM OF THE AMHERST ENGINEERING DEPARTMENT OCTOBER 19, 2023:

The Memorandum of Jessica Bourdeau, P.E. dated December 7th approved the Site Plan subject to the following conditions and comments:

1. Please update reports to include a watershed delineation map showing the subareas analyzed within HydroCAD as well as tributary area to the bioretention area.

Response: Watershed delineation maps have been added to the revised Engineer's Report.

2. It is unclear whether the bioretention area will be tributary to the underground storage system. Provide invert elevations of the perimeter drain cleanouts for clarity. If the bioretention area underdrain is discharging into the underground storage system, what is discharging into the bioretention area?

Response: Bioretention area will outlet to the underground detention system, updated inverts and pipe routing information has been added to the Storm Drainage Plan [Drawing C-300]. The roof drains along the west side of the proposed building will drain to the bioretention area.

3. Provide call-outs for underground storage system outlet pipe and ST MH 1 invert.

Response: All elevation and detention system labeling has been added to the Storm Drainage Plan [Drawing C-300].

4. Underground storage section within the Engineer's Report is blank, please provide that information. Add elevation information to the underground storage system plan.

Response: Underground storage system information and elevations has been added to the revised Engineer's Report.

5. Obtain approval from NYSDOT for the storm connection.

Response: Review is currently ongoing with NYSDOT, approval documentation will be provided when received at a later date.

6. Provide storm sewer sizing calculations with a delineation map showing conveyance of a 10-year storm event.

Response: Storm pipe sizing calculations have been included in the revised Engineer's Report.

7. Obtain approval from ECWA for water connection and RPZ.

Response: Review is currently ongoing with ECWA, approval documentation will be provided when received at a later date.

8. Obtain NYSDOT Highway Work Permit prior to starting construction.

Response: Review is currently ongoing with NYSDOT, approval documentation will be provided when received at a later date.

9. Review and Approval from the Sewer Maintenance Department is required.

Response: The revised plans and responses contained herein this letter address the received Sewer Maintenance Department comments.

V. MEMORANDUM OF THE AMHERST ENGINEERING DEPARTMENT OCTOBER 19, 2023:

The Memorandum of Vaishali Reberholt, P.E., CPESC dated December 22nd provided the following comments:

1. *Before sanitary flows can be approved a DSCA is required for this project.*

Response: Sanitary sewer monitoring is currently underway, when completed a downstream sewer capacity report and all associated forms will be submitted to the Town Engineering Department for review and approval.

2. *Pursuant to Chapter 160 of the Town Code, please provide a commitment letter agreeing to a payment to the sewer remediation trust fund. This payment must be received by this office prior to the issuance of any plumbing permits.*

Response: Developer I/I mitigation commitment letter is included in this submittal.

3. *In the event that a restaurant may eventually be connected to any service lateral, an appropriately sized external grease interceptor is required to be added during the process of obtaining a Town of Amherst Building Department plumbing permit. Grease interceptor sizing calculations are to be provided to this office for review and approval prior to issuance of that plumbing permit. Grease interceptors (500 gallon minimum) shall be sized based on 1/3 of the peak flow of contributing fixtures with a 30-minute retention time.*

Response: Comment acknowledged, when commercial tenants are secured and if a grease trap would be required for a restaurant service the required plans, sizing calculations, etc. will be submitted for review and approval.

4. *All appropriate NYSDOT approvals and permits shall be obtained relative to the improvements within Main Street right-of-way prior to start of construction and a copy of such approvals provided to this department.*

Response: Review is currently ongoing with NYSDOT. Review of the NYSDOT approval documentation will be provided when received at a later date.

5. *Please label the size of sanitary sewer pipe in the NYSDOT right of way.*

Response: Sanitary pipe sizing has been added to the Utility Plan [Drawing C-400].

VI. MEMORANDUM OF THE PLANNING DEPARTMENT (DAB STAFF COMMENTS) DECEMBER 29, 2023:

The Memorandum of Gary Palumbo dated December 29th provided the following comments:

A-1b. Pedestrian Access and Connectivity: Understanding that the petitioner is negotiation with the adjoining owner, safe pedestrian connectivity should be provided from Main Street through the site to the retail commercial plaza to the north. Current proposal forces pedestrians to walk through parking aisle and curb cuts in winter months.

Response: No physical width is available to install a designated pedestrian connection path through the project site rear parking lot given the narrow width of the parcel.

A-2b. Outdoor Amenity Space: The proposed outdoor patio along Main Street could be made accessible to the public to satisfy the recommendations for amenity space in the public realm. The Site Plan and Landscape Plan should provide additional detail for both the patio along Main Street and the patio to the rear of the building, as well as rooftop amenity space.

Response: The patio along the frontage on Main Street is easily accessible by the public for accessing the proposed retail space of the proposed mixed-use building. Concept seating has been added to the Site Plan [Drawing C-100] depicting potential seasonal seating layouts for these patios.

A-3a. Bicycle Amenities: Safe access through the site to the retail commercial plaza to the north would provide opportunity for future access to the former “Lehigh Valley Corridor,” which bisects the plaza and connects to North Forest Road and the North Forest Park (pool).

Response: No physical width is available to install a designated bicycle path through the project site rear parking lot given the narrow width of the parcel.

A-4. Public Art: Public art is encouraged by Design Guidelines for Mixed Use Districts. Consider identifying location(s) for public art, which may include sculptures, landscaping elements, murals, or street furniture (benches, decorative bike racks, or other functional features with an original design).

Response: The project applicant is open to using a more decorative bike rack. *A-5a. Site Landscaping: Please protect the tree roots from adjacent property owners.*

Response: Planting Note 6 has been added to Drawing L-101.

A-6. Sustainable Features: Please remove the small canopy trees (lilacs, columnar oaks, sargent cherry) and incorporate large mature deciduous shade trees with a 40-50’ wide canopy. Species to consider oaks, lindens, honey locusts, elms, zelkovas, black gum, tulip trees, etc.

Response: The small canopy trees are proposed as such because of the narrow width between the proposed pavement area/building and property lines and adjacent neighboring properties. Installing larger growing trees here may result in damage to the pavement, building or neighboring properties pavement when matured.

C-2c. Sidewalks: Understanding that the petitioner is negotiating with the adjoining owner, please add streetscape amenities to the proposed patio along Main Street that contribute to the pedestrian experience.

Response: Seasonal seating will be available on the patio along Main Street.

C-3. Curbed Zones: Protect the existing trees along Main Street and provide trees/large shrubs to compliment the front facing façade of the building.

Response: A landscape bed has been added to the southwest corner of the building to add landscaping to the front patio area. Plantings cannot be installed within the NYSDOT right-of-way.

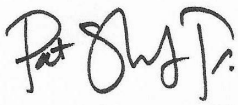
VII. **CONCLUSION:**

The Project Sponsor is requesting that the Planning Board issue a negative declaration pursuant to the State Environmental Quality Review Act (“SEQRA”) and grant Site Plan Approval for the proposed mixed use project subject to appropriate conditions during its meeting to be held on Thursday, January 18th at 6:30pm subject to appropriate conditions including a condition requiring the final

plans to incorporate any additional input from the Design Advisory Board during its meeting to be held on Thursday, January 25th.

If you should have any questions regarding this letter, please contact me at (716) 868-3209 or Sean Hopkins, Esq. at (716) 510-4338. Thank you.

Sincerely,



Patrick Sheedy Jr., P.E. | Senior Associate

Enc.

cc: Daniel Ulatowski, Assistant Planning Director/Zoning Enforcement Officer
 Gary Palumbo, AICP, Associate Planner
 Jeffrey Szatkowski, Landscape Architect
 Krista Halt, Sr. Fire Inspector
 Jeff Burroughs, P.E., Town Engineer
 Jessica Boudreau, P.E., Project Manager
 Nora B. Robshaw, Esq., Town Attorney's Office
 Chris Schregel, Traffic Safety Coordinator
 Tom Fox, Ellicott Development
 Jeremy Wassell, Ellicott Development
 Sean Hopkins, Esq., Hopkins Sorgi & McCarthy PLLC
 Brian Sleva, AIA, Carmina Wood Design

REVISIONS:	
No.	Description



PROJECT NAME:
Concept Documents for:
Mixed Use Development
5226 Main Street
Amherst, New York

Issued for Approval: 12.21.2023
Drawn By: BJS
Checked By: BJS

DRAWING NAME:
Mixed Use Concept Elevations

DRAWING NO.

A-500

Project No: 22.051



Total Upper: 8468.83f x 20% = 1693.77sf Required Upper Floor Transparency = 1871.37sf or 22.10% Provided
Total Ground: 3113.83sf x 20% = 622.77sf Required Ground Floor Transparency = 1675.14sf or 53.80% Provided

REVISIONS:	
No.	Description

Date



PROJECT NAME:

Concept Documents for:
Mixed Use Development
5226 Main Street
Amherst, New York

Issued for Approval: 12.21.2023
Drawn By: BJS
Checked By: BJS

DRAWING NAME:
Mixed Use Concept
Elevations

DRAWING NO.

A-501

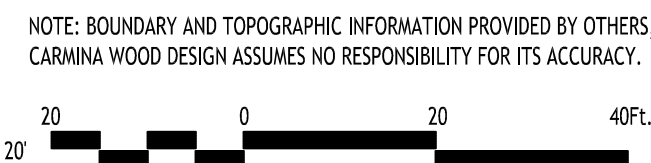
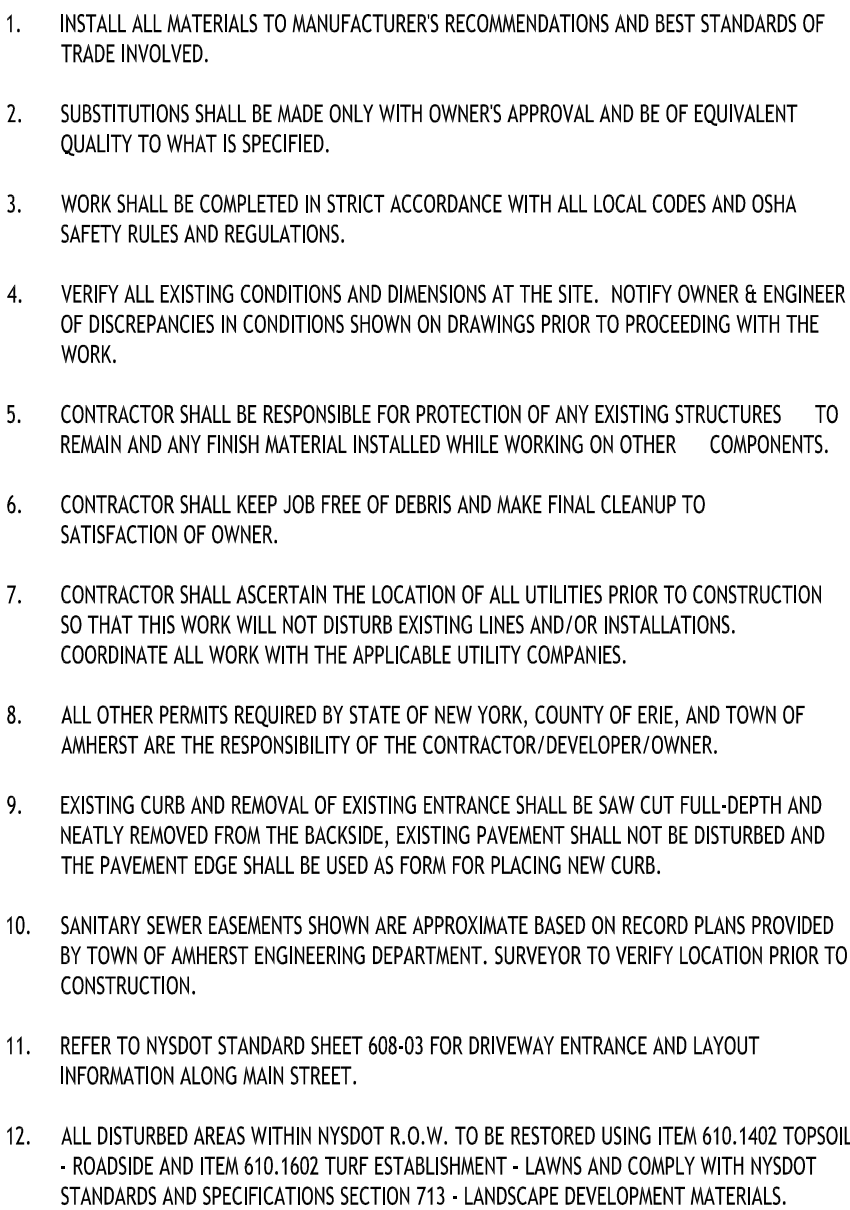
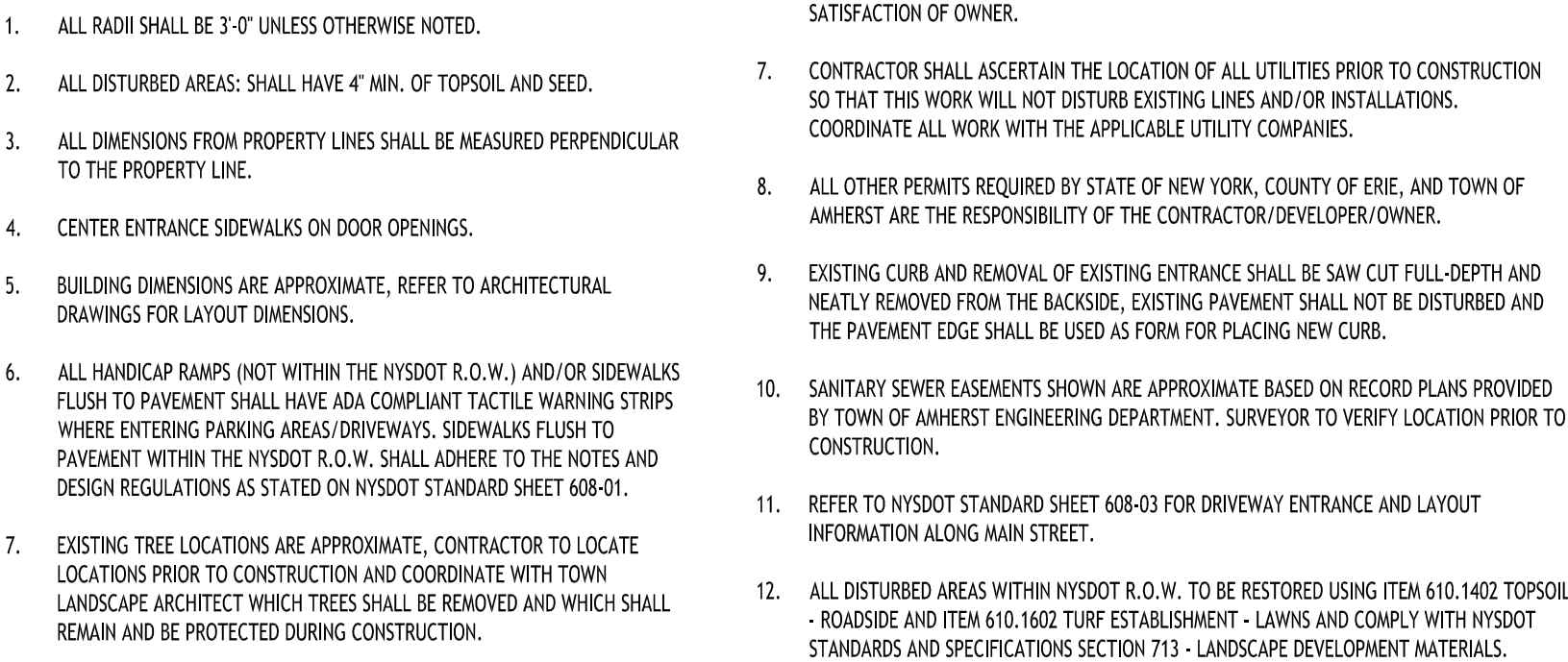
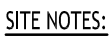
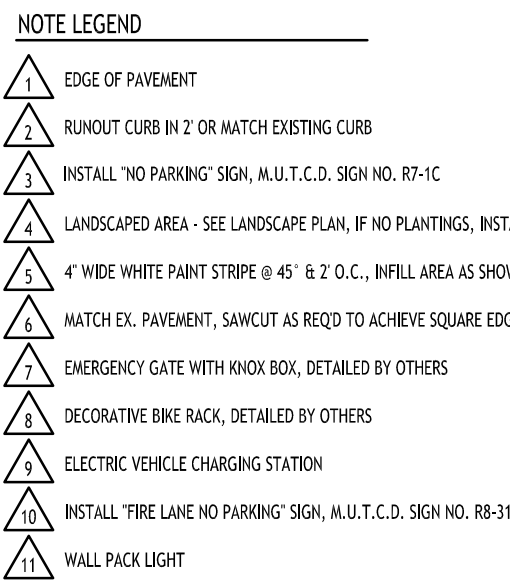
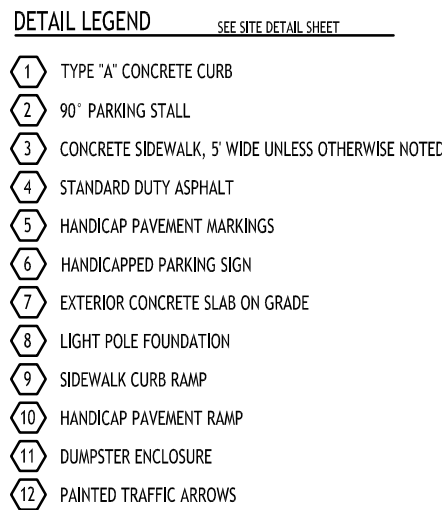
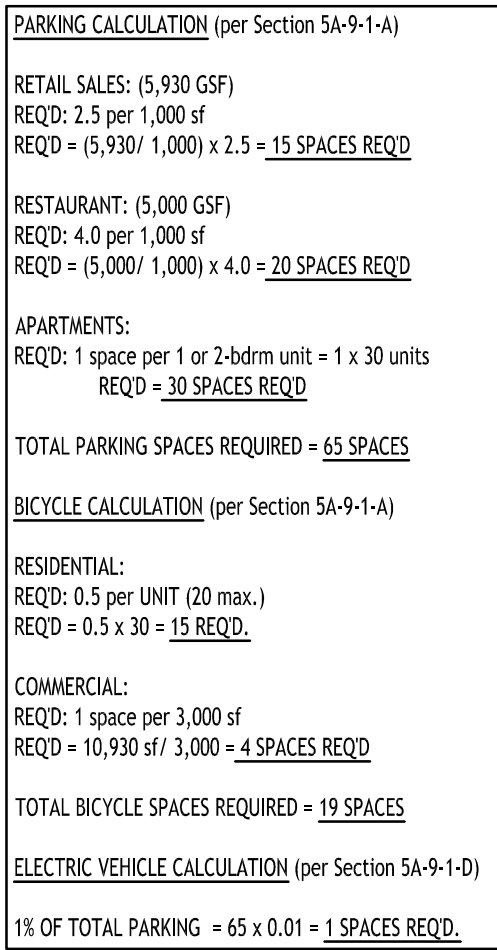
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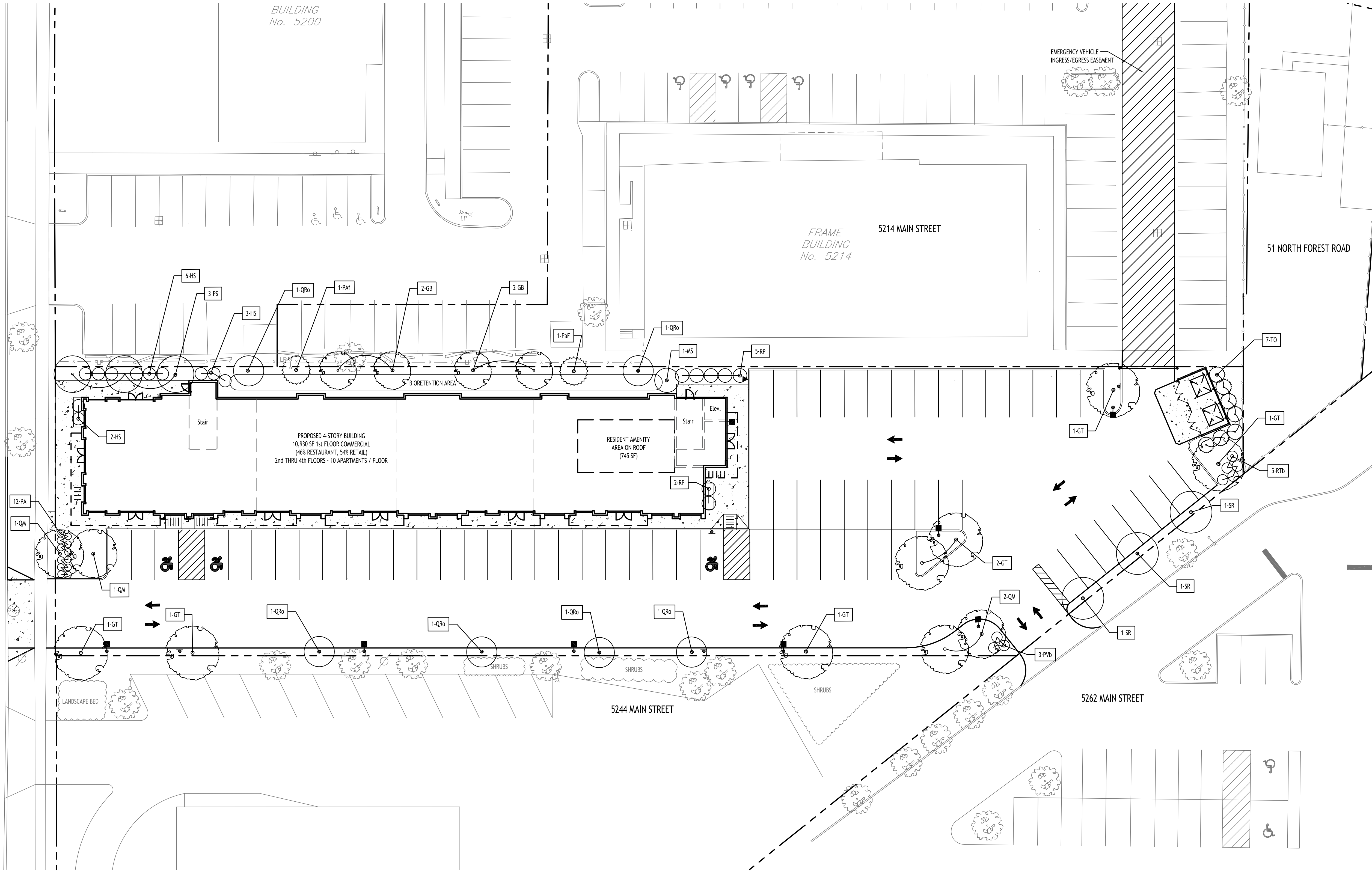
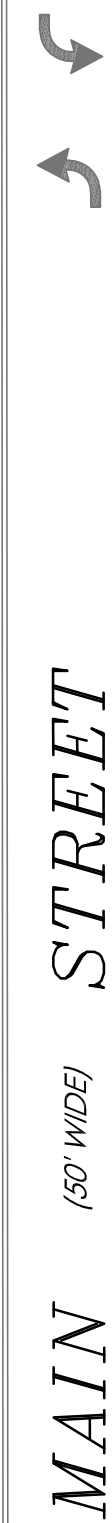


1
A-501
Rear Elevation
scale: 1/8 = 1'-0"



2
A-501
Lot Line Elevation
scale: 1/8 = 1'-0"





 **Landscape Plan**
SCALE: 1"=20'

KEY	QTY.	BOTANICAL NAME	COMMON NAME	MIN. SIZE	REMARKS
		DECIDUOUS TREES			
QM	4	QUERCUS MACROCARPA	BUR OAK	2 1/2" - 3" CAL.	B&B
QRO	6	QUERCUS ROBUR "FASTIGIATA"	COLUMNAR OAK	2 1/2" - 3" CAL.	B&B
GT	7	GLEDISIA TRACANTHOS INERMIS "SKYCOLE"	SKYLINE THORNLLESS HONEYLOCUST	2 1/2" - 3" CAL.	B&B, HT. OF 45' & 45" WIDE
GB	4	GINKGO BILOBA 'AUTUMN GOLD'	AUTUMN GOLD GINKGO	1 3/4" - 2" CAL.	B&B, 15" WIDE

		SMALL/ORNAMENTAL TREES			
SR	3	SYRINGA RETICULATA	JAPANESE TREE LILAC	8' HT.	B&B
PS	3	PRUNUS SERGTENT "COLUMNARIS"	PINK FLAIR SARGENT CHERRY	8' HT.	B&B
MS	1	MAGNOLIA STELLATA "ROYAL STAR"	ROYAL STAR MAGNOLIA	8' HT.	B&B

		SHRUBS			
HS	8	HYDRANGEA SERRATA "SMNHSSD"	TUFF STUFF AH-HA -- HYDRANGEA	32" HIGH MIN.	NO. 3 CONT.
RP	7	RHODODENDRON x "PJMJ"	P.J.M. RHODODENDRON	24" HIGH MIN.	NO. 3 CONT.
RTB	5	RHUS TYPHINA "BAILTIGER"	TIGER EYES SUMAC	24" HIGH MIN.	NO. 3 CONT.

		EVERGREEN TREES			
PAF	2	PICEA ABIES "Cupressina"	COLUMNAR NORWAY SPRUCE	5' - 6' MIN. HT.	B&B, FULL TO GROUND
TO	7	THUJA OCCIDENTALIS	EMERALD GREEN ARBORVITAE	5' - 6' MIN. HT.	B&B, FULL TO GROUND

		ORNAMENTAL GRASS			
PA	12	PENNISETUM ALOPECUROIDES 'HAELN'	DWARF FOUNTAIN GRASS	NO. 3 CONT.	SEE NOTE 2
PVB	3	PANICUM VIRGATUM "BLOODGOOD"	NORTHWIND SWITCHGRASS	NO. 5 CONT.	SEE NOTE 2

NOTE: BOUNDARY AND TOPOGRAPHIC INFORMATION PROVIDED BY OTHERS.
CARMINA WOOD DESIGN ASSUMES NO RESPONSIBILITY FOR ITS ACCURACY.



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Registered Landscape Architect
 Member American Society of Landscape Architects
 2765 Dodge Road, East Amherst, NY 14051-2111
 Phone: 716-364-5564
RCWLandscapeArchitect@gmail.com

DRAWING NAME:
Landscape Plan

Date: 11/20
Drawn By: P. She
Scale: As No

DRAWING NO.

L-100

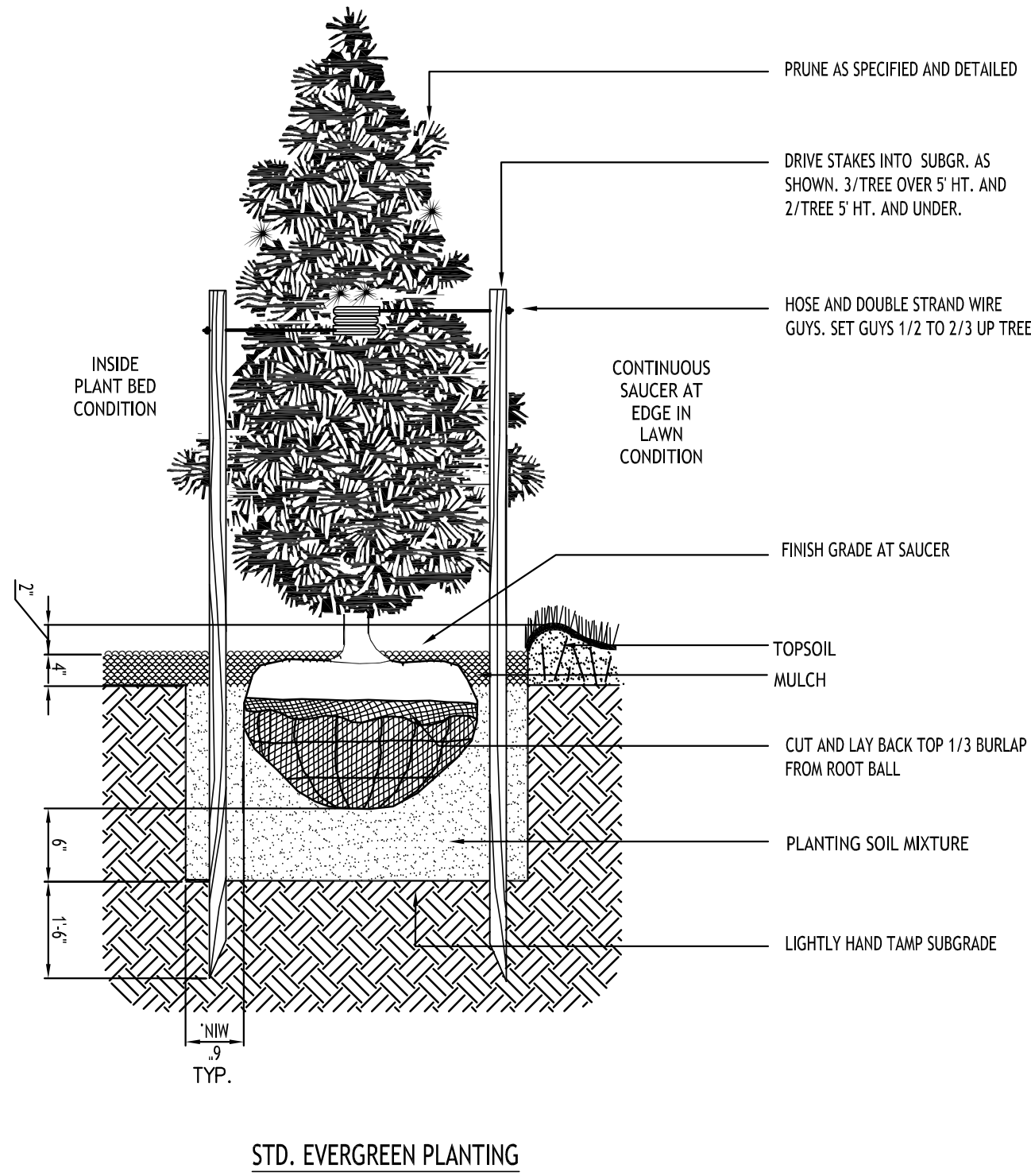
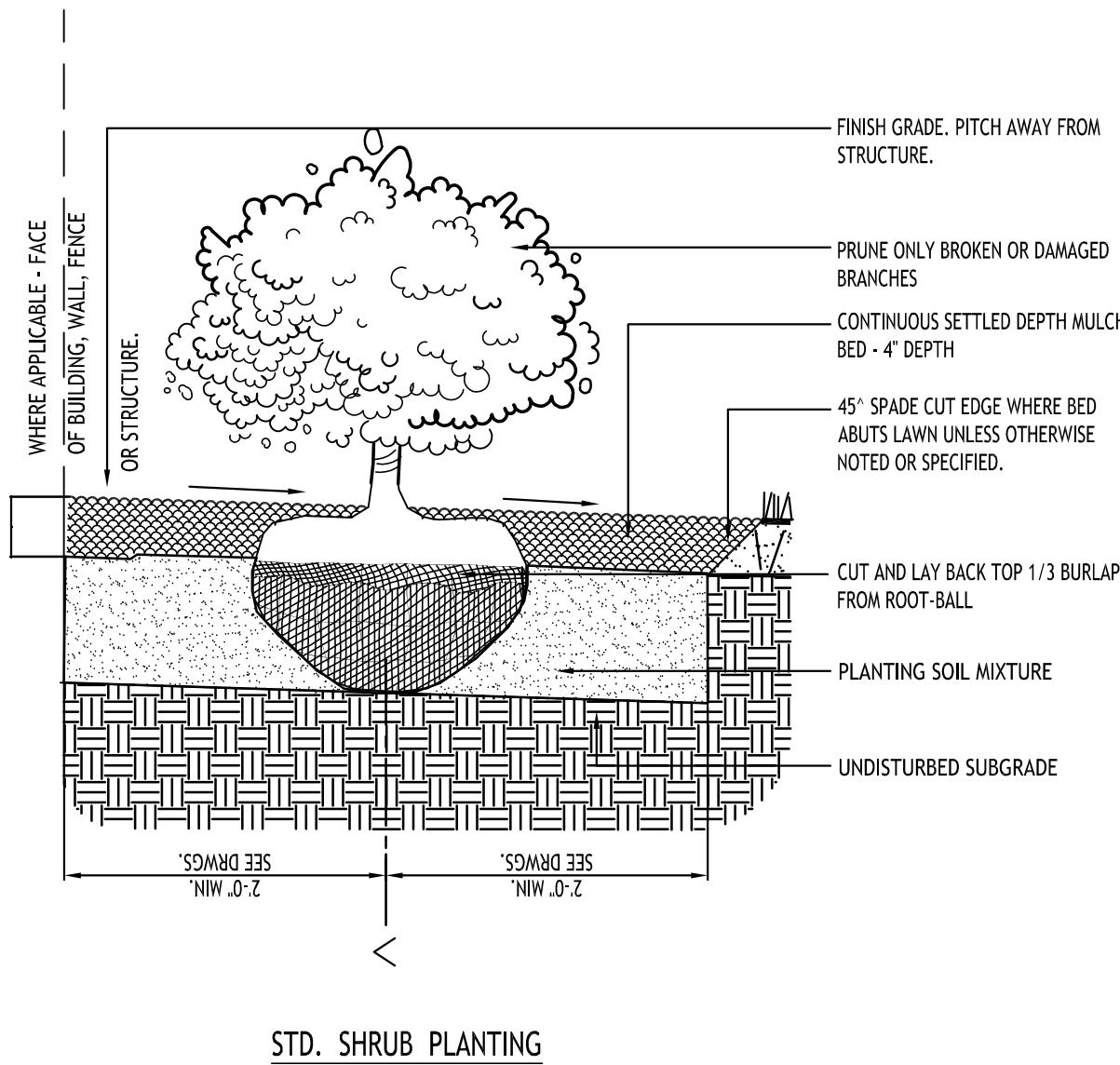
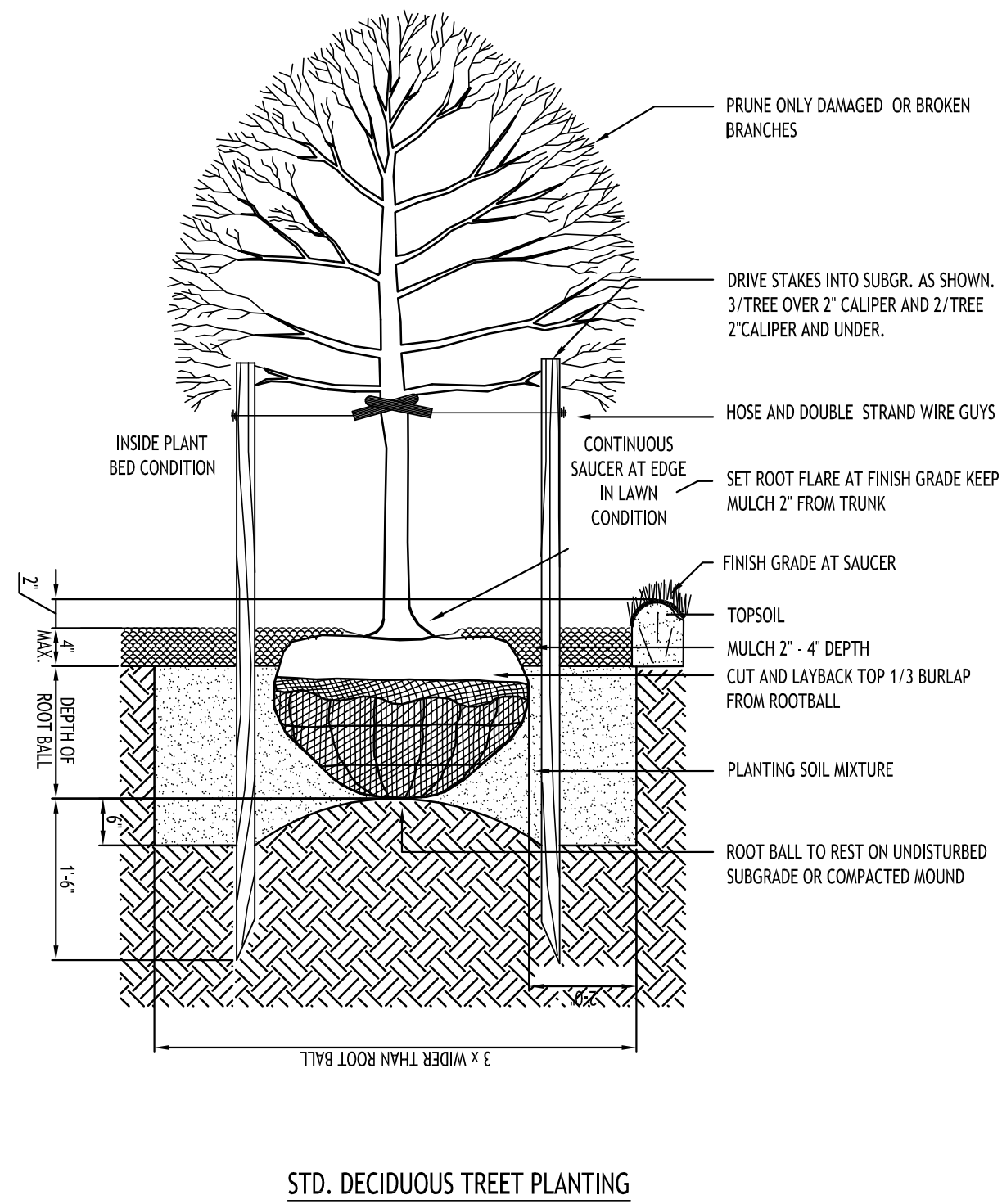
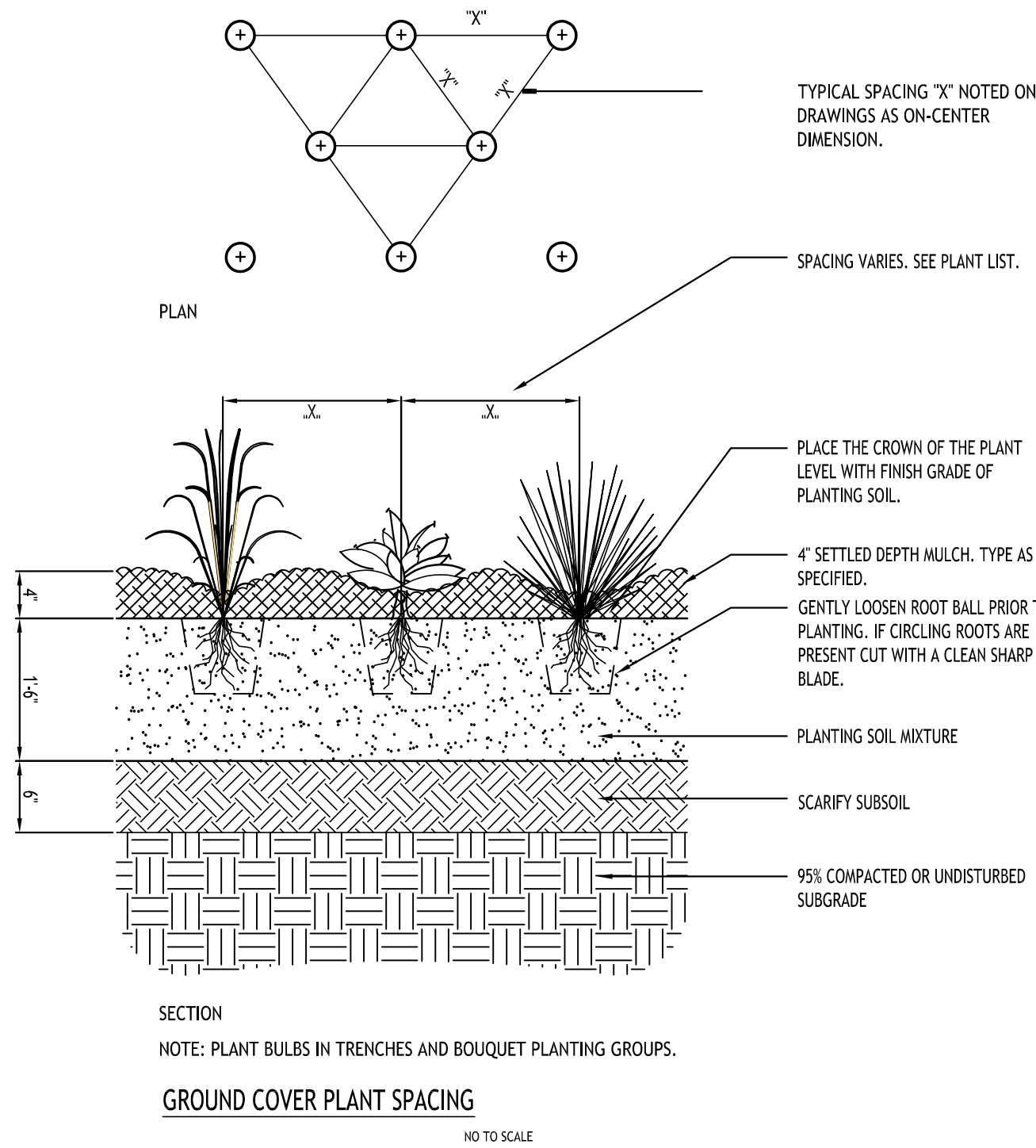
Project No: 22.111

PLANTING NOTES:

- ALL INTERIOR LANDSCAPED AREAS SHALL HAVE A MINIMUM PLANTING SOIL DEPTH OF THREE (3) FEET AND BE FREE FROM ALL FORMS OF CONSTRUCTION DEBRIS AND FOREIGN MATERIAL.
- ALL TREE PIT SAUCERS, SHRUB BEDS, ORNAMENTAL GRASS BEDS, AND PERENNIAL FLOWER BEDS SHALL RECEIVE THREE (3) INCHES DEPTH OF DARK SHREDDED HARDWOOD BARK MULCH.
- ALL SEASONAL FLOWER BEDS SHALL BE A MINIMUM OF TWELVE (12) INCHES DEEP WITH A WELL-BLENDED MIXTURE OF 50% PEAT MOSS & 50% SCREENED TOPSOIL. SEASONAL FLOWER BEDS SHALL RECEIVE "PREEN" HERBICIDE. NO MULCH SHALL BE INSTALLED IN THE SEASONAL FLOWER BEDS.
- ALL DECIDUOUS AND EVERGREEN TREES SHALL BE STAKED WITH THREE (3) TREE STAKES AS PER TREE PLANTING DETAIL.
- ALL SHRUBS SHALL BE INSTALLED AT A MINIMUM HEIGHT OF TWENTY-FOUR (24) INCHES AS PER TOWN OF AMHERST CODE REQUIREMENTS.
- EXISTING TREE LOCATIONS ARE APPROXIMATE, CONTRACTOR TO LOCATE ALL TREES WITHIN OR ADJACENT TO THE PROJECT LIMITS PRIOR TO CONSTRUCTION AND COORDINATE WITH TOWN LANDSCAPE ARCHITECT WHICH TREES SHALL BE REMOVED AND WHICH SHALL REMAIN AND BE PROTECTED DURING CONSTRUCTION. CONTRACTOR SHALL TAKE RESPONSIBLE MEASURES TO PROTECT EXISTING TREES TO REMAIN FROM ANY POSSIBLE ROOT OR LIMB DAMAGE.

LANDSCAPE NOTES:

- ALL PLANTS INSTALLED SHALL MEET OR EXCEED THE MINIMUM REQUIREMENTS AS NOTED ON THE PLANS AND IN THE LATEST EDITION ON THE AMERICAN STANDARD FOR NURSERY STOCK, BY THE AMERICAN ASSOCIATION OF NURSERYMEN, ANSI Z60.1.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR HIS OWN QUANTITY TAKEOFF, THE QUANTITIES SHOWN ARE A MINIMUM AND ARE FOR REFERENCE ONLY.
- THE CONTRACTOR SHALL PERFORM A ROUGH FIELD STAKEOUT OF ALL PLANTING MATERIAL LOCATIONS AND CONTACT THE OWNERS FIELD REPRESENTATIVE PRIOR TO ACTUALL INSTALLING. THE PLANTING MATERIAL LOCATIONS SHOWN ON THE PLANS ARE TO CONVEY THE DESIGN INTENT ONLY, ACTUAL LOCATIONS WILL BE FINALIZED BY THE OWNERS FIELD REPRESENTATIVE AT THE TIME OF INSTALLATION
- THE CONTRACTOR IS HEREBY NOTIFIED THAT IF UNDERGROUND UTILITIES EXIST IN THE VICINITY OF THE PLANTINGS, ALL PROPOSED PLANTINGS SHALL BE INSTALLED A MINIMUM OF 5' FROM ANY UNDERGROUND UTILITY, CONTACT THE OWNERS FIELD REPRESENTATIVE IF PLANTINGS SHOWN ON THE PLANS VIOLATE THIS SITUATION.
- ALL TREES SHALL BE INSTALLED A MINIMUM OF 20' FROM ANY OVERHEAD ELECTRIC LINES.
- PLANTING BACKFILL MIXTURE SHALL CONSIST OF 3 PARTS TOPSOIL, 1 PART PEAT MOSS, 1/2 PART MILORGANITE.
- STAKE TREES IMMEDIATELY FOLLOWING INSTALLATION.
- ALL PLANTED AREAS SHALL RECEIVE A 3" LAYER OF SHREDDED HARDWOOD BARK MULCH WITH "PREEN".
- ALL DISTURBED AREAS NOT RECEIVING PLANTINGS (INCLUDING RIGHT-OF-WAYS) SHALL BE SEEDED.
- THE AREAS ON THE PLAN TO BE SEEDED SHALL HAVE 4" MINIMUM OF TOPSOIL, DISK PLOWED, LEVELED AND HAND RAKED SMOOTH. SURFACE SHALL BE ROLLED TO REMOVE LUMPS.
- ALL SEEDED AREAS SHALL BE HYDROSEEDED IN ACCORDANCE WITH THE SPECIFICATION INDICATED. WHERE REQUIRED BY CLIMATIC CONDITIONS, SLOPE OR SEASON OF PLANTING, SOD MAY BE SUBSTITUTED FOR SEEDING IN ORDER TO ACHIEVE THE REQUIRED COVERAGE.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR WATERING, MOVING AND OTHER MAINTENANCE TO SEEDED AREAS UNTIL THE PROJECT IS ACCEPTED BY THE OWNER, THIS SHALL INCLUDE WATERING DAILY FOR 15 DAYS OR AS REQUIRED BY WEATHER CONDITIONS AND RE-SEEDING OF THIN SPOTS FOLLOWING THE GERMINATION OF THE SEEDS.



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DRAWING NAME:

Landscape
Details

Date: 11/20
Drawn By: P. She
Scale: As No

DRAWING NO.

L-101

Project No: 22.111

Mixed Use Building
5226 & 5228 Main Street
Amherst, NY

REVISIONS:		No.	Description	Date
Rev. per Town comments		1		1/25/24

CARMINA WOOD
DESIGN

1487 Main Street, Suite 500
Chester, NY 12034
Phone: (315) 842-3165

111 Bain Street, Suite 332
Chester, NY 12034
Phone: (315) 837-9009

TOWN OF AMHERST
DESIGN ADVISORY BOARD
DESIGN REVIEW FINDINGS
SP-2023-14

PETITIONER

5226 Main, LLC
295 Main Street, Suite 700
Buffalo, NY 14203

PROPERTY LOCATION

5226 & 5228 Main Street

WHEREAS, the Town of Amherst Design Advisory Board on Thursday, January 25, 2024, held a public meeting on the design review for a Site Plan for a proposed four-story mixed-use building of 10,930 sq. ft, and

WHEREAS, the Design Advisory Board reviewed the plans and specifications received through January 24, 2024 for the proposed project, and

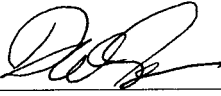
WHEREAS, in accordance with Local Law 18-2019, the Design Advisory Board finds that:

Based on plans, photographs and building material examples provided, the proposed Site Plan and Building Design are or can be consistent with the applicable Design Guidelines for Mixed Used Districts.

NOW THEREFORE BE IT RESOLVED that the Design Advisory Board, in accordance with Local Law 18-2019 makes the following recommendations on said Site Plan and/or Building Design to the Planning Board:

1. That a dedicated pedestrian access route be provided via a sidewalk with appropriate pedestrian safety features through the site to the adjoining shopping center at the north property line.

The foregoing findings were adopted by the Town of Amherst Design Advisory Board, January 25, 2024; moved by – Mr. Talty; seconded by – Mr. Black; ayes 4, noes 0, absent - 1 (Colucci).



Dal Giuliani, Chair

2-2-2024

Date

Reviewed Plan Date: January 5, 2024
Reviewed Plan Preparer: Carmina Wood Design
Received Plan Date: January 5, 2024

GP/rb

X:\Current_Planning\Files\Site Plans\2023\SP-2023-14_(5226_&_5228_Main_St)_2023\DAB\DAB_Findings_SP-2023-14_01252025.docx

cc: Town of Amherst Planning Board
Sean Hopkins, 5500 Main Street, Suite 343, Williamsville, NY 14221
Thomas Fox, Ellicott Development Company, 295 Main Street #700, Buffalo, NY 14203
Pat Sheedy, Carmina Wood Design, 487 Main Street #500, Buffalo, NY 14203

Attachment: DAB_Findings_SP-2023-14_01252025 (28526 : SP-2023-14, 5226 & 5228 Main St., 5226 Group LLC)