

APPENDIX B
TRANSCRIPT OF DECEMBER 5th, 2016 DEIS PUBLIC HEARING

#	Commenter	Address	Opposition/Support
O.1	Gerald Kelly	759 Bird Avenue	Support
O.2	Arthur Giacalone	127 Oschawa Avenue	Opposition
O.3	Karen Okoniewski	32 Granger Place	Support
O.4	Evelyn Bencinich	48 Granger Place	Opposition
O.5	Martin Littlefield	48 Argyle	Opposition
O.6	Joseph Sedita	Penhurst Park	Support
O.7	Anthony Krayna	312 Jersey Street	Support
O.8	Chris D'Andrea	92 Claremont Avenue	Opposition
O.9	Daniel Sack	105 Lancaster Avenue	Opposition
O.10	Carl Dennis	49 Ashland Avenue	Opposition
O.11	Susan Davis	59 Granger Place	Opposition
O.12	Steve Hassett	1 Melbourne Court	Support
O.13	Catherine Faust	141 Highland Ave	Opposition
O.14	Gretchen Cercone	161 Lancaster Avenue	Opposition
O.15	Laurie Stillwell	17 Main Street	Opposition
O.16	Alex Bitterman	Granger Place	Support
O.17	Debbie Sidel	9 Tillingast Place	Support
O.18	James Runfola	611 Forest Avenue	Opposition
O.19	Jeff Danahy	537 West Ferry Street	Support
O.20	Gwen Pierce	Bradford Place	Opposition
O.21	City of Buffalo Planning Board	-	-

Regular Planning Board Meeting

*IN RE: 1111 ELMWOOD AVENUE
December 5, 2016*



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3 IN RE: 1111 ELMWOOD AVENUE
4
5 Excerpt from the Regular Planning Board Meeting, held at the
6 OSP Conference Room, 65 Niagara Square, Buffalo, New York on
7 Monday, December 5, 2016, commencing at 4:00 p.m., before
8 Patricia A. Schreier, Notary Public.
9
10 APPEARANCES:
11 CITY OF BUFFALO PLANNING BOARD:
12 JAMES MORRELL, Chair
13 HORACE A. GOIA
14 CYNTHIA SCHWARTZ
15 MARTHA LAMPARELLI
16 HENRY BURNS
17
18 BOND SCHOENECK & KING
19 BY: STEVEN J. RICCA, ESQ.
20 The Avant Building
21 200 Delaware Avenue
22 Buffalo, New York 14202
23 sricca@bsk.com
Appearing for Affinity Elmwood Gateway Properties, LLC

STEVEN J. CARMINA, Architect

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1 MR. MORRELL: This is item number four, 1111
2 Elmwood Avenue. Will someone from this item please step
3 forward.
4 This is a public hearing for site plan and Draft
5 Environmental Impact Statement (DEIS) for 1111 Elmwood
6 Avenue. The notice for this public hearing was
7 prepared, filed and distributed as prescribed in Section
8 617.12 of SEQRA, with the notice published in the
9 Buffalo News on November 17, 2016 for the DEIS and
10 November 24, 2016 for the site plan review.
11 In accordance with SEQRA and site plan review
12 requirements, the Planning Board is soliciting comments
13 on the DEIS and the submitted site plan application for
14 the proposed project at 1111 Elmwood Avenue. The
15 proposed action involves construction of an
16 approximating 166,000 gross square foot, five story,
17 tiered mixed use building (encompassing, approximately,
18 54,000 square feet of concealed parking), three retail
19 spaces of up to, approximately, 2,500 square feet each
20 on the first floor, approximately 70,000 square feet
21 encompassing up to 45 condominium units and the balance
22 consisting of common areas. The action will require the
23 demolition of eight residential structures, two

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1 accessory structures and four mixed use structures with
2 first floor retail. The project is located on the
3 property consisting of 1091 through 1121 Elmwood Avenue
4 and 605 to 607 Forest Avenue.
5 Public comments will be accepted by the Planning
6 Board on the DEIS until December 19, 2016. All
7 substantive comments from the public and reviewing
8 agencies, during this public hearing and the public
9 comment period, will be considered during the
10 preparation of the Final Environmental Impact Statement
11 including substantive comments received from this public
12 hearing.
13 In order to facilitate constructive and meaningful
14 commentary, we ask that any person commenting on the
15 proposed action limit their comments to the
16 environmental impacts associated with the prepared DEIS
17 and the architectural and site impacts presented in the
18 proposed site plan. During this public hearing,
19 comments will be limited to three minutes per
20 individual. If an individual has comments concerning
21 the proposed action that cannot be expressed within this
22 time period, they may submit written comments until
23 December 19, 2016 to the planning office.

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1 At this time we will have the applicant and
2 designated representative present the proposed action.
3 During this presentation we remind the audience that all
4 questions and comments shall be only acceptable during
5 the public comment portion of this public hearing which
6 will follow this presentation.
7 Please state your name and your interest in the
8 project.
9 MR. RICCA: My name is Steve Ricca. I'm an
10 attorney with the law firm of Bond Schoeneck and King.
11 I'm a zoning and environmental lawyer and I'm here
12 representing the applicant, Affinity Elmwood Gateway
13 Properties, LLC. I'm also a 28 year resident of Elmwood
14 Village. I live on West Delavan between Elmwood and
15 Richmond and I've very proud to be part of the
16 development team for this project.
17 The intention of this project is to bring people
18 and vibrancy to an area of my neighborhood that I think
19 has been lacking for sometime. The project design and
20 the vetting process for this particular design, and this
21 one only, stems, goes back several months until early
22 2016.
23 There has been a thorough and deliberate design

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1 process and the end result is -- our attempt here to
 2 harmonize the aesthetics and concerns that we heard from
 3 the community with the smart growth and urban
 4 revitalization goals of the City of Buffalo and our
 5 client.
 6 We're here to meet a demand that is undeniable. No
 7 one is going to be one hundred percent happy with the
 8 end result. This has been a significant challenge. The
 9 zoning requirements and proposals have been a moving
 10 target and I think that everyone is aware of this and
 11 this particular project because that has captured a lot
 12 of attention.
 13 We're aware that some people feel that the building
 14 is too large and too long. What we have attempted to do
 15 is to use the space efficiently and effectively in order
 16 to accomplish our goal of bringing people into the
 17 neighborhood, which is really what is supporting the
 18 local merchants and makes it an exciting place to be.
 19 We would also ask you to consider this project on
 20 its own merit and not lump us together with other
 21 development projects in the neighborhood. This site is
 22 unique and this design is unique. I think we can all
 23 agree that the architecture firm, Carmina Wood Morris,

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1 has spent an extraordinary amount of time with the
 2 architectural details of the building and the quality of
 3 the materials.
 4 It really doesn't resemble anything that you've
 5 seen recently. The site is also unique. Yes, it is on
 6 Elmwood Avenue but it is also on the threshold of a
 7 burgeoning cultural district and museum district.
 8 Hundreds of millions of dollars will be invested over
 9 the next several years. So really it has to be viewed
 10 in that very unique context.
 11 There is a 1960 era building to the northwest of
 12 our site that is eight stories tall. Yes, it is set
 13 back but this is not a situation that can be compared to
 14 other locations in the neighborhood. We don't feel that
 15 all the perspectives on this project have been heard.
 16 We feel and many feel that this project will have a
 17 significant positive impact on the environment and on
 18 the community. In fact, we have expressions of support
 19 from all, and I underscore the word all, of the
 20 commercial business owners within the immediate
 21 vicinity, across the street to the south and to the
 22 north, a hundred percent unanimous approval for the
 23 project and why is that? Because it will support them,

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1 the local merchants, which really are the heartbeat of
 2 the neighborhood.
 3 We also have significant expressions of support
 4 from residents nearby. Residents on Granger, Penhurst
 5 and Elmwood. We have adjusted the project numerous
 6 times. We've put in massive setbacks behind the
 7 building from the residences on Granger. Steve Carmina
 8 will give you a presentation on the project design that
 9 illustrates exactly what I mean by that.
 10 From the outset, my client has decided to do a full
 11 Environmental Impact Statement. That's what this
 12 hearing is all about. This is highly unusual for a
 13 project where the uses are permitted. For a residential
 14 mixed use project in an urban environment this is not a
 15 typical approach. Therefore, we requested the SEQRA
 16 hearing because we want all the perspectives to come in.
 17 We've submitted a very lengthy Environmental Impact
 18 Statement which covers a comprehensive list of issues.
 19 I don't intend to make a detailed presentation nor
 20 does the consultant intend to make a detailed
 21 presentation on the Environmental Impact Statement,
 22 unless there are specific areas that you would like us
 23 to address.

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1 We have a stenographer in the room who will record
 2 all of the comments here tonight and we will very
 3 carefully review them and consider them and provide
 4 information and response to those comments so that the
 5 Planning Board as the lead agency can consider them and
 6 respond to them in a final Environmental Impact
 7 Statement.
 8 So before opening up the public hearing for
 9 comments, I would like to introduce Steve Carmina from
 10 Carmina Wood Morris.
 11 MR. CARMINA: Steve Carmina, Carmina Wood
 12 Morris Architects right here in downtown Buffalo.
 13 I thought it was important that this Board and the
 14 rest of the community who have seen this presentation,
 15 most of whom one or two times or maybe some of them
 16 never. So I thought it was important for you all to see
 17 this project in the context that it was presented and
 18 through the evolution this project has taken over the
 19 last several months.
 20 Chasen Affinity Group is a company that's been in
 21 business, we were laughing earlier, 100 years, actually,
 22 it's 101 now since we started working on this, but the
 23 owners are here present in the room, Mark Chason and

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1 Jeff Birtch, and we will have some comments a little bit
 2 later on through the process.
 3 You know our firm, you know how much we've done
 4 here in the city and in historic preservation and when
 5 we took this project one of the first things that we did
 6 was talk to our clients about where do we start and the
 7 response was start with the neighborhood context. The
 8 site and the neighborhood are important.
 9 So we looked at the site and the neighborhood and
 10 the commerciality of this block. This is sort of the, I
 11 hate to use the word, gateway, but it is the entrance to
 12 the Elmwood Village once you go through the historic and
 13 art part and the Buff State portion, entering the
 14 village.
 15 It's a very commercial area. Buildings have been
 16 modified over the years as commercial buildings. These
 17 are the views to the south. You can see the context of
 18 Forest and Elmwood on the left and the commerciality on
 19 the right and of course the gas station here, the Mobile
 20 to the left. This is the current site. It's a
 21 hodgepodge. These buildings were built as multiple
 22 dwellings when they were constructed. They were never
 23 single family. The last building which was left next to

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1 Panos that was torn down, was really the last vestige of
 2 the more heightened Victorian buildings of Elmwood, of
 3 the Elmwood Village.
 4 Granger Alley, if you've never seen that before,
 5 that's what Granger Alley looks like now and this is the
 6 Forest Side. Very important in the evolution of this
 7 project.
 8 This is the previous design concept, which was
 9 presented back in 2010 and 2011. We went through
 10 several meetings. We wanted to just sort of touch on
 11 what that looked like back in 2011. It was a hotel. It
 12 was eight stories tall. It was a giant building. It
 13 had evolved over the course of time.
 14 This is the Forest side. It evolved over the
 15 course of time but one thing that's important to point
 16 out with this building is the only place where humans
 17 could interact with this building was really the
 18 vestibule and the entrance to the hotel. Everything
 19 else was either parking or support for the hotel. So it
 20 really wasn't pedestrian friendly. Really wasn't
 21 friendly to the village.
 22 I want to talk about our process and the
 23 inspiration that we had in looking at this project and

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1 if you look around the city there are many areas, Melton
 2 Manor, which is a giant building on Chapin Parkway, a
 3 beautiful -- the Midway on Delaware.
 4 These are all things that help lead to how we
 5 designed our project. The walkups, some here in the
 6 City of Buffalo, some not. Franklin Street, Days Park.
 7 Some Brooklyn brownstones. These are all things that
 8 sort of led us to how we wanted to approach this
 9 project.
 10 We looked at urban scale considerations. We looked
 11 at Elmwood, in fact Elmwood five story buildings on
 12 Elmwood with two story commercial mixed use buildings
 13 adjacent to them at Allen. Going up Elmwood at
 14 Anderson, again, there is a five story building next to
 15 a three story building. It was a New York Telephone
 16 building, now a Verizon building on Elmwood. Then the
 17 core of Elmwood, which has a certain scale to it which
 18 is wonderful but, again, a four and a half story
 19 building in the midst of all that.
 20 Some of the current construction that's gone on
 21 here on Elmwood. Linwood Avenue. Some not so great. I
 22 want to say that when we were meeting with the residents
 23 we said we were listening. Well, we were listening.

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1 So our expectation in beginning the design of this
 2 project was that the residents supported walkable,
 3 interesting streets, healthy local businesses offering a
 4 variety of goods and services, respect for the historic
 5 significance of the area of beautiful buildings on
 6 Elmwood that are appropriate in scale and appearance,
 7 buffering and green space between commercial and
 8 residential use, sufficient parking, use of durable high
 9 quality building materials and classic architectural
 10 detailing and along with that they cared about
 11 respecting the scale and privacy of the local adjacent
 12 land use. No big box retailers. Projects that
 13 addressed parking issues on Elmwood, which we know we
 14 have everywhere when you're down there trying to find a
 15 parking spot, attention to environmental issues and
 16 attention to historical impacts.
 17 So where do we start. In the current design
 18 project we've had several meetings at Buf Sem, with the
 19 large public meetings, smaller group meetings with the
 20 Penhurst Group, the Granger meeting, the Elmwood Village
 21 Design Group and a couple of executive director meetings
 22 with them as well.
 23 So we've gone through this process and we want you

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1 to see how much we paid attention and listened to those
 2 folks through the process.
 3 So our process, and you guys generally don't get to
 4 see this. When we come here for a project, we are
 5 usually at the end of design. This takes us through the
 6 design process and how we start with some massing of the
 7 building and some pretty hard looking two dimensional
 8 building forms which we use to start to develop the
 9 massing of the site.
 10 So over on the right you see some little separate
 11 little things that ended up becoming townhouses and in
 12 the middle you see something that was supposed to look
 13 to separate the two masses and then different
 14 articulation and vocabulary as we went to the left.
 15 Something to pay really attention to is this is the
 16 last residence or the first residence on Forest after
 17 our project and you can look at the things that we are
 18 dealing with then. There is this great flat wall,
 19 basically, 10 feet away from that rental property.
 20 So here, again, the corner, one of the hardest
 21 parts of the architecture is the corner and dealing with
 22 that and how it addresses the street, but even at this
 23 early stage we sat with our client. We started to

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1 develop the scheme and week after week we were modifying
 2 it.
 3 You can see that the scale of these two story
 4 townhomes began to change. Began to take the appearance
 5 out of doing walkups. We started looking at green
 6 roofs. You can see Panos over on the right.
 7 Then the next thing that we did was look at the
 8 impact to the folks on Granger, how far back we were.
 9 So one of the first things we did was bury the first
 10 level of our parking. We have one level above grade and
 11 behind it a berm.
 12 We can talk about what that berm does in a little
 13 bit but you'd also see the top of the building, that
 14 fifth story, goes all the way to the back side and the
 15 east side of the building along Granger. So that was
 16 something that as we talked through the project we
 17 wanted there to be an evolution to that.
 18 This is another scheme where we began to develop
 19 green roofs and you can see the top floor actually wraps
 20 around onto Forest and you can also see the stepping of
 21 the building as we began to show a little bit of respect
 22 to that rental property on Forest.
 23 This is the first section we did through the site.

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1 So you can see the terracing of the roofs coming up as
 2 we began to step away from the Granger residences.
 3 These are the garages that you saw in that picture of
 4 Granger Alley.
 5 And in this berm right back here we're going to
 6 have a cistern that runs along the entire length of the
 7 parking structure which will recede and hold all the
 8 storm water on to the site and will pump it back up to
 9 the green roofs for irrigation purposes. So we're
 10 keeping and retaining as much water on the site as we
 11 possibly can.
 12 Also, notice that we have one full parking level
 13 below grade. No longer is there a parking level that
 14 addresses Elmwood. So instead of having a dead piece of
 15 architecture there, by moving the parking behind it
 16 you're eliminating that.
 17 As we get through, again, we don't usually show
 18 these all to you, but as we are sketching through the
 19 process in the office you can see how this property is
 20 evolving in design. You can see the impact of some of
 21 our inspiration. That two story mansard that you saw on
 22 the project in Boston, the townhomes. You begin to see
 23 some articulation of the colonnade on the retail side.

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1 Although these are apartments up here versus the
 2 townhomes, which are really meant to be sort of a pause
 3 going back into the district, but it makes them more
 4 human scale and, again, this is the Forest side. You
 5 can see how the building is stepping down and this gap
 6 in here is starting to get a little bit wider between us
 7 and that property.
 8 Another piece of the evolution as we get to a
 9 little bit more articulation of the building. Again,
 10 another section of the building. So what we've done in
 11 this is pushed the fifth floor toward Elmwood, created
 12 another green space, a yard on the back side of the
 13 units up on top, and as you see through the section of
 14 the building you'll see the second terrace up here and
 15 now we move this mass to the front. So when you look at
 16 this line of sight when you're on Elmwood you're not
 17 seeing the upper floors and when you're on Granger, this
 18 upper floor is another 30 feet further away.
 19 Again, back in articulation, working on the
 20 exterior facade of the building. That was really the
 21 first exterior 2-D facade plan that when you see the
 22 evolution you see the rendering over on the easel, and I
 23 think you can pull that other one off of there, Giona.

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1 Here you'll see that evolution continue. Then we
 2 started working on the left side of the building, that
 3 is the side on the left side of the curtain wall, and
 4 again looking to articulate and create the vocabulary
 5 for that piece of architecture.
 6 Eventually, we came up with this 2-D sketch and
 7 you can see on the right this sort of the pause, this
 8 sort of clear glass atrium which looks all the way
 9 through to Granger, which will be the thing that
 10 connects the two buildings.
 11 One of the things that I want you to really pay
 12 attention to is that the architecture on one side is
 13 really different than the architecture on the other
 14 side. The vocabulary is different. The concept here is
 15 to divide this building into two buildings with a pause
 16 in the center, that little open park that we created in
 17 between. This will be the only floor plan I show you
 18 because I think it's important to the context of the
 19 plan.
 20 Our two levels of the parking are split. Access is
 21 split between two different locations. So, the upper
 22 level of our parking is accessible from Elmwood and the
 23 lower level of our parking is accessible from Forest.

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1 What that is going to do for us is split the
 2 traffic in two different locations. We have 150 total
 3 spaces in the building and it's going to allow for a lot
 4 easier control of access to the site.
 5 It also shows where our townhouses are. We have
 6 this little pocket park in the center here. There is
 7 our atrium. Here is all of our commercial space going
 8 into the corner and then as you go around the corner to
 9 Elmwood, I mean to Forest, the two other walkups on the
 10 Forest side.
 11 I should note when this project started, and you'll
 12 see this information a little further, there was 57
 13 units and it was about 240,000 square feet. As of
 14 today, there are 44 and that's 166,000 square feet. So
 15 70,000 square feet of this building, plus or minus, is
 16 the residential part. The other 54,000 is parking and
 17 7,500 square feet of retail.
 18 So here are some views of the buildings as we walk
 19 through this. This building, the massing of this
 20 building, even though we were looking at this under the
 21 current code, we also looked at this under the Green
 22 Code as originally proposed as a five story and with a
 23 three, a three story stepping the building back.

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1 So this building goes with the Green Code, the
 2 original Green Code as written stepping the upper
 3 stories back. So if you're standing on the opposite
 4 side of Cole's and you're looking up, you can barely see
 5 the top of the fourth floor and you can just see the
 6 roof of the fifth floor.
 7 So, that was really a goal of ours, was the closer
 8 you are to the building, the less that you see. Your
 9 experience on Elmwood should strictly be that three
 10 story as a pedestrian.
 11 The other part of this was creating enough
 12 articulation of the building that we put people that are
 13 living there on the street. So the folks that are up
 14 here, every unit has a patio so folks will be able to go
 15 out on the patio and to engage themselves with the
 16 activities on Elmwood.
 17 We've also taken a little umbrage and redesigned
 18 the streetscape on Elmwood. We'll be talking to Steve
 19 Stempniak and the Mayor about maybe instituting some of
 20 these concepts as the project moves forward.
 21 So this is standing right up -- right next to one
 22 of the townhouses and if you look right here, right up
 23 at the top right here, you see the top, basically, the

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1 top of the building. This is the idea.
 2 As a pedestrian, I think you're all probably aware
 3 when you're walking down the street that generally
 4 you're not walking with your head up in the sky. So we
 5 tried to make something that was scale.
 6 Now, I'm rushing a little bit because I have been
 7 asked to sort of keep this as short as possible, but I'm
 8 going to slow down though a little bit right now.
 9 So through our meetings with the residents, right
 10 from the first meeting we got fantastic feedback.
 11 Fortunately, some of them were my peers and they were
 12 residents and they came back and said, hey, Steve, we
 13 think it's too busy. We think you're using too much of
 14 this, too much of that. So, we went back to the drawing
 15 board.
 16 So for instance, in this -- when this scheme
 17 evolved, we had a giant corner here. We had all this
 18 articulation and wild stuff on it, but as we met we
 19 eliminated that. We simplified this whole corner. We
 20 simplified the elements at the top. Brought glazing out
 21 closer to the front, even though we have these two
 22 wonderful patios up here on the second and third floor
 23 for those residents, but in each case the building

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1 evolved and all of this because of really fantastic
 2 feedback that we had from folks that we met with.
 3 This is showing really the side down Forest
 4 cascading down toward this -- toward that last building
 5 on Forest or the first residence on Forest. Again, some
 6 of that evolution. This was one of the townhome designs
 7 and that evolved to that. That was another idea. You
 8 can see the distance between these properties.
 9 Again, that's where we are today. This distance
 10 here almost tripled from what we originally had and the
 11 height of the last townhome is actually below the roof
 12 line, mid span roof line, of that rental property on
 13 Forest.
 14 This was the final concept. So after all of that,
 15 after all of the impact, this is where we are today and
 16 I'm just going to show you some views here and then I'm
 17 going to turn it back over to Mark Chason to make some
 18 comments.
 19 So these are in context views, very important. I
 20 think that, you know, there had been some views posted
 21 in certain social media which really don't address the
 22 true scale of the building. So I wanted to make sure,
 23 especially this view, you can -- you get a real sense of

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1 standing at the crosswalk and seeing looking down
 2 Elmwood and what I want to point out is even down the
 3 middle of the street, you can barely see the top dormers
 4 of the fifth floor of the building.
 5 So I think it's very much in context with the rest
 6 of the commercial property. It becomes a really
 7 wonderful gateway into the Elmwood Village. This is
 8 that view of that pocket park. Here are townhouses on
 9 the right, commercial on the left on the first floor
 10 with residences above. This is the Forest side and you
 11 can see this, the building cascading here along Forest.
 12 So one of the things that we did was, obviously,
 13 designed the building with multiple massing elements to
 14 really address the distinctive vocabulary in the area.
 15 We originally had 57 condominiums. We now have 44
 16 and those are for sale. These are people that are going
 17 to be living and paying taxes downtown. They're going
 18 to be using the services of all these commercial
 19 entities in the area.
 20 The idea is to attract as many young professionals
 21 and empty nesters to this site as possible. The Granger
 22 site has undergone several design changes to address
 23 some of the concerns they had and that addressed the

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1 green roofs and created the greens roofs and the
 2 terracing of the project. There is 150 spaces inside
 3 this building. So we can provide two spaces for each of
 4 our residents and then have plenty of space inside for
 5 our commercial tenants and visitors. So we're actually
 6 giving parking spaces back to Elmwood.
 7 Where all the curb cuts are, that's going to go
 8 back to the city and they'll be able to provide on
 9 street parking in the Elmwood district and we're going
 10 to have other amenities inside the building for the
 11 residents.
 12 It's important to note that the idea here is that
 13 the folks that are living in these residences are going
 14 to have patios. On the east side of the building there
 15 are some great views to be had toward the east and the
 16 park.
 17 It was important to include some views down along
 18 Granger Alley where all these garages are, a lot of
 19 trees, a lot of plantings along there, but we tried to
 20 give sort of an honest view from the Granger Alley.
 21 Lastly, these are the last few slides here, this is
 22 a massing history from Forest looking south. So the
 23 tallest outline you see was the original proposal you

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1 saw, the eight story when I was showing you the previous
 2 proposals from 2010.
 3 This is where it went down to during the course of
 4 that negotiation, to that footprint. Our current
 5 footprint looks like that and I'm going to superimpose
 6 them all together. So 2010 was 106 feet back from the
 7 back of the Granger properties, the residences. The
 8 proposal at the end of 2011 was 118 and to the most
 9 vertical section of ours is 130 feet back from the
 10 Granger property.
 11 So this property is continuing to move to the west.
 12 We have this terracing along Elmwood, which matched what
 13 the Green Code was suggesting for setbacks above three
 14 stories and you can see because of that angle it
 15 restricts views.
 16 These are shadow studies that we did. So this is
 17 January, early morning. You can see where the shadows
 18 exist as the sun comes up in the east, which is to the
 19 upper left. This is dusk in January. This is early
 20 morning June, lots of sunshine, in our green roofs
 21 especially, and then June dusk. Thought that was
 22 important for you to see.
 23 So I think we've done all this. We've respected

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1 the historic fabric of Buffalo. We've used iconic
 2 architecture and quality materials to design the
 3 building, all the things we did to step the building and
 4 to respect pedestrian exposures and then of course,
 5 chamfering that Elmwood/Forest corner, creating a
 6 friendly pedestrian location for people to come
 7 together.

8 All the parking is inside. Transitioning into the
 9 adjoining properties has been an evolution but I think
 10 we accomplished a great solution to that. The idea of
 11 sustainable design, including the storm water retention
 12 and roof guards. Should note too that this property too
 13 will have 50 percent less impervious area than the
 14 current use. So, 50 percent less storm water runoff on
 15 this project. That's it.

16 MR. RICCA: Steve, just one point. You have
 17 said 150 spaces a couple times.

18 MR. CARMINA: Ish.

19 MR. RICCA: It's 140 spaces.

20 MR. CARMINA: Sorry about that, 140 spaces.

21 MR. RICCA: It was 150 at one time.

22 MR. CARMINA: Mark Chason, are you going to --

23 MR. CHASON: I'm Mark Chason, the developer,

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1 and Jeff Burch is here also. I just want to say thank
 2 you for sitting through this.

3 We have spent a number of years, actually, on this
 4 development. We've had over 20 meetings with local
 5 folks on all the streets around there as well as some
 6 public meetings and we've recently reached out to all of
 7 the neighbors in the area, or we've reached most of
 8 them, not all, and we have a survey that I would like to
 9 give you. Three hundred people have responded so far
 10 and 297 are in favor of the project. Of the three that
 11 aren't, one has the project confused with another one.
 12 There are also some additional letters of support, so I
 13 would just like to submit these. Thank you very much.

14 MR. CARMINA: One last thing. I want to chat
 15 about materials real fast, if I can. I can bring the
 16 slide back up but if you want to look at the rendering
 17 across the way, let me give you a look. Just give me a
 18 couple seconds, I apologize.

19 I can start by saying that the building is mostly
 20 brick. Let me get to, and I apologize for having to do
 21 it this way. I can never use these. Let me just get to
 22 the current one, that would be way better. All the
 23 materials are here.

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1 The building is two different brick themes. So the
 2 townhomes on either side in either corner will have a
 3 brick and accent color, face brick and accent color, and
 4 then this commercial area through the center will have a
 5 different brick and accent color.

6 Again, the concept is for these to be almost two
 7 separate properties. The language in the articulation,
 8 what we call the -- again, okay. So the vocabulary of
 9 the commercial design is a lot different than the
 10 townhomes. So that really gives us the ability to alter
 11 to the materials a little bit.

12 So what you're going to see consistent throughout
 13 is some stone banding, which will be precast concrete.
 14 It will look like limestone. You're going to see pairs
 15 of brick colors on the townhomes, pairs of brick colors
 16 on this corner entity. The top of this building will be
 17 much like they were back in the day when they did
 18 cornices. It will be a metal system. So the top
 19 cornice will be some rain screen and some metal to
 20 articulate the bracketing.

21 All the glass here will be clear glass so that you
 22 can see through it. I mean, that's the idea. We want
 23 this to be more like old type housing where you actually

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1 could see in and out of a place and not have it
 2 unfriendly. So no reflective glass here.

3 Up on the top of the building you'll see slate and
 4 this is a synthetic slate. It's made with recycled
 5 materials. It's a very green building. You'll also see
 6 through the building up on the top reaches where you see
 7 that sort of green siding that is hardy. So, we're not
 8 using any vinyl siding or anything cheap like that.

9 So these are all very high quality material on the
 10 building. Through the center where that little pocket
 11 park is, we're going to have some curtain wall glass,
 12 but, again, that will be clear. The only thing that we
 13 will be using here will be for energy efficiency. The
 14 idea here is to make this building transparent. Rather
 15 than putting a wall up there we wanted it to be
 16 transparent.

17 So, again, we have all the materials here. If you
 18 guys want to touch and feel it, we can put them over on
 19 the side board. Jonah, why don't you at least pull some
 20 of them out and at least show them.

21 So the brick on the -- that's better. So that
 22 board that she is holding, that would be the brick that
 23 we would use on the townhomes. We want these to look

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1 sort of lived in. We wanted that brick to look a little
 2 bit beat up and have these look like they're older than
 3 what they really are.
 4 The other one that he has in his hand would be the
 5 base brick for the commercial side of the building. So
 6 you can see the marked difference in the modularity of
 7 the brick as well as the color. Then we would be
 8 picking an accent color for each of those that would be
 9 utilized in all of the -- any of the banding that you
 10 see here. Any of this banding is stone or precast
 11 concrete. So you just want to go up a little darker
 12 with the accenting in those areas so that those will
 13 jump out a little bit.
 14 Then we have some samples of the hardy so we can
 15 show you. We're probably going to be using two colors
 16 on the hardy and they're right next to each other, those
 17 two right there. Again, we want something that's going
 18 to look like a canopy. We're not looking to use
 19 artificial colors in that property. So those would
 20 probably be the two colors. They're complimentary to
 21 each other. Then you also have some slate.
 22 This is a slate that is again recycled material.
 23 It looks great. It's actually multiple colors but it's

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1 not real loud multiple colors. It's, again, very simple
 2 changes in tone and that will be used on the upper roof
 3 area and then the glazing, we didn't really bring a
 4 sample of glass because it's clear but we brought the
 5 color of the glazing material, which is dark bronze.
 6 Oh, we did bring it. It is clear. So we have the
 7 bronze and the clear and all the glazing in this
 8 building will not be commercial glazing. It will
 9 actually be residential style glazing.
 10 So there will be Pella windows, Pella storefronts,
 11 Pella transoms and operable windows. So these will have
 12 all of that extra exterior detailing that you see with a
 13 residential style window. So it will be aluminum clad
 14 on the outside and it will be wood on the inside and,
 15 again, these are residences and these are people that
 16 are going to be paying for these. They're not rentals.
 17 So we're going to be putting high quality there.
 18 One of the things I missed talking about, and I
 19 should real quick, is in these townhomes, we've set
 20 these back beyond -- in fact, that was one of our
 21 variances, because the code requires -- allows no
 22 setback.
 23 Jonah, put the site plan up real quick. We

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1 actually pushed, actually pushed the townhomes back, but
 2 they had a little garden in front which actually goes to
 3 the property line and the idea is, even for the townhome
 4 residents, is that they're going to have an accessible
 5 yard coming from their side. They'll be able to walk
 6 out from their doorway down into this garden and have a
 7 little area for them to sit and also interact with the
 8 neighborhood.
 9 So the last thing I want to touch on is
 10 landscaping. Again, we've taken the liberty of
 11 re-landscaping that whole corner and creating a
 12 different vibe there as far as seating, encouraging
 13 people to interact with each other.
 14 Here you see a lot of those benches that we show
 15 opposing each other and all this landscape and our plan
 16 is to take it to the city and see if we can work with
 17 them on redoing that landscaping part of our project.
 18 Unless we have comments about that, I'm done.
 19 MR. MORELE: Are you finished with your
 20 presentation?
 21 MR. CARMINA: Yes.
 22 MR. RICCA: If you would like to get to the
 23 public comment portion because all these nice folks are

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1 waiting.
 2 MR. MORELE: Right, but at some point if you
 3 could detail the process, what is going to happen here
 4 moving forth, the comment period, all of that stuff.
 5 MR. RICCA: So as you know from, if you have
 6 seen this notice from the hearing today, there is an
 7 indication that there will be a public comment period.
 8 That period will be held open until December 19. So,
 9 anyone who would like to submit comments for or against
 10 the project is free to do so until that time.
 11 That will become part of the formal public record
 12 on this project and that will be considered in
 13 connection with what the next step in the SEQRA process
 14 would be, which would be the development of the final
 15 Environmental Impact Statement.
 16 The Environmental Impact Statement talks about,
 17 among other things, a mitigation of any significant
 18 impacts identified and also provides an opportunity for
 19 the lead agency to respond to the comments that are
 20 received through the public comment period.
 21 So at some point after the close of the public
 22 comment period a final Environmental Impact Statement
 23 will be prepared. The time line for that is somewhat

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1 organic. There are time periods designed to protect the
 2 applicant but usually the agency works together with the
 3 applicant to come up with a reasonable time period.
 4 Once a final Environmental Impact Statement has
 5 been considered complete by the lead agency, it issues a
 6 Notice of Completion of the FEIS and publishes that in
 7 accordance with the SEQRA regulations and that will
 8 become part of the public record and appear in the
 9 environmental notice bulletin.
 10 At that point there is what under SEQRA is referred
 11 to as a consideration period of ten days. The lead
 12 agency cannot take any action until that ten day period
 13 has elapsed. Once that ten day period has passed, it is
 14 the obligation of the lead agency to issue a Findings
 15 Statement. A Findings Statement is a document in which
 16 the lead agency discusses all the environmental issues
 17 and any significant impacts identified, any required
 18 mitigation measures and ultimately, a conclusion as to
 19 whether any significant impacts have been avoided or
 20 mitigated.
 21 MR. MORELE: The reason I asked the applicant
 22 to go over that detail is because the Planning Board's
 23 office would not be issuing another notice to say that

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1 we're going to have subsequent meetings.
 2 So what is going to happen is it's going to be up
 3 to the individuals in the community and if the applicant
 4 is willing to, hey, we're having another meeting to
 5 discuss those findings, the summaries and our actions
 6 thereafter. So just to make sure that if there are
 7 going to be other meetings that are going to take place,
 8 to make sure that the communication remains open and I'm
 9 sure it will be.
 10 MR. RICCA: Absolutely.
 11 MR. MORELE: Okay. I'll ask the question
 12 again. Are you finished with your presentation?
 13 MR. RICCA: Yes.
 14 MR. MORELE: Is there anyone to be heard on the
 15 hearing? Please step forward. State your name, your
 16 address and as was indicated in the opening statement,
 17 you have three minutes. If three minutes is not enough
 18 for you to make your statement, written comments will be
 19 accepted until December 19. We have a timer. I would
 20 also add if the previous speaker has said that comment,
 21 there is no need to repeat that comment because it's on
 22 record.
 23 Please state your name, your address and make your

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1 comments.
 2 MR. KELLY: My name is Jerry Kelly. I live at
 3 759 Bird Avenue. It's in the Elmwood village. I lived
 4 there for the past 45 years.
 5 For the first 17 years of my career I was a city
 6 planner but I currently own a real estate financing
 7 company. The nationally prominent Deloitte accounting
 8 firm recently completed their 31st annual survey of
 9 holiday spending trends and for the first time the
 10 survey respondents found that there is going to be as
 11 much shopping online as there is in physical stores. We
 12 saw this of course over the Thanksgiving holiday.
 13 So, as the Internet starts galloping ahead of
 14 bricks and mortar as a shopping destination, we need to
 15 be aware of this. Our beloved Elmwood commercial
 16 corridor needs to fight this trend to be economically
 17 viable.
 18 How do we do this? I think this project is an
 19 ideal response. Why? It will bring much needed bricks
 20 and mortar buying power right into the corridor, new
 21 higher income shoppers within walking distance of our
 22 commercial merchants and our restaurants. Furthermore,
 23 the always contentious issue of parking is dealt with by

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1 actually adding new surplus off street parking to the
 2 parking that's reserved for the residents. Small retail
 3 spaces are provided for local retailers and remember,
 4 our local retailers, typically, have less Internet
 5 presence than national retailers so that they
 6 particularly need brick and mortar shopping to deal with
 7 this new e-commerce world that is evolving.
 8 I am not an architect and I don't claim expertise
 9 as to the best design but I do love some of the features
 10 of this project: The step back design above the third
 11 floor, the large increase in the course drainage for the
 12 storm water runoff, the collection reuse of rain water
 13 and snow melt, the landscaped pocket park facing Elmwood
 14 which breaks up the Elmwood facade, the condominium
 15 ownership which adds new housing options for Elmwood
 16 Village.
 17 I know that the developers have had a number of
 18 community meetings to obtain input and I'm sure not
 19 everyone is satisfied. I think I may be an outlier.
 20 No project ever does this, but as we take the
 21 Elmwood Village into the reality of the 21st century, I
 22 think this project will help us preserve our much loved
 23 neighborhood and commercial district as it faces the

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1 important challenges of the years to come. Thank you.
 2 MR. MORRELL: Thank you. State your name and
 3 your address please.
 4 MR. GIACALONE: My name is Art Giacalone. I
 5 live at 17 Oschawa Avenue. I'm here on behalf of Sandra
 6 Gerage, who owns 611 Forest Avenue which is immediately
 7 adjacent to -- the yellow here is the property, the
 8 site, that Affinity is asking to demolish and build on.
 9 My client lives right here. I'm here on her behalf,
 10 although what I'm expressing I also agree with as a
 11 resident and as an attorney who has spent over a quarter
 12 century doing zoning and environmental review law.
 13 I want to say that three minutes is not near enough
 14 but number one, one thing in the DEIS that is just an
 15 inaccuracy suggests that the existing properties on this
 16 site that are detached residences with green yards in
 17 front are not in compliance with the Elmwood Village
 18 design standards. That's false.
 19 The DEIS only applies to commercial properties
 20 abutting Elmwood Avenue, not residential properties. So
 21 those properties do comply with the Elmwood Village
 22 design standards. So demolishing them, one excuse to
 23 demolish them is that they somehow are out of standard.

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1 They are not.
 2 So eight out of the 12 properties, including the
 3 two on Forest, are not out of compliance.
 4 The DEIS says that the Elmwood Village is
 5 increasingly desirable due to the intact urban fabric.
 6 Ironically, this proposal rips apart that urban fabric
 7 by demolishing 10 structures that have all been listed
 8 recently on the National Register of Historic Places.
 9 The comprehensive plan for the City of Buffalo
 10 expressly asked neighborhoods to do surveys and to
 11 become historic districts. For whatever reason, the
 12 developer believes that this is insignificant and that
 13 these structures have no meaning historically. They do.
 14 They are part of a neighborhood that has been intact for
 15 more than a century.
 16 My client is not going to be fooled by the proposed
 17 building that claims to have the appearance of multiple
 18 structures and reads as a three story building when in
 19 fact this five story 166,000 square foot structure is
 20 totally inconsistent with anything in this neighborhood.
 21 Let me quickly go through that. The 12 properties
 22 that they want to demolish -- the 12 properties they
 23 want to demolish have a combined square footage of

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1 34,000 square feet, 20 percent of what they want to
 2 build there.
 3 The five or the six properties directly across, the
 4 commercial properties on Elmwood, have a combined square
 5 footage of 34,000 square feet, 20 percent of what they
 6 want to build.
 7 The adjoining properties on Forest and Granger, 12
 8 properties, have a combined square footage of,
 9 approximately, 28,000 square feet. This is so out of
 10 proportion that it cannot be treated as something
 11 consistent with the Elmwood Village and with what the
 12 Elmwood Village stands for. Thank you.
 13 MR. MORRELL: Thank you. You can hold off on
 14 the clapping so that we can get through this.
 15 Please state your name.
 16 MS. OKONIEWSKI: I'm Karen Okoniewski and I've
 17 lived at 32 Granger Place since 1987. I am in full
 18 agreement that this project should go forward. The
 19 architects have bent over backwards for the residents of
 20 Granger Place to keep our ideas in mind and I think it's
 21 a beautiful structure. I would like to live there.
 22 I would also like Steve to elaborate on the garbage
 23 because I live in Panos' dumpster.

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1 MR. MORRELL: Thank you. Next.
 2 MS. BENCINICH: My name is Evelyn Bencinich and
 3 live at 48 Granger Place and I think all this stuff
 4 would look good on the existing homes that are there
 5 right now. I think the housing market is warranting the
 6 possibility of it. You can look at something like the
 7 Mayfair townhouses on North Street. I think two years
 8 of the disturbance of demolition and construction and I
 9 fear blasting. I don't know if you need to blast to
 10 make the underground garage.
 11 I also believe that the massive scale is
 12 unprecedented in the annals of demolition in a
 13 residential neighborhood. All these buildings you're
 14 showing were probably already there and the little homes
 15 were built around them.
 16 I think that this could infringe on like the
 17 quality of the life of the residents because of the
 18 scale. It doesn't fit with the Elmwood Village vibe and
 19 I'm concerned about the potential environmental or
 20 structural damage to our extremely in close proximity
 21 homes that are a hundred years plus in age.
 22 I also, when you presented the Granger Place
 23 depiction on your chart, I was wondering if that was all

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1 the way up to Bird Street, because like four properties
 2 were missing on your depiction. Was that all the way to
 3 Bird Street? So it kind of makes it look like the scale
 4 is smaller as compared to your structure. That's my
 5 interpretation anyway. I could be wrong.
 6 Not knocking the design, but I think you could use
 7 all this stuff in renovating current buildings and just
 8 hoping that a 166,000 square foot building is such a
 9 intrusion on residential neighborhood and, again, I am
 10 concerned about the construction and demolition. Thank
 11 you.
 12 MR. MORRELL: Thank you. Please state your
 13 name and your address.
 14 MR. LITTLEFIELD: My name is Martin
 15 Littlefield. I live at 48 Argyle in the city. I am
 16 chairman of the Elmwood Village Working Group, which has
 17 labored over the last ten months to get the changes in
 18 the Green Code, not the Green Code that the architect
 19 referred to, but the Green Code that is now in its final
 20 stages.
 21 Let me just make a few comments. I understand that
 22 this Board is looking at this project under the existing
 23 code and with that in mind, I want to point out in the

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1 DEIS they said the project seems to transform the site
 2 into more consistent with the prevailing Elmwood design
 3 standards and the proposed building is sensitive to
 4 scale of the predominant buildings in the village as
 5 evidenced by the exhibits.
 6 If you join me on page two of our statement in the
 7 filing, seven photos of the 12 photos are outside of the
 8 Elmwood Village. Three photos are of buildings
 9 Q. That are about a mile away. One photo is of a century
 10 old four story building at Elmwood and Amherst, about a
 11 mile away, and another is a six story inclusionary
 12 housing building about a mile and a half.
 13 The important thing to look at, and I would like to
 14 bring the Board's attention to, is that the law requires
 15 this analysis under the Elmwood Avenue design standards
 16 and under the Elmwood Avenue business district as its
 17 present law.
 18 Under the law you have the purpose to regulate and
 19 limit the height and bulk of buildings. That's the
 20 purpose of the zoning ordinance. The legislative intent
 21 is to ensure the aesthetics to such development should
 22 be subject to public review. The legislative intent is
 23 that there is overdevelopment and expansion in the

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1 Elmwood Village area.
 2 In the Elmwood Avenue business district standards,
 3 40 feet is the maximum height. That's the law. The
 4 Elmwood Village in support of that, the character and
 5 style of the neighborhood, is supported by the findings
 6 of the Office of Strategic Planning. The Office of
 7 Strategic Planning and the Green Code made specific
 8 findings that are based upon community impact. Based
 9 upon community impact there should be no height more
 10 than 44 feet, that they wanted to discourage large
 11 scale -- this is findings of what the public wanted.
 12 In the Elmwood Design Standards, I want to be
 13 quick, but I represent at least four people so bear with
 14 me just a little bit, the Elmwood Village maintain and
 15 enhance the unique character and scale of the community,
 16 the small scale appearance, specifically, in the design
 17 standards.
 18 It says, if you'll indulge me just a bit because
 19 I'm reaching the point, the design standards, the DEIS
 20 says the predominant scale of the other buildings
 21 nearby, that they must match the predominant height of
 22 the buildings within the area of drawing 1.
 23 On page six, if you will look at that, the Elmwood

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1 Village design standards specifically require, and they
 2 give an example in drawing 1, that a building next to
 3 another building that is five stories compared to two
 4 and a half stories is inappropriate.
 5 I submit to you that the standards are very clear
 6 that the law requires denial of this project. Now, I
 7 want to temper that with I think Mr. Chason and his
 8 group has done a wonderful job. I think it's a
 9 beautiful looking building and I want to add that under
 10 the law though it's required of a three story limit or
 11 40 feet. Thank you.
 12 MR. MORRELL: Thank you. Just state your name
 13 and address.
 14 MR. SEDITA: My name is Joe Sedita and I'm here
 15 with a lot of my neighbors, but the first thing I want
 16 to do is compliment Affinity, Mark Chason and his folks
 17 and the architects for their wonderful outreach and
 18 including us in the planning process and keeping us very
 19 well advised as this matter went forward.
 20 The second thing I want to say is this. I have
 21 lived at Penhurst Park for 31 years this December. This
 22 project is literally at the end of our street on the
 23 other side of Forest. We cannot be more enthusiastic

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1 about it. It proposes to replace a bunch of let me call
 2 it, call them kindly, undistinguished structures with a
 3 really wonderful building that will increase the density
 4 of the area.
 5 I harken back to Jane Jacobs, the great
 6 urbanologist, who said that the essence of cities is
 7 density and density equals opportunity.
 8 We could not spend more time living on Elmwood
 9 Avenue and having it a real part of our lives and we
 10 welcome this development as a great enhancement to our
 11 neighborhood and to our city. Thank you.
 12 MR. MORRELL: Thank you. If you would, state
 13 your name and your address.
 14 MR. KRAYNA: My name is Anthony Krayna but
 15 everyone calls me Tony. I live at 312 Jersey Street,
 16 Buffalo, New York. I was a licensed real estate sales
 17 person for 30 years. I owned the boutique on Allen
 18 Street back in the '70s that was the most popular one in
 19 the city, I think, although there are some here in the
 20 audience that might argue, and more importantly, I was a
 21 City of Buffalo assessor for 20 and a half years. I was
 22 the supervising assessor for ten and I would like to
 23 start off by saying wow.

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1 I'm not aware of any developer or architectural
 2 firm that has done so much to address the concerns of
 3 the residential people around post-project. It's
 4 incredible.
 5 You know, a thing like this can be built in such a
 6 way that it's a great wall of China behind it. They
 7 have gone out of their way to make it so attractive, I
 8 would argue that the end result is going to be more
 9 attractive than looking at the back sides of those aging
 10 residential and some of them commercial structures that
 11 are really kind of crummy, but let me get on to some
 12 things that I think are important.
 13 This project is architecturally attractive, in my
 14 opinion. It's urbane yet it's of a scale that should be
 15 acceptable to the community. This is a very, very
 16 special site. I'm concerned about the residents that
 17 are there but we have to look at this as citizens of
 18 Buffalo. This is not the waterfront. It's not the
 19 medical corridor. It's far inland but the site is so
 20 special it's just incredible that a developer came along
 21 that had the vision to see what this site is capable of
 22 for the community and for all the rest of us, for the
 23 tourists that visit the history museum, the Albright

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1 Knox, the Richardson and the parents that come to visit
 2 their kids at Buf State, for instance.
 3 Elmwood Avenue is a -- there is different levels of
 4 shopping centers. It's a community shopping center. It
 5 acts like a community shopping center but it also has a
 6 limited regional draw. Very important to the city in
 7 terms of generating incomes.
 8 This project will generate, I'm talking as an
 9 assessor, this project will generate a significant
 10 amount of property tax revenue and beyond that it will
 11 generate sales taxes that are shared by various levels
 12 of government.
 13 I'm impressed that this project has its own off
 14 street parking. I know that was mentioned before but
 15 some projects have been approved on Elmwood Avenue that
 16 have subtracted parking rather than adding parking and
 17 that really is a danger for the small commercial people
 18 that are here. Remember, I was a small commercial
 19 person.
 20 Condominiums. A lot of people who are of a certain
 21 income when they get to a certain age find condominium
 22 living very, very attractive. It's what works for them
 23 then. They don't want to take care of a house and cut

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1 the grass anymore and so forth. If we don't create more
 2 in this city they are either going to go to the suburbs
 3 or they're going to go out of state because it's what
 4 they want.
 5 So I think I kind of covered everything. I would
 6 just say that I hope that some of the people around that
 7 still have some objections really look at this proposal
 8 a little more to see the benefit, not just for the city
 9 but for their community, and also if they have to
 10 dialogue some more with the developers and the
 11 architects. Thank you.
 12 MR. MORRELL: Thank you. State your name and
 13 your address.
 14 MR. D'ANDREA: My name is Chris D'Andrea and I
 15 live at 92 Claremont Avenue, Buffalo. I spent 25 years
 16 as a commercial real estate consultant and my concern
 17 with this project is if there will be a feasibility
 18 study that will be made available to the public because,
 19 you know, as far as I'm concerned, the market right now
 20 is in a bubble and we're in 2007/2008 stages. My
 21 concern with this project is the interest rates have
 22 spiked almost a full percent in the last ten days, so I
 23 think we're seeing a market bubble and we're really at

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1 the pinnacle of it and usually the condo market would be
2 the first market to crash.
3 My concern is if we demolish these buildings and we
4 have a hole in the ground and this project becomes
5 unfeasible. So that would be my major concern with this
6 project and it's really out of character with the whole
7 neighborhood and like some of the new developments on
8 Elmwood, the one next to Wilson Farms is hideous. I
9 don't know anybody that likes that building.
10 MR. MORRELL: We're talking about 1111 Elmwood.
11 THE WITNESS: I know, I know, but we have
12 another project planned for Bidwell that Ciminelli is
13 building.
14 MR. MORRELL: But we're talking about 1111
15 Elmwood.
16 MR. D'ANDREA: I know but we're looking at the
17 whole neighborhood and if we're destroying the whole
18 character of the neighborhood, than what is the point?
19 Anyway, is there going to be a feasibility study made
20 available that we can look at because I can't see how
21 this project is going to be feasible. So thank you.
22 MR. MORRELL: If you can state your name and
23 your address.

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1 MR. SACK: My name is Daniel Sack. I live at
2 105 Lancaster Avenue. I have lived at 105 Lancaster
3 Avenue for 40 years. I'll stick to the items in the
4 DEIS. SEQRA part 617.955 requires a range of reasonable
5 alternatives to be a part of the DEIS. They weren't
6 discussed here. They are discussed on page 55 under
7 alternative analysis. They do not discuss many
8 reasonable alternatives. They mention the previous
9 proposal for an eight story building, which they showed
10 you views of, but they made no mention of the previous
11 design for a four story building. I don't know why that
12 is but here is the four story building that is half the
13 length of this proposal. This was proposed I think
14 about 10 or 12 years ago by Savarino. They didn't build
15 it, but there wasn't just a proposal for an eight story
16 building, there was a proposal for a four story
17 building. Conveniently, they left this out.
18 A person who is studying to be an architect came up
19 with some drawings and photos and this one on top is
20 what is there now. The one in the middle is the
21 proposal that Chason Affinity has and the one at the
22 bottom is a reasonable alternative. It is a three story
23 building. It is much more in scale with what is there

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1 in the neighborhood.
2 Interestingly, as Mr. Carmina mentioned, there has
3 been criticism on social media of this image here saying
4 it's way out of scale. The truck is floating on the
5 street. There is distortion, lens distortion.
6 Well, I'll tell you, I measured with a laser tape
7 and measured the bottom of the gutter on the Subway
8 building at 20 feet four inches and this here is three
9 times that height. So Mr. Carmina felt obliged to come
10 up with their own rendering, which we see on the screen
11 now.
12 Now, I was told that this was a deceptive image and
13 here I see their answer and they cut off the top of the
14 building. So I'm just kind of astonished that they
15 would do that when it's quite clear in my photo that
16 there is equal lines there at 20 feet, 40 feet and
17 60 feet. It's a much more -- it gives you a lot more
18 impact as to what people will see as looking down
19 Elmwood Avenue.
20 So I hope that you consider that and you look at
21 this more reasonable image here as opposed to that image
22 up there, which I don't know how they came up with that
23 when the building is three times the height of where the

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1 gutters are on the building across the street.
2 They're here they say being generous doing the
3 SEQRA process but if they didn't need to do such a
4 process, we wouldn't have to be here except for site
5 plan review, which would be required.
6 As Mr. Littlefield said, they need a variance for
7 the height of the building because the Elmwood Village
8 design standards, this has been the law since 2009,
9 people say the drawing is an ambiguity but I don't know
10 how anybody can argue with the drawing there and what it
11 means. I was party, as you all were, to creating these
12 and we went over it and over it and over it and no one
13 said, jeez, I don't know what this drawing means. Thank
14 you very much.
15 MR. MORRELL: Please state your name and your
16 address.
17 MR. DENNIS: Carl Dennis. I've lived at 49
18 Ashland Avenue for about three decades and also lived in
19 the Elmwood Village for two more. Look at that middle
20 shot. You have here an ocean liner parked across the
21 street from a little lagoon with sail boats. The ocean
22 liner doesn't belong there. Anyone can look at that and
23 know that it doesn't belong there. This is called

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1 Elmwood Village and it's called Elmwood Village because
 2 that's the feel of people who shop there.
 3 It's based on -- it's called Elmwood Village
 4 because it's based on domestic architecture that was
 5 here, big houses that were fronting Elmwood that were
 6 built from the 1880s to the 1920s and it's become a
 7 commercial and residential district.
 8 Shopping there has a peculiar feel that makes it
 9 more intimate than other spaces and that is why it's one
 10 of the desired places in this city for shopping and for
 11 living. The property values have tripled in the last 10
 12 years for many people who own houses in the area. The
 13 shopping has more frequent -- Elmwood has more foot
 14 traffic than any other shopping street in the city and
 15 it's partly because of the small scale of the shops that
 16 are owned by people that live here, not by big chains.
 17 Here at the bottom, we just borrowed a building
 18 from Elmwood Avenue and put it there. Look at it. Look
 19 at the scale there, how much more in harmony it is. If
 20 Chason had talked with people who are interested in
 21 preserving the quality of life on the street they would
 22 have been able to sit down with people and say look, not
 23 one building larger than a football field, but maybe

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1 three buildings and not all the demolition, but a lot of
 2 it. I mean, it's not that we don't want any demolition
 3 but we want it so that what it is replaced with fits the
 4 scale of the neighborhood. We don't want this turned
 5 into a mall. It's not the Elmwood mall. It's not the
 6 Elmwood strip. It's the Elmwood Village.
 7 All right. I'm going to leave this with you
 8 because there is only one copy and it's yours. Please,
 9 committee, look at it. Look at it. We're not a bunch
 10 of obstructionists and people that don't think.
 11 Elsewhere in the city it would be a wonderful
 12 addition, but not there and Buffalo is past the time
 13 that says build it because we're so poor and desperate
 14 for construction that we'll take anything, that's the
 15 old Buffalo. The new Buffalo raises the question is
 16 this really going to fit the neighborhood and enhance it
 17 or work against it in the long run. Thank you.
 18 MR. MORRELL: Thank you. Please state your
 19 name and your address.
 20 MS. DAVIS: My name is Susan Davis and I live
 21 at 58 Granger Place. I'm one of those property owners
 22 that a previous speaker just shrugged about and said,
 23 oh, well, it's too bad for you guys but my back door,

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1 not the back of my property, but my back door is 46 feet
 2 from the Chason Affinity property line.
 3 When they write in their Environmental Impact
 4 Statement that there is going to be no shadow effect
 5 because of their five story structure, that's
 6 ridiculous. They're taking away my western sky and when
 7 they say that there is going to be ample green space as
 8 a result of their planning, you have to wonder what is
 9 ample. Is that 15 percent of the property? Is it 15 by
 10 15 square feet? Actually, what they're doing is
 11 removing 12 green lawns and they're putting some new
 12 lawns on the upper floors of their building so that
 13 pedestrians and people in the neighborhood don't see it
 14 at all.
 15 Finally, noise. They want you to think that the
 16 noise problem is going to be confined to the
 17 construction period. No. When they're done I'm going
 18 to have a two story parking garage behind my house. I'm
 19 going to be listening to 150 cars coming in and out and
 20 the air pollution that that brings. I'm going to be
 21 listening to commercial grade trash compactors,
 22 generators. It's going to change that corner forever
 23 and I think the misleading photo that's up there is

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1 pretty much characteristic of their whole Environmental
 2 Impact Statement. It is full of distortions and
 3 sometimes outright lies.
 4 I would urge the Planning Board to please don't
 5 have your intelligence and your integrity insulted by
 6 accepting that document which does not represent the
 7 reality of the situation. Please go over there and look
 8 at the site and see what they're proposing to do and how
 9 it's going to damage the Elmwood Village. Thank you.
 10 MR. MORRELL: Thank you. If you can state your
 11 name and your address.
 12 MR. HASSETT: My name is Steve Hassett, 1
 13 Melbourne Court. I've only lived at Melbourne Court for
 14 about three and a half years. I'm one of the people
 15 that returned to Buffalo after years away. I previously
 16 lived on Lancaster for about 11 years and I lived out in
 17 the State of Washington for about 28 years, a good part
 18 of it in Seattle.
 19 It has been gratifying to come back to Buffalo to
 20 see the changes but one of the things that I bring back
 21 with me is years of living in the city where we saw many
 22 neighborhoods transformed frequently in really a
 23 negative way for the quality of life of the residents by

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1 unrestrained development. I don't think the development
 2 here is necessarily unrestrained, but there does come a
 3 tipping point in development in the neighborhood with
 4 the quality of life and the attributes that bring the
 5 developers in starting to go downhill.
 6 I understand the process here is to look at one
 7 parcel at a time. We in the neighborhood don't
 8 necessarily have that luxury, so we kind of have to look
 9 at it in the context of how it may affect future
 10 development.
 11 Having said that, I wanted to compliment the
 12 architects. I think it's a beautiful building. I think
 13 the ecological impact of the building is really well
 14 done. I think they paid a lot of attention to it. My
 15 concern is the scale of the building, particularly of
 16 the height.
 17 I don't have a dog in the fight of whether the
 18 existing buildings should remain or should be developed.
 19 I'm not anti-development. Development on that corner
 20 could be a really good thing for that neighborhood, but
 21 the scale again I think is currently out of sync with
 22 the neighborhood.
 23 The idea that they look at buildings a mile down

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1 Elmwood or a building in the psych center -- somebody
 2 mentioned Brooklyn, that's really out of scale. Even
 3 looking at the picture presented by them, which some
 4 people criticized, if you look at that one side of the
 5 street it looks totally out of character with the other
 6 side and that shows three stories.
 7 So I would ask that if the building is going to
 8 proceed, and certain attributes of the building are very
 9 desirable, it be limited to the height in the proposed
 10 Green Code.
 11 If the Green Code is implemented in the foreseeable
 12 future, as we all hope it will be in I think the
 13 neighborhood, this building will then be an outlier, if
 14 it's five stories high. If the Green Code is not
 15 implemented in the future, this is likely to be an
 16 excuse for taller buildings. The next developer is
 17 going to come along and say well, there is a five story
 18 building on the corner of Forest and Elmwood, I'll build
 19 seven stories.
 20 So I would ask the Planning Board that if you
 21 approve this, approve it in a manner consistent with the
 22 proposed Green Code. Thank you.
 23 MR. MORRELL: Thank you. Please step forward.

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1 State your name and your address.
 2 MS. FAUST: My name is Katherine Faust and I'm
 3 a long-time resident of the Elmwood district and an
 4 architect. I'm also part of Councilman Feroletto's
 5 Working Group. I wanted to hand something out which was
 6 an alternative approach, design approach.
 7 What I'm handing out is a development project that
 8 was done by the State of Massachusetts. In North Adams,
 9 Massachusetts they took over a large mental complex that
 10 used to be Berkshire Hills in North Adams and they
 11 turned it into the Massachusetts Museum of Contemporary
 12 Art and it's become a huge tourist draw.
 13 Across the canal from the complex was workers'
 14 housing. There were five duplex units, and you can see
 15 before and after photos in that group. Please look
 16 through them. You can see the condition of the
 17 buildings, the housing, before they renovated them. Do
 18 you see that, everyone?
 19 So you can see the kind of condition that the
 20 houses were in and they worked on them and you can see
 21 the final product. They took this row of houses and
 22 they tied them together with a porch, a continuous
 23 porch. They took the backyard area and they landscaped

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1 it and they put a pool in and it's an incredibly popular
 2 inn. So there are other alternatives to reusing this
 3 building or these buildings.
 4 Just to address the DEIS. DEIS figure 24 titled
 5 Historic Resources erroneously identifies the Olmsted
 6 Park system as the only historic resource within the
 7 area.
 8 The entire Elmwood Village is one of the largest
 9 state and national historic districts in the country
 10 with over five thousand contributing buildings. The
 11 impact of this project in regards to demolition of the
 12 historic fabric and the addition of the building that is
 13 completely out of scale with the surrounding historic
 14 architecture is huge.
 15 Just because some buildings have not yet been
 16 identified as being associated with a significant
 17 historical or cultural event, architecture or person or
 18 has not yet been determined as of yet to possess unique
 19 or innovative architectural features or elements does
 20 not mean that the row of houses in their entirety are
 21 not a highly representative and significant historic
 22 architectural resource within our community.
 23 The huge task of inventorying over five thousand

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1 buildings points to the fact that as with the majority
 2 of the structures including adequate research as to the
 3 historic significance of each of these buildings has not
 4 yet been undertaken.
 5 Another portion of the DEIS that I am concerned
 6 about is diminishing affordability. In their report
 7 they talk about how there are no environmental justice
 8 issues. Tearing these buildings down and building
 9 luxury housing units that are going to sell between
 10 750,000 and a million dollars is going to eliminate
 11 affordable housing in the neighborhood and the New York
 12 State Department of Environmental Conservation has an
 13 environmental justice map that in fact shows this area
 14 as being within a low income area and should be of
 15 concern. And so we're losing affordable housing by
 16 tearing these buildings down and we're also losing
 17 affordable retail. Thank you.
 18 MR. MORRELL: Please come forward and state
 19 your name and your address.
 20 MS. CERCONI: I'm Gretchen Cercone and I live
 21 at 161 Lancaster Avenue. It would be so great to have a
 22 space that engaged the citizens respectfully who are
 23 here. I mean, it is so wonderful that so many people

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1 come to these meetings now and it's difficult. There
 2 has been a lot of people that have been shut out in the
 3 hall and there is probably nothing you can do about it
 4 but that would be really, really nice.
 5 I have a couple of points as far as the DEIS goes.
 6 The traffic study was done in isolation. I think at
 7 peak rush time it was, approximately, 119 additional
 8 cars would be at the corner of Elmwood and Forest.
 9 That's a significant addition to that intersection. I
 10 think the remedy was to change the timing on the
 11 stoplight, but that does not take into account the
 12 developing context around where that traffic will be
 13 with the Henry Hotel that's opening, with other
 14 projects, with Gates Circle, there is a lot of other
 15 traffic impact and that was certainly something that
 16 jumped out to me.
 17 With regard to the context, I just want to go with
 18 what Mr. Hassett said. This becomes the context that
 19 other projects are judged around and that's very
 20 important. As a block club leader, I was not circulated
 21 a survey to give to my block club residents with regard
 22 to this project. I certainly would have done so had I
 23 received that survey. So I'm not really sure where that

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1 survey was distributed to but I'm pretty out there. So
 2 I would think that that would have gone to the block
 3 club leaders in the neighborhood.
 4 I did deliver 140 letters to the Office of Planning
 5 that asked for the project to be reviewed under the
 6 Green Code. As much as the meetings are taking place,
 7 the public meetings, there has also been an equal amount
 8 or more public input into the Green Code and our hope
 9 with the Green Code is that it will alleviate the
 10 frustration on both sides, that developers will know
 11 what the expectations are, operate within them, the
 12 community can trust the process and know that their
 13 desires are being heard.
 14 So we all look forward to that. It has been a
 15 moving target in the past. It really is no longer. I
 16 don't really think that can be said and our elective
 17 representatives in the Elmwood Village have said that
 18 projects should be reviewed under the Green Code
 19 standard.
 20 So I hope that the Planning Board respects the
 21 wishes of the elected council members who represent us,
 22 democratically elected people, saying that these
 23 projects should not be viewed right now through the old

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1 code but should be looked at through the Green Code
 2 which can take into account a lot of the concerns
 3 regarding massing and scale. Thank you.
 4 MR. MORRELL: Thank you. Next. Please state
 5 your name and your address.
 6 MS. STILLWELL: Laurie Stillwell. I'm with
 7 Preservation Buffalo Niagara. We're on 17 Main Street
 8 in the Market Arcade building. So far from being
 9 anti-development, the Elmwood community has worked hard
 10 to study, research and implement best practices for the
 11 long term health and vitality of the entire
 12 neighborhood.
 13 While the Chason Affinity proposal has made
 14 attempts to listen to the residents, it is still out of
 15 scale with the character of the community. It does not
 16 fit with the existing zoning design regulations or the
 17 soon to be adopted Green Code development standards.
 18 At nearly as long as a football field and twice as
 19 high as the surrounding buildings, the project makes no
 20 attempt to respect the clearly articulated needs of the
 21 community, nor the tenant of good urbanism with the
 22 respect to incremental development, fine green scale and
 23 building diverse communities.

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1 Preservation is not only about protecting a single
 2 high style building but it also about preserving overall
 3 neighborhood form and character, ensuring that new
 4 buildings reinforce the things that are special and
 5 unique about the community in which they are situated.
 6 (unintelligible) can and should evolve over time
 7 but that evolution should be a step forward reinforcing
 8 the things that have made them desirable to begin with.
 9 By allowing a project that violates the proposed
 10 zoning regulations by such a large order of magnitude,
 11 the Planning Board is promoting this type of development
 12 in other parts of the neighborhood and undermining
 13 development regulations.
 14 Courts have consistently held that Planning Board
 15 rulings must not be arbitrary and capricious, i.e., if
 16 it's okay for one developer, it's okay for other
 17 developers. If zoning standards are not generally
 18 upheld, it is harder and harder to enforce them over
 19 time.
 20 Approving a project that is out of scale with
 21 the community for no compelling reason will open the
 22 door to other developers to propose buildings of similar
 23 scale and if denied challenge that ruling in court.

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1 We ask that the Planning Board hold the developers
 2 to a law that has been so carefully created by the state
 3 and the community.
 4 MR. MORRELL: Thank you. Is there anyone else
 5 to be heard on this item? Please step forward. State
 6 you name and your address.
 7 MR. BITTERMAN: I am Dr. Alex Bitterman. I'm a
 8 25 year resident of the Elmwood Village and I'm a home
 9 owner on Granger Place. I am also the chair of the
 10 Department of Design and Architecture for SUNY Alfred
 11 State.
 12 One of my areas of academic research focuses on
 13 historic preservation and adaptive reuse and just as a
 14 footnote, I'm the author of the book Buffalo is a Cool
 15 Place to Live and the author of a forthcoming book,
 16 Buffalo Is An Even Cooler Place To Live.
 17 Everyone I think wants for our neighborhood to be
 18 the best neighborhood that it can be and it's
 19 interesting to note that many people that are on the
 20 development team for this project actually live in the
 21 Elmwood Village.
 22 This project is historically very sensitive and a
 23 correction of facts from one of the speakers that spoke

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1 earlier who said that the buildings in this area are
 2 listed on the National Register. The buildings are not
 3 listed on the National Register.
 4 The materials and aesthetics are fitting and
 5 they're -- actually, the quality exceeds that that we
 6 typically find on Elmwood south of Forest. They're
 7 actually more in line with the materials that we find in
 8 the historically important buildings, the impressive
 9 building stock north of Forest.
 10 Current buildings are wood frame and really,
 11 they're unsafe for future use. We just saw this past
 12 weekend, if anyone has read the headlines, of a very
 13 tragic fire that occurred in San Francisco and over the
 14 past five years four similar buildings on Elmwood have
 15 burned. So this is responsible and it is a two code
 16 building for the 21st century.
 17 The building is sustainable and environmentally
 18 responsible. The Environmental Impact Statement I think
 19 is evidence of a very responsible development team. The
 20 storm waters runoff and water catchment exceeds the
 21 demonstration project currently underway for this very
 22 same area by the Buffalo Niagara River Keepers.
 23 The green roof and the biophilic considerations

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1 that are proposed provide a very unique and very
 2 signature gateway for this historic museum district.
 3 There are many unique compliant ideas also woven
 4 throughout the design.
 5 The building is also economically and socially very
 6 responsible. We're bringing owner occupied units into
 7 the neighborhood that would increase not only the
 8 density but the number of active citizens with a vested
 9 interest in this neighborhood.
 10 Another correction of fact from the speaker just
 11 two speakers ago, not all of the units are million
 12 dollar units. In fact, to the best my knowledge, there
 13 has been no discussion yet of market cost.
 14 So I can speak on my own behalf as well as that of
 15 my partner. We share a house and we share that property
 16 on Granger, that no development that I am aware of in
 17 the last 20 years has been this responsible or
 18 responsive to citizen requests and feedback.
 19 On the very second speaker, another correction of
 20 fact, pointed out that one of the litigants in this
 21 situation lives at 611 Forest. She does not live at 611
 22 Forest and has not for the last 22 years. She owns it
 23 but she does live there and she said she lives there.

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1 So in closing, we must be very careful what we wish
 2 for on this property. As I said, I have seen no more
 3 responsible or responsive project than the one that we
 4 seek to move forward today. Thank you.

5 MR. MORRELL: If there is anyone else to be
 6 heard on this item please step forward. State your name
 7 and your address.

8 MS. SIDEL: My name is Debbie Sidel and I live
 9 at 9 Tillinghast Place and I have a particular interest
 10 in this project because I owned a building across the
 11 street for almost 40 years, the Half and Half Clothing
 12 Company, and I literally felt like I lived on that block
 13 for the whole time watching its, you know, shifting
 14 demographics.

15 In the beginning, 40 years ago, I would say that
 16 block of Elmwood was Elmwood. It was self contained.
 17 It was a vibrant busy area of Elmwood and because of
 18 this success, after that block becomes very residential,
 19 then the next section that was commercial was a little
 20 more rundown and then that came to that -- it was like a
 21 bubble effect from the first block.

22 Over time Hans Mobeous was the original owner of
 23 all this property and he started to buy declining

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1 property up with the intention of developing that
 2 corner. His first project was to develop a Walgreens.
 3 I remember being in Bullfeathers and everyone was nuts.
 4 No way was there going to be a Walgreens on that
 5 property.

6 Next there was an interest in developing that
 7 corner into a hotel, and I forgot the name of the
 8 developer, but he also was getting so much objection to
 9 his boutique hotel concept that he walked away from the
 10 project.

11 The new owners that did buy the property from Hans
 12 had an intention of developing the property, again,
 13 possibly a boutique hotel which became an unattractive
 14 idea and it's been converted into this concept that it
 15 is right now, but residential, very little retail and
 16 residential.

17 I think that adding population to the city is a
 18 positive thing. I think our population of Buffalo has
 19 been flat for a long time. It's been declining and
 20 flat. I think that that block is almost, you know, it
 21 is in dire need of some kind of renovation and
 22 restoration because it looks terrible.

23 It's a terrible entrance to the neighborhood of

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1 Elmwood. You're coming off of two art galleries and a
 2 college introduction. We just expanded that bridge now
 3 on Elmwood to accommodate walkers and bikers and I do
 4 think it's pitiful to start out Elmwood looking so bad.

5 I remember the day when it was vibrant and looked
 6 great and over the last 20 years I would say slowly and
 7 surely and, like I said, the intention was to buy these
 8 properties and redevelop that corner but instead they
 9 just let them go and this is where we stand today.

10 I'm sure everyone is real familiar with what that
 11 area looks like and so I am very much in favor of this.
 12 I think it would add a lot of character. The one
 13 consistent objection is this height difference. If
 14 anyone has been to Toronto, there is a little church
 15 here and a big building there and a big building and
 16 then a little building. Chicago or New York or any of
 17 the vibrant urban areas, I don't see -- what good is
 18 everyone being consistently consistent? I like
 19 inconsistency, I do.

20 It would do good for Buffalo, actually. The
 21 project is gorgeous and, again, that's just my opinion.
 22 I'm talking from 40 years as I sat on that block from
 23 it's heyday to now and what is going on and four

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1 projects have already been shut out. Every time a
 2 project is up for that corner, oh, no, objection,
 3 objection. This one is so gorgeous if this gets shut
 4 down I wonder about Buffalo's future because people want
 5 the urban experience. I mean, that's why all these
 6 cities are booming, Chicago, San Diego, where the kids
 7 are moving, but they need this kind of construction to
 8 improve the city. So thank you.

9 MR. MORRELL: Thank you. Is there anyone else
 10 to be heard? Please state your name and your address.

11 MR. RUNFOLA: James Runfola, 611 Forest. First
 12 of all, Savarino walked away from the project because
 13 there was a covenant on that land and these people
 14 bought that land knowing that there was a covenant and
 15 they took the owners to court because of that covenant
 16 and they put a lot of hardship on these people.

17 Now, the Elmwood Village is recognized nationwide
 18 as one of the most walkable shopping communities in the
 19 U.S. It is on the National and State Historic Register.
 20 It is quite apparent that Chason Affinity has no regard
 21 for these recognizable designations. The fact that they
 22 want to demolish 14 one hundred year old homes in the
 23 historic district is unconscionable.

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1 What they want to do in the Elmwood Village will
2 totally destroy the history and the character of the
3 village and probably knock the village off the 10 most
4 walkable communities.
5 One other item that they have no regard for is the
6 people that live in the neighborhood. The neighbors
7 want the Elmwood Village to stay the way it has been for
8 over a hundred years. They like the individual homes
9 with small businesses in them and would like to see them
10 refurnished and have the feel of the community.
11 If the business fails, there is still a home that
12 can be reused as another business or turned back into a
13 home, but if this monolith fails, you have an enormous
14 white elephant on your hands. It's about time that the
15 people have a say in what their neighborhood should look
16 like and be like, not some developer who doesn't have
17 their best interests in mind.
18 Also, remember that the neighbors didn't ask Chason
19 Affinity to purchase this property and destroy the
20 character and fabric of the Elmwood Village. Thank you.
21 MR. MORRELL: Is there anyone else to be
22 heard? State your name and address.
23 MR. DANAHY: I'm Jeff Danahy, 537 West Ferry.

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1 I come here in full support of this project. I'm a
2 believer in density and the more I look at this project
3 compared to what is currently there, this is the Elmwood
4 Village and it's the biggest commercial district that we
5 have. Retail everywhere. I don't understand the desire
6 to limit the height in this particular area and I think
7 the height is the key issue here.
8 You see people discussing the need for these
9 buildings, the current buildings, to come down. I
10 personally have lived in the Elmwood Village my whole
11 life and have never been in one of them and I was a
12 teenager all the way to now I'm 36 and I've never been
13 in one of them and that's just, you know, a realistic
14 expectation.
15 This building that they're contemplating right now
16 is beautiful in my opinion and I think it would be a
17 shame that it didn't come to realization. A speaker
18 before had talked about how the Internet is changing
19 retail and I believe that. I get boxes delivered to my
20 house all the time. So what Elmwood needs is more
21 density. They need more people living there to keep
22 shopping at the local stores, Half and Half one of them.
23 When you see that there is a considerate effort by

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1 Chason and the rest of that group to listen to everyone,
2 you got to take your hat off to him. You have to
3 applaud their effort. I think they really did try to
4 listen to the community as a whole and I applaud this
5 effort.
6 MR. MORRELL: Thank you. Is there anyone else
7 to be heard on this item? So we're going to hear
8 comments from the applicant regarding the statements
9 that were just made and he's going to start right now.
10 MR. CARMINA: I want to thank some of the
11 speakers for pointing out some of the items that I
12 missed and, Giona, would you put up the base floor plan
13 please. Again, I'm only putting up a floor plan because
14 it's important to the response.
15 What Giona is going to point to right now are the
16 two trash areas. These are both internal to the
17 building. No trash will be taken to the exterior except
18 during pickup. So on the side closer to Panos, that's
19 the trash room that's internal to the building. Trash
20 compactor. The trash will be rolled out to the front
21 door, the overhead door, where it will be picked up.
22 On the north side of the building the trash room
23 again is -- there is an overhead door which will be

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1 where the trash is picked up from a compactor, so no
2 smell, no noise. The trash compactors are internal to
3 the building so that's number one.
4 Number two, there was a comment about blasting. We
5 actually did test borings to find out where rock is,
6 which is between eight and 12 feet below grade. That is
7 where our parking level on the lower level will be
8 placed. There will be no blasting so, therefore, no
9 structural damage.
10 The views from Granger, there was a comment about
11 where -- well, anyway, the views that we showed were the
12 most parallel to the building. So we wanted to do
13 the -- take the views from the folks that were closest
14 to the building. So as you get closer to Bird the views
15 are more obtuse, more at an angle. So there will be
16 less of an impact the farther away you get.
17 While the building is 166,000 square feet, the
18 first level, about 30,000, 35,000 square feet, is
19 actually below grade. You don't even see it. So I
20 think it was important to state that the first level of
21 parking is completely below grade.
22 The wonderfully photo shopped board that was
23 brought to you to see, which Mr. Sack showed you,

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1 actually helped me prove my point that this is accurate.
 2 I didn't cut off the top of the building. The building
 3 cuts off the top of the building. Thank you, Mr. Sack,
 4 I appreciate that and I mean that, because I like
 5 Mr. Sack.
 6 It actually does cut off the top of the building
 7 and that's your view shed. The view that was used was
 8 photo shopped in from a view that doesn't belong at that
 9 angle and it looks obscenely high because that's what
 10 happens when you're not professional. So this is a
 11 professional rendering which is on the site which is
 12 exactly the way this will look for that corner and it
 13 cuts off the top of the building.
 14 The view shed from the back, I think one of
 15 residents mentioned, it's 46 to the property line,
 16 correct, but then it's another 20 feet of the berm
 17 before it goes to a single level of parking which sticks
 18 up about six feet above the top of the berm and then
 19 it's probably another 50 feet back to the actual
 20 vertical that happens where the residential is.
 21 So the lines of sight that are currently there from
 22 the backs of the buildings on Granger certainly will
 23 lose a little bit more sky than what they're losing now

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1 but isn't really a tribute. Take the lines of sight
 2 over the buildings on Granger, those buildings are about
 3 40 feet above grade. So I wanted to point that out.
 4 There was a mention about noise from the parking.
 5 All the parking is inside, so there really isn't going
 6 to be any noise. The entrance to the parking lot is
 7 such that they're screened from the residences except
 8 for one residence on Forest, which is on the north side
 9 of Forest, and I'll let Steve respond to some of the
 10 other comments.
 11 MR. RICCA: It may shock you to hear that even
 12 though I am an attorney, I really don't have anything to
 13 say at this point other than I think that we've
 14 accomplished what we had hoped at this SEQRA hearing,
 15 which is to give you a full view of the different
 16 perspectives of what is a very complex situation when
 17 one is trying to densify an urban environment in a way
 18 that's responsible and sensitive to the neighborhood.
 19 There is no way you're going to get everyone happy but,
 20 again, I couldn't be more proud to be a part of this.
 21 I will say that some legal arguments were made by
 22 some of the commenters, which I totally disagree with
 23 with respect to applicability or conformance with the

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1 Elmwood Village design standards. I will be responding
 2 to those and those will be provided to the Planning
 3 Board in connection with preparation of the final
 4 Environmental Impact Statement. Thank you.
 5 MR. MORRELL: Is there anyone else to be heard
 6 on this? Please step forward and state your name.
 7 MS. PIERCE: It's just a quick question for the
 8 Planning Board. My name is Gwen Pierce. I'm a resident
 9 of the Elmwood Village. I live on Bradford Place. I
 10 did attend the Buffalo Seminary meeting and I did ask
 11 the architect at the time would he please show a
 12 rendering that would show what the building would look
 13 like if one were standing across the street looking
 14 directly on it, because the picture that we're always
 15 shown is from standing behind diagonally across from the
 16 psychiatric center, but we've yet to be shown a drawing
 17 that's completely in scale standing across the street,
 18 mid street, looking at the mass of this project.
 19 I think we all need to understand how massive this
 20 project is. We may really like the materials. We may
 21 like some environmental green concepts but we really
 22 don't know how massive this project is and what a
 23 precedent it sets in the Elmwood Village until we think

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1 about it in those terms.
 2 So I would ask all of you who are Planning Board
 3 members to perhaps ask for a schematic drawing and go
 4 and stand on the other, the back side of Elmwood Avenue
 5 say from Cole's, whatever is mid project, please and
 6 realize how big and massive this is, even if we like the
 7 materials.
 8 MR. CARMINA: This is the architect, Steve
 9 Carmina. These are the views that have always been part
 10 of this presentation right from the beginning. We have
 11 never not shown these views at any presentation.
 12 So that is standing across at Cole's looking over
 13 toward the townhomes. That is the center where the gap
 14 is where the little pocket park is. So you see on the
 15 right side is the scale of the residential side, the
 16 townhomes. The left side is the scale of the first
 17 floor commercial with the garden units above and that is
 18 the view toward the North Forest corner.
 19 BOARD MEMBER: I think what is being requested,
 20 however, is one composite that goes from Forest to the
 21 end of the project so that the people really can see the
 22 full massing and the change in the --
 23 MR. CARMINA: Well, a panoramic is pretty hard.

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1 It's not anything that you see without turning. So I
 2 guess I can always do that but it's -- what I don't want
 3 to do is what other people did and show you something
 4 that isn't real looking, because a panoramic doesn't
 5 really exist unless you turn your body.
 6 BOARD MEMBER: I think it's just a matter of
 7 trying to get a facade that equals this.
 8 MR. CARMINA: And, again, I have all those
 9 views. I'm not sure where I'm missing one here but if
 10 there is something that the Planning Board wants to see
 11 that I'm not showing, all you need to do is let me know
 12 and I'll send it to you.
 13 MR. MORRELL: Is there anything else to be
 14 heard on this item? Hearing none, motion to close the
 15 hearing? All in favor?
 16 All right. The hearing is closed.
 17 Additional comments, written, either digital or
 18 through the mail, will be accepted until December 19th.
 19 Following that process, the Planning Board will prepare
 20 the final Environmental Impact Statement and then we
 21 will respond to any substantive comments received during
 22 the comment period, including any new ones that may come
 23 in after today.

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1 Can we have discussion regarding any comments that
 2 we have heard now?
 3 (short recess)
 4 MR. MORRELL: Go ahead.
 5 BOARD MEMBER: Well, we had a wide range of
 6 comments related to code. One of course is folks are
 7 going back to the Green Code. We legally are required
 8 as a Board to be in compliant in our findings on current
 9 code and we have had comments that even within current
 10 code that the building is not code compliant.
 11 If indeed that's the case, if there are variances,
 12 if there are things that require special review by us,
 13 it would be very helpful to know that before we get to
 14 our next public session.
 15 If indeed the building is entirely code compliant
 16 with the current code, we just need to have that stated
 17 so that we have clarification.
 18 BOARD MEMBER: There are variances.
 19 MR. MORRELL: But that was stated by the
 20 applicant.
 21 BOARD MEMBER: The applicant had several
 22 variances under consideration. I just think in terms of
 23 the comments made regarding code compliance, and I

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1 realize that much of it is in this document, but if
 2 there is anything that's been made in the commentary
 3 today that we need clarification on, that we should have
 4 that when we reconvene at the end of the December 19th
 5 commentary period.
 6 MR. MORRELL: And that was your statement that
 7 you made before you sat down.
 8 MR. RICCA: Yes.
 9 MR. MORRELL: That's it.
 10
 11 (off record at 6:35 p.m.)
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1 STATE OF NEW YORK
 2 COUNTY OF ERIE
 3
 4 I, Patricia A. Schreier, a Notary Public in and for
 5 the State of New York, do hereby certify:
 6 That the witness, whose testimony appears herein
 7 before, was, before the commencement of his testimony, duly
 8 sworn to testify the truth, the whole truth and nothing but
 9 the truth; that such testimony was taken pursuant to notice at
 10 the time and place herein set forth; that said testimony was
 11 taken down in shorthand by me and thereafter under my
 12 supervision transcribed into the English language, and hereby
 13 certify the foregoing testimony is a full, true and correct
 14 transcription of the shorthand notes so taken.
 15 I further certify that I am neither counsel for nor
 16 related to any parties to said action, nor in anywise
 17 interested in the outcome thereof.
 18 IN WITNESS WHEREOF, I have here unto subscribed my
 19 name this 10th day of December, 2016.
 20
 21
 22
 23



Notary Public
State of New York

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