

Memo

To: Town Board Members

From: James Callahan, Director of Community Development

cc: Town Attorney, Town Clerk, Town Engineer, Senior Code Enforcement Officer, Planning Board Members, Chamber of Commerce

Date: August 7, 2014

Re: August 13, 2014 Town Board Meeting Agenda

Following is a review/analysis of the items listed on the August 13, 2014 Town Board Agenda:

PUBLIC HEARINGS:

1. DOUG MCCALL, 10360 MAIN STREET.

Location: North side of Main Street, west of Hillcrest Drive.

Description/History: Existing residential property located in the Clarence Hollow TND.

Proposal: Applicant is proposing to display and sell vehicles.

Reason for Town Board Action: Per the Zoning Law, the Town Board may consider the use with a Temporary Conditional Permit.

Issues: Display area location and operational details.

FORMAL AGENDA ITEMS:

1. SPAULDING GREEN OPEN SPACE DESIGN OVERLAY

Location: Generally east of Goodrich Road north of Greiner Road.

Description/History: Existing and previously approved Open Space Design Subdivision containing 380 sublots/units.

Proposal: Applicant is proposing an amendment to the previously approved subdivision layout.

Master Plan: Area identified in a residential single family zone.

Reason for Town Board Action: Per the Zoning Law, the Town Board is the final approval authority to create an open space overlay.

Issues: The action was referred to the Planning Board for review, comment and recommendation. The Planning Board has forwarded a recommendation to approve the proposed amendment identifying that all previously approved conditions of the original approval must be maintained. Overall the total number of lots remains unchanged. An action under SEQRA to amend the design has also been forwarded by the Planning Board. (The original project was approved under a FEIS and Final Findings Statement and the proposed amendment does not impact any past findings on the project). Conditions associated with the Planning Board recommendation include requiring the required mitigation to the Greiner Road/Thompson Road intersection (as per Final Findings) and construction of the recreational trail through the project with specific timelines identified.

2. THE MAIN INGREDIENT, 9980 MAIN STREET.

Location: North side of Main Street, east of Kraus Road.

Description/History: Existing restaurant located in the Commercial Zone.

Proposal: Applicant is proposing to create an outside dining area.

Master Plan: Area identified in a commercial classification.

Reason for Town Board Action: Outside dining may be considered with a Temporary Conditional Permit as issued by the Town Board after a required public hearing.

Issues: Hours of operation and noise are generally the major concern associated with outside activities adjoining residential areas.

3. PROPOSED SIGN LAW AMENDMENTS.

Location: Commercial and Restricted Business Zones within the Town.

Description/History: The Planning Board has developed some amendments to the existing Sign Law for Town Board consideration.

Proposal: The proposed changes deal with temporary and flag signs, permanent monument signs in the Restricted Business Zone, digital sign parameters in the TND Zone, and landscaping requirements.

Reason for Town Board Action: The Town Board has approval authority for Local Law amendments.

Issues: An action under SEQRA has also been forwarded by the Planning Board.

WORK SESSION ITEMS:

1. ANNUAL EXCAVATION PERMIT RENEWALS

Annual renewal of existing excavation/mining operations in the Town. The four companies are:

- A. Buffalo Crushed Stone
- B. Emeritus Holdings
- C. 10001 Grand Corporation
- D. Lakeside Sod

2. RICK DIVITA, 10550 KELLER ROAD.

Location: North side of Keller Road, east of Strickler Road.

Description/History: Existing residential property located in the Agriculture Rural Residential Zone. Applicant received a Special Exception Use Permit to construct a secondary living unit on the property in 2013.

Proposal: Applicant is seeking an amendment to have the Town Board approve a Two Lot Open Development Area as an alternative to the Special Exception Use Permit.

Master Plan: area identified in an agricultural classification.

Reason for Town Board Action: As the Town Board approved the previously approved project the Town Board can modify the previous approval.

Issues: The reason for the change is the cost to the owner associated with placing a second power pole on a single property. Separating the ownership of the parcels reduces the cost. All requirements of the Open Development Area code can be met with the proposed design. An agreement to allow for the shared driveway must be reviewed and approved by the Town Attorney's Office.

July 3, 2014

Mr. James Callahan
Director of Community Development
Town of Clarence
One Town Place
Clarence, New York 14031

RE: AMENDED CONCEPT PLAN SUBMISSION
SPAULDING GREEN
PROPERTY LOCATED TO THE EAST OF GOODRICH ROAD
SPAULDING GREEN, LLC; APPLICANT

Dear Mr. Callahan:

Please find enclosed five (5) copies of the preferred concept plan for Spaulding Green, Phase 10. This plan has been proposed as an alternative to the originally approved estate lot layout. This change has been proposed for a number of reasons which are detailed below. It is anticipated that it will make the Spaulding Green development an overall better project.

It is our opinion that the presented concept plan is preferable and advantageous for a number of reasons including the following:

- The plan will greatly increase the amount of open space in this section of the development and will also provide buffers for adjacent owners. Compared to the previously approved large lot development, the patio development will increase open space to a total of 22.1± acres from an original amount of 10.0± acres, more than twice the original amount. Additionally, the open space is now better situated on the site. Preserved open space will now be maintained along all of the property boundaries. There will be a 75' buffer along the entire length of the southern boundary of the site. In the previously approved plan, the estate lots backed up to the site boundaries leaving no buffering to existing property owners in the area.
- The proposed plan maintains the required connection to Green Valley Drive, but introduces elements to discourage traffic from using the connection as a pass through. The original approved design provided a direct, curvilinear connection to Spaulding Green Parkway from Green Valley Drive. In the proposed design, a t-intersection has been added so that Green Valley Drive no longer is a direct connection to the Parkway. Since the connecting street to the Parkway will now have a different name, it may not be as clear to the passing motorists that there is a connecting road to the south. We have also introduced a tighter turn to the east in order to slow traffic.
- The proposed plan will allow an in-demand housing product to be available. This style of home that will be provided on the lots is similar to Phase 2 within the existing development.

There is a strong demand for this product that is expected to continue which will mean that the development will ultimately get built out quicker allowing the Town to capture the tax revenue from the property in a shorter period of time.

Conversely, the developer has concerns over allowing the original design of the estate lots to move forward for this section. After an examination of the original layout, the developer determined that the lots would not be deep enough to support the type of housing that would be proposed. While the homes would technically fit on the lot, the area would remain unattractive to potential homebuyers as there would not be enough space between the rear of the homes backing up to each other for that segment of the market. If developed as originally approved, it would result in a slow moving project that could leave the Town with maintenance of the infrastructure without the property taxes to help support it.

- Overall, there will be fewer linear feet of roadway and infrastructure to maintain. The originally approved estate lot development required 2,892± linear feet of right-of-way, the new layout requires 2,582± linear feet. This will be a reduction of 310± linear feet of roadway and associated utilities that the Town will have to maintain.

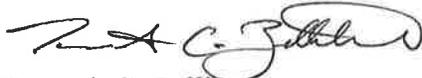
Regarding any concerns or questions of increased density or reduction in open space, this phase as proposed still retains at least 50% open space in the development and while it increases the overall unit count by 14 in this area, it still remains below the total allowed.

We respectfully request that the Planning Board consider approval of the attached plan due to the reasons stated above.

If you have any questions, please feel free to contact me at 633-4844. Thank you for your time and consideration in this matter.

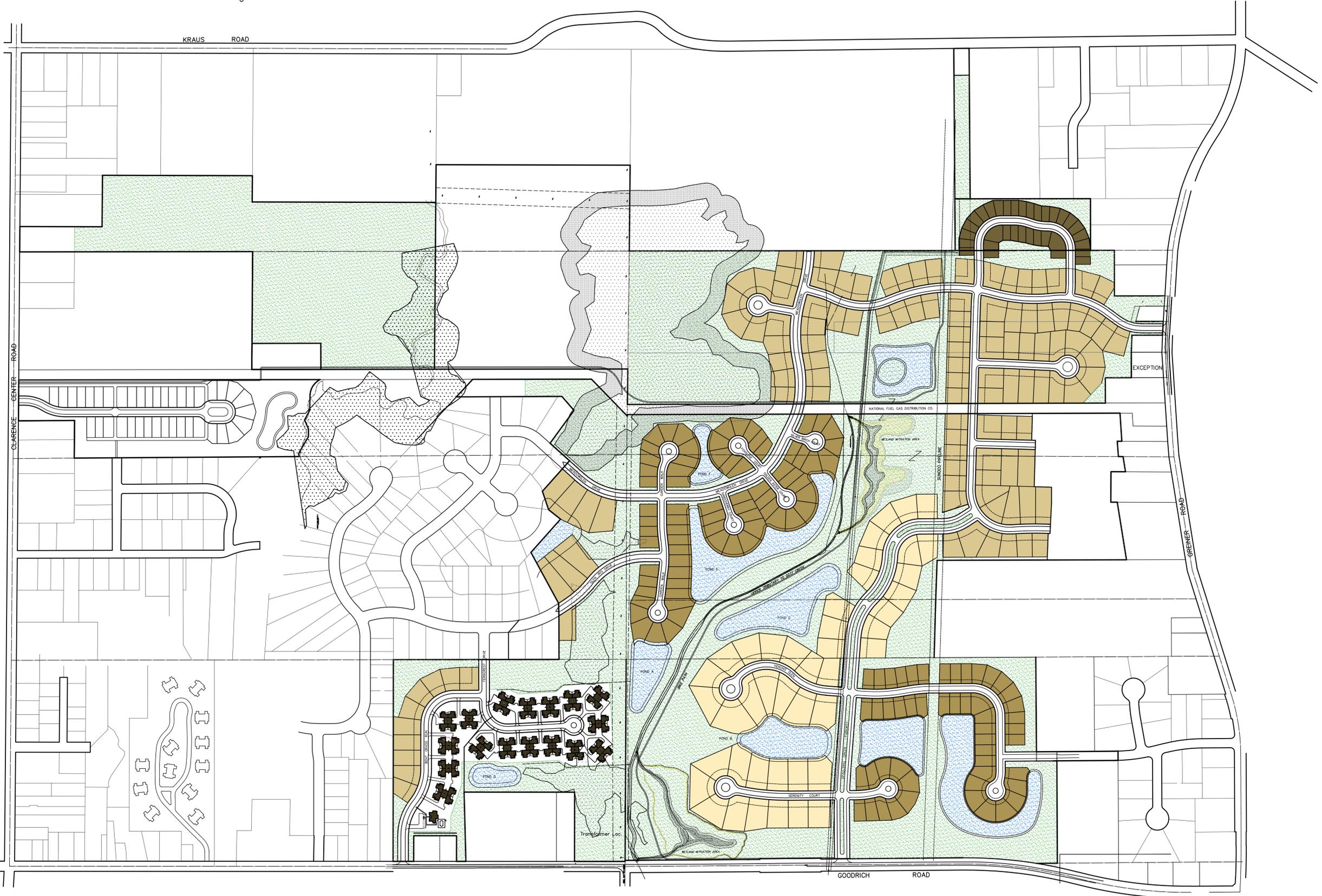
Sincerely,

GREENMAN-PEDERSEN, INC.



Kenneth C. Zollitsch
Project Manager

cc: Dominic Piestrak, Spaulding Green, LLC
File



Housing Unit Percentages	
	Estate Lots (130± Ft Wide): 11.3%
	Single Family Lots (100-110± Ft Wide): 30.3%
	Patio Lots (65-70± Ft Wide): 31.7%
	Courtyard Lots (50± Ft Wide): 8.8%
	Villas Units (Attached Units): 17.9%

Total Lot Breakdown	
Estate Lots (130± Ft Wide):	43 Lots
Single Family Lots (100-110± Ft Wide):	115 Lots
Patio Lots (65-70± Ft Wide):	121 Lots
Courtyard Lots (50± Ft Wide):	33 Lots
Villas Units (Attached Units):	68 Units

Ph. 10 Site Data

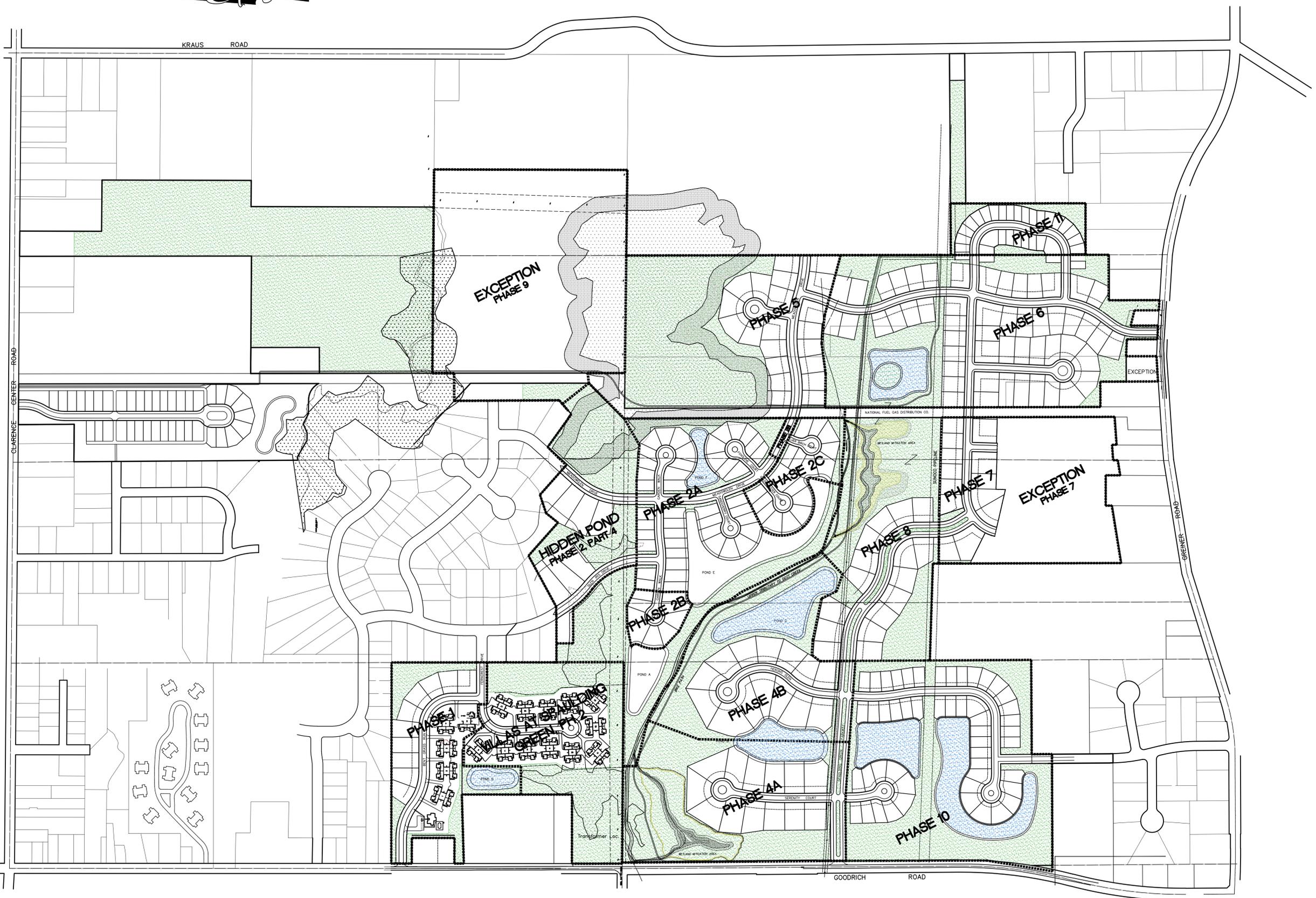
Present Zoning: R-SF (Residential Single Family)
 Proposed utilizing the Open Space Overlay District Lots:
 Number shown: 50
 Minimum lot width at setback: 70'
 Minimum lot area shown: 9,100± sq.ft.
 Site Area: 38.3± acres

Town of Clarence	
ERIE COUNTY	NEW YORK
TOWN ENGINEER	DATE:
APPROVED BY:	
ADJUST PHASE LAYOUT FOR PH. 3/10	11/22/13 KCC
REVISED PHASE 10 LAYOUT	12/4/13 KCC
REVISED PHASE 10 LAYOUT	7/2/15 KCC
REVISION	DATE BY
NOTE: UNAPPROVED ALTERNATE TO THIS DOCUMENT IS A VIOLATION OF SECTION 1709-1.1 OF THE NEW YORK STATE EDUCATION LAW.	

SPAULDING GREEN
OVERALL PREFERRED PLAN

GPI
GREENMAN-FEDERSEN, INC.
 CONSULTING ENGINEERS
 ENGINEERING • SURVEYING • PLANNING
 400 BRIDGE STREET SUITE 100 BUFFALO, NY 14202
 (716) 633-4844 FAX (716) 633-8848

JOB NO: 2007096 SHEET NO: 1 of 1
 DATE: OCTOBER 2011
 SCALE: 1" = 300'



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Town of Clarence, New York
Planning and Zoning Department

March 2014

Open Space Design Development Overlay Review



The Open Space Design Development Overlay was approved in March of 2005 as part of the overall Zoning Law, chapter 229 in the Town Code. The purpose of creating an OSDDO was to provide an alternative method of development that would allow for the “preservation of natural and scenic qualities of open lands”. This has been accomplished by following six intents:

#	Intent (§229-107)
1	Preserve open space and protect important natural resources and sensitive lands.
2	Promote the most appropriate use of land.
3	Allow for a variety of lot sizes and housing types without increasing overall density as permitted by the underlying zoning district.
4	Allow for residential development that is in harmony with the rural character and scenic quality of the Town.
5	Encourage creativity and adaptability in the layout of residential lots.
6	Facilitate the adequate and economic provision of streets and utilities

Currently there are seven approved Open Space Developments; Rivera Greens, Creekwood Meadows, Amber Meadows, Shadow Woods, Spaulding Green, Harris Hill Commons and Northwoods. Together, these projects consist of 738 acres of land. 52%, or 381 acres, has been preserved as green space. The total number of approved lots is 763 (+/-). For every lot created, .52 acres has been preserved as green space. Taking all buildable land and dividing it by the total approved lots, we reach an average lot acreage of .47 acres. It should be noted however, that this does not take into account public and private road right-of-ways, which would slightly lower the average lot acreage.

Name	location	Year applied	Year concept approved
Creekwood Meadows	Roll and Newhouse	2005	2006
Amber Meadows	Clarence Center and Shimerville	2007	2007
Rivera Greens	County	2005	2008
Shadow Woods	Goodrich	2005	2008
Spaulding Green	Goodrich and Greiner	2005	2008
Harris Hill Commons	Greiner and Harris Hill	1997	2013
Northwoods	Between Greiner and Roll	2006	2014

Name	acres	preserved acres	lots	type of home
Creekwood Meadows	21.96	11	26	reduced single fam
Amber Meadows	28.39	15.9	44	patio
Rivera Greens	19.1	9.56	35	single-fam green
Shadow Woods	68	41.6	64	single-fam
Spaulding Green	419	210	380	single-fam, single-fam green, patio, quad
Harris Hill Commons	62.73	32.92	66	single-fam
Northwoods	118.91	59.94	148(+/-)	single-fam, patio
Totals	738.09	380.92	763	

Spaulding Green

Proposed in 2005 and approved in 2008, this Open Space Development contains 419 acres, and preserves 210 acres of green space. A total of 380 lots were approved for this development. Using the average assessed value of \$450,000 which was determined by 16 homes; it can be estimated the total assessed value of this development built out is \$171,000,000.

Spaulding Green Sample Study (16 of 380 lots)	
Street	Assessed Value (\$)
Garden Walk	305,000
	306,000
	319,000
	323,000
Sandcherry Court	407,000
Foxglove Court	330,000
	360,000
Meadowglen Drive	635,000
	605,000
	550,000
	545,000
	543,000
	525,000
	519,000
	510,000
425,000	
Sample Assessed Value	7,207,000
Average Assessed Value	450,000

