

Town of Clarence
Planning Board Minutes
Wednesday November 7, 2012

Work Session 6:30 pm

Status of TEQR Coordinated Reviews
Review of Agenda Items
Miscellaneous

Agenda Items 7:00 pm

Approval of Minutes

Item 1

Inlighten, Inc
Industrial Business Park

Requests Minor Subdivision Approval to create one (1) additional industrial business park building lot at 9675 Wehrle Drive.

Item 2

Multi-Family Residential Overlay Code

Recommendation to the Town Board.

Chairman Al Schultz called the meeting to order at 7:00 p.m.

Jim Callahan led the pledge to the flag.

Planning Board Members present:

Chairman Al Schultz
Timothy Pazda
Richard Bigler
Gregory Todaro

Vice-Chairman Robert Sackett
George Van Nest
Paul Shear

Planning Board Members absent: 2nd Vice-Chairperson Wendy Salvati

Town Officials Present:

Director of Community Development James Callahan
Assistant Director of Community Development Brad Packard
Councilman Robert Geiger
Deputy Town Attorney Steve Bengart

Other Interested Parties Present:

Dave Saleh
Lou Visone
Casey Okonczak

Mark Stevens
Marisa Linde

In the absence of 2nd Vice-Chairperson Wendy Salvati, alternate Planning Board member Gregory Todaro will be participating in all discussions and voting on all agenda items.

Motion by George Van Nest, seconded by Paul Shear, to **approve** the minutes of the meeting held on October 17, 2012, as written.

Gregory Todaro	Aye	Paul Shear	Aye
Richard Bigler	Aye	George Van Nest	Aye
Timothy Pazda	Abstain	Robert Sackett	Abstain
Al Schultz	Aye		

MOTION CARRIED.

Item 1

Inlighten, Inc.
Industrial Business Park

Requests Minor Subdivision Approval to create one (1) additional industrial business park building lot at 9675 Wehrle Drive.

DISCUSSION:

Jim Callahan provided an explanation on the project noting that it is located on the south side of Wehrle Drive, east of Gunnville Road. It is an existing vacant lot. Per the Subdivision Law, the Planning Board has authority to approve Minor Subdivisions.

David Saleh, attorney for Inlighten, Inc, is present. Mr. Saleh said they are picking up the property for future expansion; it will compliment their existing facility and will be of a commercial type use. Mr. Saleh said the property is currently under contract. The correct entity that is going to be part of this transition is At the Lot, LLC. They should be closing on the property in the near future. Deputy Town Attorney Steve Bengart said the Town has received a letter from National Fuel saying they are in accord with this, the letter is on file.

Gregory Tatarski, 9670 Wehrle Drive, said that when Casilio bought the property and transformed it from agricultural to light industrial, he was kind of promised by the Town Board and Casilio that that would be the end of it; it wouldn't be expanded further down. Now they want to buy this property and set an additional extension to this industrial park. Mr. Tatarski is not sure what this property is zoned as for National Fuel Gas. Has the zoning been changed for this project? Or has it been light industrial? What kind of products will be at the site? How many employees? What type of building is it and how big will it be? What about the truck traffic? What about a shared entrance from Casilio Parkway, instead of taking down Mr. Tatarski's mailbox and putting a driveway there? Will the building match the neighborhood? Everyday there are between 20 and 50 people riding their bicycles up and down Wehrle Drive, people from the industrial park often come out of there and walk that area during the day.

Chairman Schultz said the property is currently zoned Industrial Business Park and has been since, at least, 2005. Before that it was an industrial zoning classification. All Mr. Tatarski's other questions are dependent on what goes in there. Currently, there is no proposal for what will go in there. This meeting is about splitting off a lot. Whatever goes in there will have to have a separate review and a separate Public Hearing.

Alan Cole, lives across the street, and said he received a letter saying they want to build an extension to that lot. Chairman Schultz reiterated that there is no proposal in front of the Board. Mr. Cole asked

why the letter said “building”. It is clarified that the letter Mr. Cole received said “building lot”. Mr. Cole said he hopes they consider children running in this area when they move forward.

ACTION:

Motion by Paul Shear, seconded by Gregory Todaro, pursuant to Article 8 of the Environmental Conservation Law, to **accept** the Short EAF as prepared and **issue** a Negative Declaration on the proposed Minor Subdivision located at 9675 Wehrle Drive. This Unlisted action involves the minor subdivision of land to create one additional Industrial Business Park Lot in conformance with local land use regulations.

Gregory Todaro	Aye	Paul Shear	Aye
Richard Bigler	Aye	George Van Nest	Aye
Timothy Pazda	Aye	Robert Sackett	Aye
Al Schultz	Aye		

MOTION CARRIED.

ACTION:

Motion by George Van Nest, seconded by Paul Shear, to **approve** the minor subdivision as identified in the submitted survey by Nussbaumer & Clark Inc., dated 9/21/12, to create one additional Industrial Business Park building lot in the Industrial Business Park Zone with the following conditions:

1. Subject to Building and Engineering Department review and approval on any future property development.
2. Subject to regulatory agency review and approval on any future property development.

ON THE QUESTION:

Chairman Schultz noted condition number 2 for the sake of the neighbors which states there needs to be a specific review and approval of any development that goes on that lot.

Gregory Todaro	Aye	Paul Shear	Aye
Richard Bigler	Aye	George Van Nest	Aye
Timothy Pazda	Aye	Robert Sackett	Aye
Al Schultz	Aye		

MOTION CARRIED.

Item 2

Multi-Family Residential Overlay Code

Recommendation to the Town Board.

DISCUSSION:

Jim Callahan explained that the Planning Board previously developed concepts to guide Multiple Family Residential Code development and held a joint meeting with the Town Board to finalize these concepts. The Planning Board has developed a draft code, which is an actual Zoning Law amendment

to include a new overlay zone to guide future multi-family housing development. This is the first public version of the proposed code and the Planning Board’s formal review of that code.

Chairman Schultz noted that there have been approximately five (5) public meetings on the concept and the principles they wanted to establish. The principles were reviewed in depth at the joint meeting of the Town Board and the Planning Board. Public comment has been taken into consideration and some changes have been made due to that public input. The next step would be to send the proposed code to the Town Board to be placed on their agenda for review; a public hearing would be set where the public is invited to comment.

Chairman Schultz asked if any Planning Board member has comments on any section of the proposed code. The proposed code is attached to this document. Mr. Pazda referred to Restricted Business Zone section and said he was not aware of the requirement for a commercial component. Chairman Schultz noted that it is the same as the Commercial Zone. There were no other comments.

ACTION:

Motion by Robert Sackett, seconded by Paul Shear, pursuant to Article 8 of the Environmental Conservation Law, to **accept** the Short EAF and **recommend** a Negative Declaration on the proposed Multiple Family Overlay Zone as prepared. This Unlisted Action involves the adoption of an amendment to the Town of Clarence Zoning Law by creating an overlay zone for Multiple Family Residential Housing.

Gregory Todaro	Aye	Paul Shear	Aye
Richard Bigler	Aye	George Van Nest	Aye
Timothy Pazda	Aye	Robert Sackett	Aye
Al Schultz	Aye		

MOTION CARRIED.

ACTION:

Motion by Robert Sackett, seconded by Paul Shear, to **recommend** that the Town Board adopt the Multiple Family Housing Overlay as prepared and reviewed by the Planning Board.

Gregory Todaro	Aye	Paul Shear	Aye
Richard Bigler	Aye	George Van Nest	Aye
Timothy Pazda	Aye	Robert Sackett	Aye
Al Schultz	Aye		

MOTION CARRIED.

Meeting adjourned at 7:30 p.m.

Carolyn Delgato
Senior Clerk Typist

DRAFT 2/November 7, 2012

**ARTICLE XIII
MULTIPLE FAMILY RESIDENTIAL OVERLAY**

Section 229-xxx. Purpose.

A. The purpose of the Multiple Family Residential Housing Overlay Zone is to guide future development of multiple family housing developments within the Town of Clarence. Higher density housing in the form of multiple family housing shall not be considered an “as of right” use within any zoning classification.

B. The Town Board shall determine the placement of such Multiple Family Overlay Zones based upon their design features and their impact upon the character and economic sustainability of the Town. Placement of a Multiple Family Residential Overlay shall require approval of the Town Board upon review and recommendation of the Planning Board.

Section 229-xxx. Intent.

A. The intent of the Multiple Family Residential Overlay Zone is to provide design standards to ensure that multiple family residential development is properly integrated into the character of the Town by providing for:

1. Preservation of valuable commercial property within the Town for development of commercial uses.
2. Preservation of Open Space.
3. Higher density residential development that is in harmony with the rural and suburban character and scenic qualities of the Town of Clarence.
4. Facilitation of interconnectivity between commercial uses and between multiple family and other residential uses, where appropriate.
5. Facilitation of adequate extensions of streets, walkways and utilities.

Section 229-xxx. Regulations Governing Multiple Family Residential Developments.

A. Multiple Family Housing will only be allowed on properties within sewer districts as approved by the Town Board.

B. Multiple Family Housing will only be allowed in the following established Zoning classifications within the Town:

1. Commercial Zone.
 - a. Maximum unit density will be determined based on entire parcel acreage.
 1. Allowed density will vary according to size of multiple family units:
 - A.** 1 bedroom – 12 units per acre
 - B.** 2 bedrooms – 10 units per acre
 - C.** 3 bedrooms or greater – 8 units per acre
 - b.** Minimum Lot size for consideration of a Multiple Family Overlay Design shall be 5 acres.
 - c.** Multiple family development in a Commercial Zoning District requires a commercial component (minimally 25% of the entire parcel acreage) and interconnectivity with other residential and commercial uses is required.

- d.** Multiple family development in a Commercial Zoning District will require 30% of the project site to be preserved as permanent green space. Where an interconnection with other residential or commercial uses is provided, the amount of green space can be reduced to 20 percent.
- e.** Part or all of the commercial component can be reserved as green space for later commercial development; this reserved green space for commercial use is in addition to the required overall project site green/open space as per lot coverage calculations.
- f.** Upon recommendation of the Planning Board, the Town Board will designate the area of the property that is to be reserved as green space at the time of Concept Plan Approval.

2. Restricted Business Zone.

- a.** Maximum unit density will be determined based on entire parcel acreage.
 - 1.** Allowed density will vary according to size of multi-family units:
 - A.** 1 bedroom – 12 units per acre
 - B.** 2 bedrooms – 10 units per acre
 - C.** 3 bedrooms or greater – 8 units per acre
- b.** Minimum Lot size for consideration of a Multiple Family Overlay Design in a Restricted Business Zoning District shall be 5 acres.
- c.** Multiple family development in a Restricted Business Zoning District will require a commercial component (minimally 25% of the entire parcel acreage) and interconnectivity with other residential and commercial uses is required.
- d.** Multiple family development in a Restricted Business Zoning Classification will require 30% of the land be devoted to permanent green space. Where an interconnection with other residential or commercial uses is provided, the amount of required green space can be reduced to 20 percent.
- e.** Part or all of the commercial component can be reserved as green space for later commercial development; this reserved green space for commercial development is in addition to the required overall project site open/green space as per lot coverage calculations.
- f.** Upon recommendation of the Planning Board, the Town Board will designate the area of the property that is to be reserved as green space at the time of Concept Plan Approval.

3. Traditional Neighborhood District.

- a.** The maximum density for multiple family housing will be 4 units per acre; additionally, there shall be no more than 16 units on any land parcel.
- b.** Multiple Family Overlay Design shall require a two (2) acre minimum lot size.
- c.** Scale and design standards must be compatible with hamlet features, as identified within the TND Zoning District.

Section 229-xxx. General Design Standards.

- A.** All on-site traffic access roads shall be constructed to standards as approved by the Town Board. Curb cuts for proposed entrances or exits shall not be closer than 100 feet to any existing road intersection.
- B.** Each phase of any multiple family residential development must meet the density requirements as herein established.
- C.** No interior public roadway shall be closer than 30 feet to any building.
- D.** Parking shall be to the rear or side within any multiple family residential development.

E. Multiple family residential projects that adjoin a street shall have significant screening running the length of the right-of-way, parallel to the street, except for driveways.

F. There shall be provided on the site of such use an area or areas devoted to the recreational use of the residents thereof. Such recreational component can be comprised of open space and shall have a total area equal to at least 15% of the gross land area of the lot. This area shall be fully maintained by the owner of the property. Part or all of such space shall be in the form of developed recreation areas to be usable for recreational purposes. The 15% dedicated for such use may be counted as a part of the total green space requirement for such projects.

G. No principal building shall contain less than 1,000 square feet of usable floor space. Buildings used in whole or part for residential purposes, exclusive of accessory buildings and exclusive of porches, entries, garages and terraces, shall contain no less than 900 square feet of usable living space if a one-story building used as a one-family dwelling, nor less than 600 square feet of usable first floor living space if more than one story, provided that no such building shall contain less than 1,000 square feet of usable living space if used as a one-family dwelling; and provided, further, that no such building shall contain less than 600 square feet of usable living space for each one-bedroom family unit or apartment; 720 square feet of usable living space for each two-bedroom family unit or apartment; and 1,000 square feet of usable living space for each three-bedroom family unit or apartment.

H. Any multiple family housing development that includes five or more units and that is situated, in whole or in part, within the Adequate Educational Facilities Overlay District, shall comply with the terms of Article XIVA of the Town Zoning Law.

Section 229-xxx. Exceptions.

A. Unsewered Lots.

1. Multiple Family Residential projects shall not be allowed within the Restricted Business Zone on unsewered lots.

2. Under special requirements, the Town Board, in its sole discretion, upon recommendation of the Planning Board, may allow multiple family uses on unsewered lots within the Commercial zone. These requirements shall, at the sole discretion of the Town Board, include:

a. The maximum lot coverage of a multiple family project shall be 70% of the parcel.

b. A minimum of 50% commercial use of the developable land shall be required (35% of the total lot area).

c. The maximum on-site waste treatment allowance determination shall be consistent with the requirements of the local regulatory agency and Town Engineer approvals, including residential and commercial waste (this requirement, combined with the minimum commercial use, would typically yield a maximum of 25 units, regardless of lot size).

3. A super majority approval of the Town Board shall be required for multiple family development on unsewered lots in a Commercial Zone.

B. Lots under 5 acres.

The Town Board, at its sole discretion, may, upon recommendation of the Planning Board, allow multiple family development within commercial zones on land parcels less than five (5) acres.

Requirements include:

1. The development must be a fully integrated mixed use; for example commercial use on ground level with apartment(s) overhead. Reserving land area for commercial uses is not permitted in this instance.

2. Maximum multiple family development density will be six (6) units per acre.

3. Buildings shall be limited to two (2) stories.

4. A super majority approval of the Town Board is required.