

Town of Clarence
Planning Board Work Session Minutes
Wednesday April 21, 2010
6:00-8:00 p.m.

Chairman Al Schultz called the meeting to order at 6:00 p.m.

Planning Board Members present:

Chairman Al Schultz	Vice-Chairperson Wendy Salvati
Timothy Pazda	George Van Nest
Richard Bigler	Gregory Todaro

Town Officials Present:

Director of Community Development James Callahan
 Planner Brad Packard
 Councilman Peter DiCostanzo
 Deputy Town Attorney David Donohue

Item 1-Approval of Minutes.

Motion by Richard Bigler, seconded by Gregory Todaro, to **approve** the minutes of the meeting held on April 7, 2010, as written.

ON THE QUESTION:

Chairman Schultz notes page 2010-9, sixth line: the words **Major Arterial** should be replaced with **Commercial**.

Gregory Todaro	Aye	Richard Bigler	Aye
George Van Nest	Abstain	Timothy Pazda	Not present yet
Wendy Salvati	Aye	Al Schultz	Aye

MOTION CARRIED.

Item 2-Master Plan Amendment 2015, Planning Process.

DISCUSSION:

Chairman Schultz identifies two (2) issues to be discussed. The first issue is for the Planning Board to begin review of the land use approval process, the second is to identify other Planning Board issues such as areas in the Code that may not be adhered to as much as they should be.

In order to review the land use approval process the following has been established as a guide for discussion:

- 1.) Identify the process/steps.
- 2.) Share thoughts on the critical steps.
- 3.) Consolidate and organize the information.
- 4.) Share the outcome of number 3.
- 5.) Examine best practices in each area.
- 6.) Review where the Planning Board thinks it should go as a Board.
- 7.) Discuss results with the Town Board at the June 30, 2010 Joint Meeting.

Chairman Schultz would like to start at the point where the Planning Board begins Concept Review. SEQRA determination is part of this process. Development Plan review should be looked at as well.

The ground rules for this discussion are as follows:

- 1.) All ideas and all suggestions to be discussed.
- 2.) Sidebar conversations will distract the process, address the chart.
- 3.) Be succinct.
- 4.) Speak in positives.
- 5.) Ideas are not to be challenged.
- 6.) Question(s) for clarification only.

Gregory Todaro suggests the Planning Board mold ideas and motions to the specific request. The Environmental Assessment form (EAF) must match the motion. Chairman Schultz would like to see the EAF as part of the first initial review.

Deputy Town Attorney David Donohue would like to know what the goals are, even if they are contradictory. Is one of the goals to eliminate the TEQR Committee? The Town Board was discussing the possibility of the Planning Board as more of a deciding Board. Richard Bigler said if the TEQR Committee met more than once a month it would speed up the process.

Jim Callahan notes that in accordance with Master Plan if the Town Board refers a project they are identifying that it is in conformance with the Master Plan. In general, the thought is that once a project goes to the Planning Board it should come back to the Town Board with a recommendation not a denial. George Van Nest said there is a need to streamline gate-keeping; referrals should be thorough and complete with more upfront information. Jim Callahan said any potential road blocks should be identified upfront as well. In general, the Town Engineer and the Highway Department can be involved from the start. If the applicant meets with the appropriate departments to find out what information is required, the applicant can have this information when it first goes before the Town Board. Jim Callahan notes that this is done now by the Planning and Zoning Department when an applicant comes into the office.

Brad Packard said a suggestion has been discussed to have the Planning Board assume authority on Development Plan Approval, not just recommendation.

Chairman Schultz suggests the Planning Board ask the Town Board to seek Lead Agency at the same time a project is referred to the TEQR Committee. This would verify that the EAF is correct. He then suggests the Planning Board as Lead Agency.

George Van Nest said too much might be lost by eliminating the TEQR Committee. Wendy Salvati suggests the Planning Board limit the referrals to the TEQR Committee; she thinks the Planning Board is capable in many cases to make a SEQRA determination.

Deputy Town Attorney David Donohue said it would be important to review "Who does it well".

Wendy Salvati suggests eliminating the Concept Plan Review. Use a Sketch Plan instead of a Concept Plan and have the full Planning Board review it. The proposal would be sent for SEQRA review after the plans have been fully engineered including infrastructure, architecture approval, lighting, elevations, landscape plan, etc.

George Van Nest suggests eliminating unnecessary referrals. Deputy Town Attorney David Donohue said changes can be made to the Code, however he thinks the Code is fairly sufficient. Jim Callahan points out that the Subdivision and the Zoning Law process was reviewed in 2005 when the Law was updated.

Gregory Todaro points out that the process cannot be "a one process fits all".

George Van Nest said he does not know that it makes a tremendous amount of sense for our legislative body to spend as much time as it does on land use decisions. Looking at the meeting minutes it appears that the Town Board spends 40-50% of their time on land use decisions. What the Planning Board does is constrained by the Code.

Timothy Pazda voices his concern that the process is cumbersome and confusing for people who want to be/stay involved.

Chairman Schultz would like to identify other issues the Planning Board may have regarding the Code. He suggests listing an area of the Code where the Planning Board has turned away from or where they need to do more. For each area listed, there should be an explanation of what the Planning Board is currently doing and a third list for the best practices in each of the listed areas. Jim Callahan refers to the Special Exception Use Permits which, according to the Code, are supposed to be referred to the Planning Board.

Gregory Todaro said the Code is "light" in regulations and requirements for "green" items such as windmills and solar rays; he would like to see more details/specifics in the law. Jim Callahan notes there is a Satellite, Antennas and Towers Local Law.

George Van Nest voices his concern regarding land clearing in advance of a site plan project; he believes this issue needs more focus. Wendy Salvati refers to the code which states this type of project shall be referred to the Planning Board; she thinks this step has been skipped in the past. She hopes that the two laws: the Landscape Law and the Clearing, Filling, Grading Law are being properly correlated. She also voices her concern with upholding community character. Jim Callahan explained that the Planning and Zoning Office discourages anyone from clearing in advance of submitting a project.

Timothy Pazda said the Code requires paving and striping; but it seems there is over-paving in areas where it is not needed. Perhaps the Planning Board could be more flexible in this area.

Timothy Pazda voices his concern regarding the Open Development Area Law. He notes an example of a project that met the code but did not get approved wonders if the law needs to be changed. Jim Callahan explained that the Open Development Code is discretionary not an as-of-right use. Wendy Salvati will speak with the Conservation Advisory Council members and ask if anyone is interested in joining the Landscape Committee.

Chairman Schultz said the discussions and ideas of this work session will be organized and placed on a list for all to review.

Meeting adjourned at 7:34 p.m.

Carolyn Delgato
Senior Clerk Typist