

Town of Clarence  
 Joint Town Board / Planning Board Minutes  
 Wednesday April 29th, 2009

**Work Session 6:30 pm**

Roll Call  
 Update on Pending Items  
 Zoning Reports  
 Committee Reports  
 Miscellaneous

**Agenda Items 7:00 pm**

Approval of Minutes

**Item 1**

Miscellaneous Updates

Discussion

- Required training
- Landscape Committee Update
- Don Owens presentation
- Process improvements
- Sign Law Update

**Item 2**

New York State Planning Federation Update

Discussion

**Item 3**

Branding Clarence Update

Discussion

**Item 4**

Public Versus Private Infrastructure

Discussion

**Item 5**

Sewers Update

Discussion

**Item 6**

Clarence Hollow Brainstorming Session

Discussion

**Item 7**

Other Board/Committee Updates

Discussion

**Item 8**

Discussion and Comments

Discussion

**Item 9**

Future Joint Meeting Date(s)

Discussion

Chairman Gerald Drinkard called the meeting to order at 7:00 p.m. Councilman Peter DiCostanzo led the pledge to the flag.

Planning Board Members Present:

Chairman Gerald Drinkard  
2<sup>nd</sup> Vice Chairman Wendy Salvati  
Timothy Pazda  
Richard Bigler

1<sup>st</sup> Vice Chairman Albert Schultz  
Jeffrey Grenzebach  
George Van Nest  
Gregory Todaro

Planning Board members absent: None.

Other Town Officials Present:

Director of Community Development James Callahan  
Planner Brad Packard  
Town Supervisor Scott Bylewski  
Councilman Peter DiCostanzo  
Councilman Patrick Casilio  
Councilman Joe Weiss  
Councilman Bernie Kolber  
Town Attorney Steve Bengart  
Deputy Town Attorney David Donohue  
Town Engineer Joe Latona  
Deputy Town Engineer Tim Lavocat

Other Interested Parties Present:

Paul Shear - TEQR  
Ryan Mills - ZBA  
Art Henning - ZBA  
John Moulin - TEQR  
Andrea Kimbriel - Clarence Bee  
Elaine Wolf – Clarence Hollow Association

Robert Sackett - TEQR  
Dan Michnik - ZBA  
Robert Geiger - ZBA  
Rick McNamara – TEQR  
Jon Rothenmeyer - Citizen

Supervisor Scott Bylewski opened the meeting. He thanked all for attending. The meeting then went right to the agenda.

**Item 1**

## Miscellaneous Updates

## Discussion:

- Required training
- Landscape Committee Update
- Don Owens presentation
- Process improvements
- Sign Law update

**DISCUSSION:**

Gerry Drinkard began with miscellaneous updates:

- 4-hours of training are required once a year for all members; all must comply. All records are kept in the Planning and Zoning office.
- There is a two member landscape committee, who is currently seeking one more member with credentials in this field.
- A public 1 ½ hour presentation/training was held a few weeks ago by Don Owens, a soil and wetlands specialist. It was very informative, targeting water issues above and below the surface of the land.
- The planning function has continuous process improvements. Because of suggestions that groups have made, there will be sewer and engineering update given tonight. Supervisor Bylewski implemented a Six Sigma training which will add a formal aspect to making process improvements overall.
- The sign law has been evaluated for improvements since August 2007. It was put before the Town Board, and then before the public. Suggestions have been made for improvements and opportunities. Steve Bengart had some great ideas and legal advice, and we hope to finish the review process by this time next year.

**Item 2**

## New York State Planning Federation Update

**DISCUSSION:**

Wendy Salvati and Tim Pazda are on the Board of Directors of the NYS Planning Federation. It is a state wide organization made up of volunteers, planning & ZBA members, whose mission is to help educate public boards with site development and zoning so they can do a better job. The website you can go to find information is <http://www.nypf.org/>. Tim Pazda gave an update on the New York State Planning Federation. Wendy Salvati is the first vice president of this organization statewide, and is in line to be president. All boards that have an interest are encouraged to come to an annual 2-day training conference from September 13<sup>th</sup> to 15<sup>th</sup> at High Peaks Resort in Lake Placid. Randall Arendt, a landscape planner, site designer, author, lecturer and advocate of conservation planning; will speak on practical ways of reclaiming existing highway strips characterized by dysfunction and visual blight. Multiple strategies of aggressive approaches will be discussed for re-building these corridors, which is very applicable to our community and a lot of communities throughout the state. He will also lead a session on conservation subdivision design as a tool for building community-wide open space networks. The federation has a new executive director, Judy Bressler, who is also president of the New York chapter of the American Planning Association. Judy brings a wealth of information and knowledge. Her goal is to make the Planning Federation more relevant in our communities.

**Item 3**

## Branding Clarence Update

**DISCUSSION:**

Town Supervisor Scott Bylewski gave an update on the branding image for the Town of Clarence. The goal is to promote to the public that the Town of Clarence is a good place to live and work. One of the slogans being considered by the branding committee was created by Doug Kohler: "Green Spaces, Caring Faces, Historic Places". We think this captures the spirit of the Town of Clarence. We're looking at a tentative roll-out by Labor Day. The team is considering a brochure or folder that real estate agents can use to market the town, and also to help welcome people into town.

**Item 4**

## Public Versus Private Infrastructure

**DISCUSSION:**

Joe Latona explained that the town engineering, planning and highway departments have been involved in addressing the public vs. private infrastructure head on; specifically pertaining to water lines, roads, sanitary sewers, and drainage; along with storm sewers and retention basins. Each of these departments have concurred that there are many complications with the privately owned infrastructure in developments; and collectively recommend publicly owned infrastructure with the exception of open developments.

Jim Callahan explained that by nature, private open developments are small and no more than four homes, and that there is a minimum specification for that type of private development. Because they are usually an exclusive development that only services a small number; there would not be, in the future, a proposal from those residents to convert to a public infrastructure. It's small enough where the minimum requirements, via private improvement permits, would make sure that the drainage is installed per our specifications and the ultimate design. The thought is that these open developments will not be a burden on the town in the future. Higher density and smaller lot sizes, with our open space design; creates clustering. Private roads could potentially cause a problem: where if it is private up front, there could be pressure to convert it to a public road in the future. Also, we wrestle with the approval process on some of these open space designs, because with residential, there will be situations where we will be pressed to design something that will be acceptable long term. We are thinking ahead on clustering, open space design and trying to figure out what is best for the town long term. Open development is exclusive enough where we can keep it private, and when we look at clustering and open space designs, that we create some public infrastructure access so that the town engineering and highway departments can maintain facilities into the future.

**DISCUSSION:**

Joe Latona speaks on issues of concern for private infrastructure in the areas of storm water management, road specifications, and utilities including water and sanitary sewage, and electric.

Storm water management is an issue of concern for private infrastructure: either public water flows through a private development; or private water flows through a public development and it is difficult to tell the difference between public or private standing water. For private developments, we have a storm water team management program which is mandated by EPA, and being implemented and enforced. We also have an existing retention basin committee, which has had one meeting to date and will be having more activity relative to retention basins that are proposed in a development. They look at whether the town wants to have ownership of the basin or wants to have easement of the basin. Right now, we have no control on the basin itself. We have an easement that goes onto the pipe in the basin, and an easement that goes up over the pipe on the outfall of the basin. Unfortunately, most problems with retention basins come during the January thaw when snow melts and floods down in the basin, which is inaccessible in muddy water. We need to look at accessibility and ongoing maintenance of storm water drainage systems. From our experience with the private entity, they don't have the technical experience to address drainage issues, therefore the private entity contacts the town for advice and we propose solutions. We've done that on two or three private occasions, one of them the house on Loch Lea Road, which are wrestling with the private drainage system. Another one is Laurel Park off of Transit Road. The town is usually called upon regardless of ownership; it ends up being an impact to public safety could be involved with backed up retention basins that back up into backyards. In addition, the private entity second owners are not aware of the responsibility, and the homeowner's association as well; infrastructure starts to deteriorate; the quality of the development starts to go down.

Road specifications are another issue of concern for private infrastructure. Specifications for private roads only exist in open development, so we would have to develop the standard. Currently all public roads are maintained by the highway department, who are totally for public infrastructure. The town is usually called upon regardless of ownership. If the condition of the roads is bad, they want to town to take care of them. Unfortunately, in some cases, we have to tell them they have to deal with it themselves, and this affects the quality of the development.

Utilities are also an issue of concern for private infrastructure. In many cases, the metering of the water, which is a public service, is master metered and every house within the development needs to be metered somehow for payment.

Public health is the largest concern with private infrastructure. Are the sewers being maintained or causing public health issues? If the water is overflowing and running into the storm system, we end up having to deal with it anyway. Again, the town is going to be called regardless of ownership, government is going to get involved. The difficulty is drawing the boundary lines of government involvement in private entities. All backyard drainage issues are private issues, and we can't get back there unless we have an easement. Even if we have an easement, it depends on accessibility if we can even get back there, depending on the time of the year.

Although the first buyers in a private development fully understand what their responsibilities are, it is usually the subsequent purchasers that do not fully understand the responsibility of owning property in a private infrastructure development. In conclusion, the Engineering, Planning, and Highway departments all agree that there are many complications with privately owned infrastructure in developments; and collectively recommend the pursuit of publicly owned infrastructure with the exception of open developments. A clear policy and procedure relative to infrastructure would implement Six Sigma efficiency.

Gerry Drinkard asked if there were any questions for Joe. It was asked if this will increase the downstream costs to developers and ultimately on to the public; that stated that it seems it would increase our fees due to continual maintenance. Joe Latona stated there are fees relative to design as well as maintenance. For example, with new developments, a developer comes in and lays the infrastructure, the roads, the sewers, the water lines – and then he leaves. When we look at our storm sewers, they're half full of mud because of the home builders dragging mud onto the road. When it rains, it goes into the storm sewer. The developer is long gone, and I don't have a way to deal with it, except to threaten them on the next one. We are looking at a provision to make the developer when it's 90 to 95 percent developed to come in and clean all the storm sewers at his expense. It helps us a great deal, because a half full storm sewer has half the available capacity, which causes localized flooding. Things of this nature need to be pursued for the common good.

Scott Bylewski stated that they are looking at what the long term fiscal impact would be on the town. The planning process along with the building and engineering process have to be reviewed on a regular basis. In terms of overall subdivision design, we're still working on some official process, that will impact the type of storm basin, the access to the storm basin, and all of the details associated with it. We need to determine the appropriate input at various stages of the project.

## **Item 5**

### Sewers Update

#### **DISCUSSION:**

Al Shultz stated that we are working closely with the County on the sewer situation in Clarence and Amherst. Some specifics regarding treatment and conveyance capacities were reviewed, and the procedure to connect to, or extend, existing sewer districts was detailed. The main objectives are: to develop an understanding and procedural improvements; to work closely with the division of sewer management; to get more consistent with resolving issues and to improve the infiltration of ground water. Joe Latona is writing the Clarence Sewer District contracts to make them look more similar.

Joe Latona stated that Erie County is in the process of evaluating the most economic and efficient scenarios. The study should be concluded and out within a few months. The basic goal is to centralize and eliminate multiple operations of areas.

Someone asked if there is any movement on the Town Board in either direction. Joe Latona stated the Engineering department is on board with the objectives, but the political views have to be considered. It has to be decided how to publicly implement it through the Town Board.

Wendy Salvati's introduced the question on why developers are asked to mitigate, and why part of the tax money is not used to help maintain the sewer system. Some conversation continued on that subject.

## **Item 6**

### Clarence Hollow Brainstorming Session

#### **DISCUSSION:**

Peter DiCostanzo asked Elaine Wolf to give an overview of the Clarence Hollow brainstorming session, "What happened to the Hollow", on April 4<sup>th</sup>.

Elaine Wolf stated that historic Clarence Hollow was once vibrant and has slowly turned into a "sleepy hollow". The meeting at the Town Park Clubhouse on the 4<sup>th</sup> was "electric". It was well attended, about 70 people. Brainstorming groups got together for about forty minutes, and each presented their best ideas. Some of the suggestions for improvement included:

- Lower the speed limit.
- Encourage paint up/ clean up/ fix up of the properties.
- Add restrooms to the bike paths.
- Bury the utility lines.
- For events, perhaps soap box derby down one of the hills.
- Encourage a theatre company, perhaps in the building soon to be vacated by the sewing center.
- Events in the Farmer's Market parking lot throughout the summer.
- An organic food fair.
- Scarecrow contest.
- A variety store.
- A movie theater.
- Emphasis on the unique trade industry, bike path and green businesses.

Most of the ideas were centered on events to make Clarence Hollow a destination, the thought being that if people come, businesses will follow. All were asked to select the one idea they felt was most viable. The experience of the Clarence Hollow trails was the most popular with a concept called: "the Legend of Clarence Hollow", and the scarecrow contest. Originally the goal was to pick a project and implement it to get things happening in the Hollow. Those who wanted help the Clarence Hollow Association to implement these ideas was asked to stay longer. There were about 25 people who stayed. A subcommittee headed by Jim Dettenger and Mark Castle set a meeting that following Monday. The overall focus was on a plan that will utilize the bike paths as a way to bring people into the town, and development of the legend of the hollow and the scarecrow contest as a promotion that would capture people who travel to the Pumpkin Farm in September and October. We have had three subsequent meetings and there are works in progress, with some issues yet to be resolved.

The "experience the Clarence Hollow trails bike path initiative" will partner with a company from Batavia called Adam Miller Toy and Bicycle Shop. They will provide a variety of bikes for rental on Saturdays and Sundays from the Farmer's Market lot, beginning the first weekend in June through Labor Day weekend. They will be responsible for the insurance. The approval from the Farmer's Market committee has yet to be sought. The bikes will be brought in each day and not stored

on the site. A general bike path brochure will be prepared, as well as material regarding rental costs. Various riding paths will be identified: a kid's path, a historic path, and a sports path for more serious riders. There will also be walking paths to follow.

The marketing plan is to make the Farmer's Market parking lot the bike path hub, with a new name that will romance the trails and its railroad history. We will use Memorial Day weekend to introduce the rental idea, and hope to have the presence of bike riders in the Memorial Day parade. It's important to have bike racks throughout the Hollow so that riders can easily stop and go into businesses. The town does not have any extra bike racks, but our hope is that we can purchase them through the town. Councilman Joe Weiss has stepped up and will donate some money towards the bike racks. The cost is approximately \$200 per rack.

The details on the legend of the hollow and the scarecrow promotion have not all been worked out. We're looking at the weekend of October 11<sup>th</sup> and 12<sup>th</sup>. To create traffic stopping interest in the Hollow at the time of the Pumpkin Festival, a scarecrow contest is planned and it is hoped that the businesses and residents along Main Street will participate. Any organizations or others not located in the Hollow who want to compete will have your scarecrows exhibited at the Farmer's Market. The public will be asked to judge them, and prizes will be awarded to the top entries. A legend history will be contrived that will require answering questions about various places in the town, and will probably require going into businesses for validation of entries. Prizes will be offered and it will be similar to what we did with Walk the Villages.

To sum up the results of the brainstorming session, and the subsequent meetings, the response from the Clarence residents is great. There is interest and caring, and many just want to help out. We all know that it will take more than the utilizing our bike paths to bring subsequent growth to the Hollow, but it's a beginning that subsidizes a resource that we already have in place. We are pursuing ways to get funding for businesses and for improvements by correct property owners. We also would appreciate having a parking lot on the town's Salt Road property. A local pledge is being formulated to encourage residents to support our local businesses. Let's put our efforts together and work on making everyone proud of the Hollow. (A handout was available at the meeting. It was asked that this be made available electronically as well. The Clarence Hollow website is also being updated. The meetings are held every Monday.)

## **Item 7**

Other Board/Committee Updates

### **DISCUSSION:**

No other boards had updates.

## **Item 8**

Discussion and Comments

### **DISCUSSION:**

There was a concern about the denial of a used car lot on Transit Road, and a request for summation from the planning board on why it was turned down. Gerald Drinkard explained that the Transit Road corridor was studied last year and there are a few reasons surrounding the decision. The

used car lot would be uncharacteristic of the surrounding businesses, like the country club across the street. The connotation of a used car lot can be like a junkyard. The belief is that it would be more appropriate elsewhere, and that section of Transit Road should be maintained at its current character. Even if the lot was neatly maintained, saying yes to one opens it up to having to say yes to others. Long term thinking, we don't want to end up with a strip of used car lots, like the section of Transit in Lockport.

It was suggested that we re-visit our vision for the town. There are other places that should be considered for businesses, so that Transit Road is not the only place people are drawn to. We have to think about attracting people to other areas of the town. There are places where things should and shouldn't go.

There was a concern that the county legislator is moving closer to a regional planning board, and the fear is that it will morph into a bigger animal someday where the county will try and come in and control our town. It is an advisory board right now, with a group of volunteers, but they're already establishing an office and spending money toward it. Our Planning and Zoning department does a good job, and we don't need someone from the County coming in and telling us what we can and can't do. Good and bad things could come out of this and we need to pay attention to it. Smaller towns may need county help, but we do a better job as local government staying closer to the people. Wendy Salvati stated that this is not necessarily the intent of the county planning board. The purpose of that board is to take a higher level look at the developments in local municipalities. If it's of a local nature, the town decides. If there is a larger issue, then they would intervene.

There was a question and conversation about branding in Clarence and stone walls, fences, and landscaping. If it enhances the character of the building and the town, and it's feasible, then a stone wall is recommended. There has never been a force of hand, most work with the town to enhance and improve character, and to have quality development. People can also enhance character just with the sign they use. It was suggested that we provide a list of companies that can do stone walls at a more reasonable cost. The Arboretum committee had difficulty with obtaining quotes because there aren't many out there that do it at a reasonable cost. We do want to maintain a certain standard and are starting to collect a catalog of what different projects look like, so we have something to compare to. We suggest something to help a business be more successful and attract people to their business, while at the same time building the character of the town.

It was asked why developments are approved without sidewalks, making children play and ride bikes on the streets, while drivers pass at 35-40 MPH. Jim Callahan clarified that in 2005, we adopted a new subdivision law that requires sidewalks, and any new subdivision will have sidewalks. It was noted that under NYS law, you're not supposed to ride bikes on a sidewalk, which is why we're looking at bike paths in other parts of the town.

**Item 9**

Future Joint Meeting Date(s)

**DISCUSSION:**

To be determined.

Meeting adjourned at 8:58 p.m.

Cassandra Fish  
Part Time Fill-In Clerk