

Town of Clarence
Planning Board Work Session Minutes
Wednesday August 20, 2008

Work Session 6:00 pm

Chairman Gerald Drinkard called the meeting to order at 6:01 p.m.

Planning Board Members Present:

Chairman Gerald Drinkard
1st Vice Chairperson Wendy Salvati (arrival 6:09 p.m.)
2nd Vice Chairman Timothy Pazda
Jeffrey Grenzebach
George Van Nest
Richard Bigler
Albert Schultz
Gregory Todaro, alternate

Other Town Officials Present:

Director of Community Development James Callahan
Planner Brad Packard
Councilman Peter DiCostanzo
Deputy Town Attorney David Donohue (arrival 6:15 p.m.)

Other Interested Parties Present:

Sean Hopkins Karen Willyoung
Kevin Curry Mike Metzger
Clayton Ertel (arrival 6:53)

Chairman Drinkard explains this meeting is a work session, there will be no voting. The intention of this meeting is to develop a list of concerns and issues and potential solutions for the Waterford Village and Stone Ridge Estates.

Item 1

Waterford Village PURD

DISCUSSION:

An informational document dated August 6, 2008 listing the concerns to be addressed for this project, has been updated with the information discussed at the last Planning Board meeting, the revision date is August 20, 2008. This document will be updated again after this meeting. Chairman Drinkard lists a number of additional documents that have been referenced while reviewing the proposal, they include: the Findings Statement of the SEQR review that was done August 22, 2001, the minutes from 2003, an agreement dated December 10, 2003 that was read into the Town Board minutes on December 17, 2003 and the PURD Law.

Chairman Drinkard refers to the informational document dated August 20, 2008 and would like to discuss the first issue which is Commercial Community Services and Support. The PURD Law is very clear in stating the services should exclusively serve the PURD residents. He suggests proposing a list of allowable business types as well as those types that are not allowed. Should a bank or a pizza parlor with national ramifications be allowed? They are dependent on volume and would generate traffic. Timothy Pazda asked, "Isn't this impossible? What form of business doesn't depend on volume?" Chairman Drinkard refers to a list of possible businesses: barbershops, beauty salons, delicatessen, ice cream parlor, pizza shops, travel agent, dry cleaner, etc. He said more importantly would be the list of business types not allowed. Wendy Salvati said when the applicant chose to put a commercial section in he should have understood the requirements and restrictions of the PURD. The applicant has been asked to provide architectural elevation schemes and to advise what building in the campus area will be the community center. Other information the Planning Board considered was roof styles, mechanicals on the roof and placement of the mechanicals in front of roof away from homes.

Jim Callahan said there are a number of PURDs in Town but none of them have a commercial component. Gregory Todaro agrees with Timothy Pazda's statement regarding businesses and wonders if the locations will be filled with businesses at the start. Chairman Drinkard asked if it is wise to list the businesses. Jeffrey Grenzebach points out there is no "down" area for items such as a dumpster; the townhouses will be looking at the commercial area. Wendy Salvati said if the businesses are smaller uses, they may not need a dumpster. Richard Bigler suggests a daycare center as an allowable use, however there is not an outside area for the children to play in. Albert Schultz asked what size grocery store would be allowed. Chairman Drinkard said the SEQR was done with the PURD law in mind and had a limitation on what business type was allowed. The question is does every business have to go through SEQR again or what type of businesses would have to go through SEQR and Town Board approval. Wendy Salvati said the businesses have to serve residents of the relatively close environs of the PURD; it can not be a destination type business. This is much more restrictive than the Traditional Neighborhood District (TND) businesses. George Van Nest said the law said business is primarily to serve the PURD, not exclusively.

The signage would follow the current Sign Law. Chairman Drinkard said it was agreed that street signs and directional signs would be identified and provided for by the Town.

George Van Nest said since the commercial area is now located on a major road, as opposed to the center of the development, what difference does it make with regards to what type of businesses are allowed. Wendy Salvati said the uses should be less intensive. Mr. Van Nest asked if Planning Board is controlling the impacts to adjacent neighbors or to the residents of the PURD. Chairman Drinkard said it could be both.

Timothy Pazda thinks an updated traffic study is needed in order to make a decision on what could be allowed in the PURD. Jim Callahan said as the development is built out updated traffic studies can be requested at different phases.

Albert Schultz said commercial type buildings are not allowed in the PURD. He asked what size limit might the Planning Board want to put on the businesses allowed. Richard Bigler asked how a number can be put on the size of the business, this is restrictive. Mr. Bigler goes on to suggest the Planning Board wait for the applicant's proposal and then discuss it. Wendy Salvati said the site plan in front of the Board has four (4) buildings. Mr. Bigler said the Board is looking for specifics in an overview. Jim Callahan said there will be different sizes for different uses.

Chairman Drinkard said the sewers and taps will be handled by the Town Engineer. Public vs. private roads are delineated on the print. There is a street lighting plan. In the context of connectivity, it is a walkable community as there are sidewalks on every private and public road with the exception of Dana Marie Lane.

The current plan for the commercial area shows 215 parking spaces. The driveways of the easterly townhouses goes into the parking lot of the commercial area. There was discussion of the possibility of the developer forgiving those parking spaces on the eastern property line and leaving the area open, perhaps with a vegetation buffer. Mr. Schultz refers to a letter sent to Supervisor Bylewski dated September 7, 2007 from National Fuel requiring any town house have a 27' setback from the road to allow them to service the gas line. The proposal does not appear to have this amount of setback. This issue needs to be addressed. Timothy Pazda suggests banking both east and west sides of the parking lot.

The yield is 379 plus or minus 10%; this is well within the boundary.

There is a landscape plan on file that has been rejected. An updated current landscape plan accepted by the Landscape Committee is required. Chairman Drinkard proposes the applicant use the current Landscape Law. He explains that 8% of the internal parking must have landscaping. There must also be berms shown on the plan, specifically along Roll Road and along the bike path at the end of Thompson Woods. The dimensions of the berms must be specified. The Town would like to see the bike path from Roll Road to Clarence Center Road in as soon as possible.

Wendy Salvati refers to the overall project requirements which indicates two (2) trees per home are required for single-family homes including Waterford Green; corner lots require four (4) trees.

Mr. Schultz said there are a lot of parking spaces for such a small development that is supposed to be a walkable community.

Chairman Drinkard said there is a conservation easement for open space. The agreement from Western New York Land Conservancy (WNYLC) can be obtained from the applicant.

This is the plan that was reviewed in the EIS.

George Van Nest asked what the down side is to having a small community center located in this area of the Town that can serve not only this location but surrounding areas, so long as it is developed appropriately. Timothy Pazda said it is not zoned Commercial. Mr. Van Nest said uses such as retail and services are permitted per the PURD. Each business must go before the Town Board for approval. Chairman Drinkard reads from the PURD Law: "(3) Local center. This classification includes uses primarily designed to serve residents within the relatively close environs of the PURD. Uses may include retail sales and service facilities." Mr. Schultz said in the traffic part of the EIS it does not talk about any kind of commercial center, it talks about the traffic from the community. Chairman Drinkard goes on to read from the PURD Law: "(4) Other uses. Uses not specifically enumerated above, nor specifically prohibited, may be permitted with the approval of the Town Board after review by the Planning Board as part of the site plan review." The latest print is from 2003 and indicates what types of businesses are proposed, there are no elevations, no building designs. It is presumed that when site plan recommendation is given a list from the developer has been received; there is no list from the developer. The Planning Board needs this list. Wendy Salvati suggests

developing criteria for what can or can not go in the PURD, using the TND as a guide. Perhaps the square footage of each business should be included in the criteria as well.

Chairman Drinkard explains that a prospectus for a homeowners agreement that would govern the living units was requested at the last Planning Board meeting. The homeowners agreement must be very comprehensive. Deputy Town Attorney David Donohue does not think the homeowners agreement would govern the businesses in the PURD. George Van Nest said there may be two (2) different documents, one to govern commercial and one to govern residential. Deputy Town Attorney David Donohue said the business agreements should be a landlord/tenant situation. The homeowners agreement requirement can be made part of the recommendation to the Town Board by the Planning Board.

Engineering letters must be updated and current.

There will be no commercial signage on Roll Road. All commercial signage must be on the business frontage only.

To recap the commercial parameter, it is noted that the size of the businesses will be like the TND, less intensive. The parking on both sides of the commercial area is an important issue that needs to be addressed.

Jim Callahan will update the informational document to include the above discussion.

Item 2

Stone Ridge Estates Subdivision/
Open Development Area

DISCUSSION:

Jim Callahan provides the background on the project. It is located in the quarry on the south side of Stage Road, east of Ransom Road. The proposal originally came in as two (2) separate applications. One was for the frontage lots along Stage Road; the second was for an Open Development or other type of development. It was initially identified that five (5) lots were previously split of a parent parcel by the owner and because there are five (5) splits there it is considered a major subdivision. It was identified, when the fourth lot was approved, that any future splits off this parent parcel would be classified as major and would have to go through an environmental analysis. There has been no recommendation from any departments with regards to public or private roads; however it has been identified that they should not be mixed, the roads should either be all public or all private.

Chairman Drinkard said 12 living units are allowed on a cul-de-sac. This print shows 15 units. Jim Callahan said there was discussion regarding the odd lot configurations and if there was a better way. There may be a mechanism to identify the proposal as an Open Development and normal lot configuration can be used eliminating the "wiring diagram" lots and putting a deed restriction on the frontage so there would never be additional splits off the frontage; whatever number of lots was approved could retain their 5 acres and would not have to extend down to the frontage. The frontage is there to accommodate that number. The Town Board could approve this recommendation via super majority for the subdivision.

Deputy Town Attorney asked if a variance could be requested for 15 living units on a cul-de-sac as opposed to 12. Jim Callahan said this is possible. An alternative is to do another Open Development. There is frontage for 19 lots.

Wendy Salvati said she is ok without full connectivity.

Chairman Drinkard said if the four (4) lots are kept in the equation the options are: 1.) an Open Development with a private road or 2.) a loop road with potentially with a public road.

Wendy Salvati said the land along Ransom Road at Stage Road falls on to one (1) lot and could be deed restricted.

It is clarified that the State law says 5 acres per parcel for septic system reasons. Per New York State the Health department can issue four (4) septic systems in a three (3) year period under five (5) acres.

Chairman Drinkard asked if the Town can charter a geological study. George Van Nest said it can be done under SEQR; when this project is referred to the TEQR Committee it should be noted that special attention be paid to the geological study. In past meetings a neighbor voiced his concern with regards to the drainage saying he suspects the road would flood at certain times of the year. George Van Nest refers to the Subdivision section of the Town Code Section 193-25 (B) Topsoil which indicates a minimum of eight inches (8") of topsoil must remain for portions of the site not covered by structures, sidewalks, parking areas, roadways or driveways. The site is probably subject to a mining reclamation plan. The applicant needs to submit a proposal that meets the code. The four (4) lots remain a part of the discussion on this proposal.

Gregory Todaro said some neighbors were concerned with the through traffic.

MISCELLANEOUS:

Chairman Drinkard notes that there is a free four (4) hour seminar on Thursday September 25, 2008 hosted by Erie County. If anyone is interested they are to advise Carolyn in the Planning and Zoning office.

Meeting adjourned at 7:36 p.m.

Carolyn Delgato
Senior Clerk Typist