

Town of Clarence
Planning Board Minutes
Wednesday June 1, 2011

Work Session 6:30 pm

Roll Call
Update on Pending Items
Zoning Reports
Committee Reports
Miscellaneous

Agenda Items 7:30 pm

Approval of Minutes

Item 1

Loewer Paving
Industrial Business Park

Requests a Building Permit for construction of an accessory structure at 9700 County Road.

Item 2

Fred Cimato
Residential Single Family

Requests determination under Town Environmental Quality Review (TEQR) for demolition of structures built prior to 1950 at 6285 Herr Road.

Item 3

Krislyn Development
Major Arterial

Requests Building Permit for construction of an addition to existing commercial structure at 6221 Transit Road.

Item 4

Cimato Brothers/Passero Associates
Residential Single Family

Requests Preliminary Concept Review of a proposed Major Subdivision west of 8990 Greiner Road.

Item 5

Master Plan 2015 Amendments for 2011

Discussion:
A.) Transit Road Corridor-Segment B
B.) Clarence Center Hamlet
C.) Harris Hill Road

Chairman Al Schultz called the meeting to order at 7:30 p.m.

Deputy Town Attorney David Donohue led the pledge to the flag.

Planning Board Members present:

Chairman Al Schultz
Timothy Pazda
Robert Sackett

2nd Vice-Chairman Richard Bigler
Paul Shear
Gregory Todaro

Planning Board Members absent:

Wendy Salvati

George Van Nest

Town Officials Present:

Planner Brad Packard
Councilman Peter DiCostanzo
Deputy Town Attorney David Donohue

Other Interested Parties Present:

Susan Aronica
Cheryl Corry
John Leamer
Vic Miller
Paul Barba
Josie Cammilleri
Rosanne Harrington
Mary Aldrich
Joe Weiss
Doug McCallum
Jim Blum

Elizabeth Hansen
Bruce Hoffman
Flora Leamer
Nancy Miller
Joanne Barba
Angelo Cammilleri
Dave Harrington
Fred Cimato
Lynn Owcarz
Shyam Kumar

In the absence of two (2) Planning Board members this evening, alternate member Gregory Todaro will participate in all discussions and vote on all agenda items.

Chairman Schultz explained the procedure for the meeting. Mr. Packard will introduce the agenda item. The petitioner will address the Planning Board who, in turn, will ask questions to develop an understanding of the project. Before the Planning Board takes action anyone in the audience will be invited to speak on the project. For each agenda item it will be explained whether the Planning Board or the Town Board has approval authority.

Item 1

Loewer Paving
Industrial Business Park

Requests a Building Permit for construction of an accessory structure at 9700 County Road.

DISCUSSION:

Mr. Packard provided the background on the project explaining it is located on the north side of County Road, east of Goodrich Road. It is an existing paving and site contracting warehousing facility. The project site consists of approximately 2.4 acres in the County Road Industrial Business Park zoning district. The applicant is present and is requesting a recommendation on a building permit

for the construction of an accessory structure in the rear of the property for the purpose of storage and warehousing.

Ken Loewer of Loewer Paving is present along with the builder, Mark Chriswell. Mr. Loewer said he would like to get his equipment out of site from Martin Road. There will be no expansion of the business; they are just moving equipment into storage. The building will be metal fabricated and identical to what they have but not as big. The proposal has been reviewed by the Planning and Zoning Office and has been found to be in compliance with the Zoning codes and regulations.

Mr. Pazda asked for details on the garage doors. The garage doors will be 12' x 12' with a man-door in the middle facing County Road, identical to what is on the existing structure. The building will be insulated; it will have electricity and water hooked up. There will be no gas hook-up. There will be outside lighting facing County Road.

ACTION:

Motion by Gregory Todaro, seconded by Timothy Pazda, pursuant to Article 8 of the Environmental Conservation Law, a Negative Declaration is **issued** on the proposed Loewer Paving Accessory structure construction. This Unlisted Action involves the construction of a 2880+/- square foot accessory structure in the Industrial Business Park Zone. After thorough review of the submitted site plan and EAF it is determined that the proposed action will not have a significant negative impact upon the environment.

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

MOTION CARRIED.

Motion by Gregory Todaro, seconded by Timothy Pazda, to **approve** the proposed site plans dated February 17, 2011 from K2 Architects and authorize the Building Department to issue the necessary permits to allow for the construction of a proposed accessory structure at Loewer Paving, 9700 County Road with the following conditions:

- 1.) Subject to Town Engineer review and approval of drainage plans.
- 2.) Subject to Landscape Committee review and approval.
- 3.) Subject to appropriate fees.

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

MOTION CARRIED.

Item 2

Fred Cimato
Residential Single Family

Requests determination under Town Environmental Quality Review (TEQR) for demolition of structures built prior to 1950 at 6285 Herr Road.

DISCUSSION:

Mr. Packard explained this proposal as being located on the east side of Herr Road, south of Keller Road and is existing vacant residential property. The project site consists of approximately 37 acres in the Residential Single Family zoning district. The Town of Clarence Historic Preservation Commission has previously reviewed and recommended positively for the consideration of demolishing the existing structures on site. The applicant is present this evening and is requesting a recommendation of the Planning Board regarding the demolition of the existing structures at the project site.

Fred Cimato is present and explained there are two (2) buildings on one (1) lot that need to be taken down.

Mr. Pazda asked if the demolition plan is typical. Mr. Cimato said both structures will be burned by the Clarence Center Fire Company. All asbestos has been removed; all related paperwork has been submitted to the Building Department.

ACTION:

Motion by Timothy Pazda, seconded by Richard Bigler, pursuant to Article 8 of the Environmental Conservation Law, a Negative Declaration is **issued** on the proposed Cimato Demolitions located at 6285 and 6305 Herr Road, Town of Clarence. This Type I Action involves the demolition of structures constructed prior to 1950. After thorough review of the submitted proposal and EAF and after coordinated review and recommendation from the Town of Clarence Historic Preservation Commission, it is determined that the proposed action will not have a significant negative impact upon the environment.

ON THE QUESTION:

This Negative Declaration will allow the applicant to proceed with obtaining the necessary permits for demolishing the referenced buildings.

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

MOTION CARRIED.

Item 3

Kryslin Development
Major Arterial

Requests Building Permit for construction of an addition to existing commercial structure at 6221 Transit Road.

DISCUSSION:

Mr. Packard explained that this proposal is located on the east side of Transit Road, north of Clarence Center Road and is an existing commercial facility. The project site consists of approximately one (1) acre in the Transit Road commercial corridor zoning district. The applicant is present this evening and

is requesting a recommendation on a building permit and architectural approval for the construction of an addition to the existing structure.

Rocco DelGrosso from Krislyn Company, is present and explained that fire egress was an issue that was raised by the Building Department regarding this proposal. The plan has been changed and the current entry way at the center of the property now complies; this plan has been submitted to the Building Department. The northern most driveway is strictly an entrance only. The larger driveway is an exit only. Mr. DelGrosso said the southern most building was built new and was compliant with fire access. Subsequently, the applicant acquired the northern most parcel and added the convenience of the in and out driveways. Mr. Pazda asked if most of the customers obey the in and out driveway directions, Mr. DelGrosso said yes. The northern most driveway will be 12' when finished. The building will be entered from the rear, like the other buildings. The new structure is only an addition to Mr. DelGrosso's existing office. There will be no additional employees nor parking; Mr. DelGrosso's business is by appointment only.

Chairman Schultz noted that the Town Board approved a Master Plan amendment that would down zone this segment of Transit Road to Restricted Business; this use fits the Restricted Business category.

Mr. Shear said the current parking is adequate for the proposed addition. He is concerned with the north side setback as it is not in conformance with the code for that piece of property; it should be 25' but it is only 18'. A variance would be required. Mr. DelGrosso is aware of this. Mr. Shear is also concerned with the driveway that encroaches on the sewer easement. The sewer easement is 10'; it appears the encroachment is 5'- 6' into that easement. This will require an agreement from Erie County Sewer District #5, Mr. DelGrosso is aware of this as well.

Dr. Elizabeth Hanson and Dr. Susan Aronica own the property at 6241 Transit Road. Dr. Hanson is concerned about how the proposed driveway will impact her property. When the existing structure was built construction vehicles blocked the driveway to the Dr.'s property, they do not want this to happen again. Their clinic is open Monday thru Saturday.

Chairman Schultz asked if the width of the pavement is going to be increased near the Dr.'s property. Mr. DelGrosso said a portion of the existing driveway will be increased.

Mr. DelGrosso recalled when the Dr.'s driveway was blocked during construction of the existing building and said this project is smaller in comparison, he will make sure there is no interruption to the Dr.'s property. He always tries to be a good neighbor.

Mr. Pazda asked if Mr. DelGrosso would consider a shared access with his neighbors. Mr. DelGrosso said yes.

Chairman Schultz explained that if the project moves forward with a condition a NYS SEQRA determination will be required first. If the project is denied, the determination is not required at this time.

ACTION:

Motion by Robert Sackett, seconded by Gregory Todaro, to **deny** agenda item number 3 because it does not meet the code requirement.

ON THE QUESTION:

Chairman Schultz said if the only question on this project is the variance, he will vote against the motion. He would rather not require the applicant have to come back to the Board again.

Mr. Shear said the sewer easement and the driveway issues need to be addressed.

Mr. Sackett said he would like to have the input of the Zoning Board of Appeals before he votes for this project, Mr. Todaro agreed.

Chairman Schultz would like to see the agreement with Erie County Sewer District #5.

Gregory Todaro	Aye	Paul Shear	Aye
Robert Sackett	Aye	Timothy Pazda	Aye
Richard Bigler	Nay	Al Schultz	Nay

MOTION CARRIED.

Item 4

Cimato Brothers/Passero Associates
Residential Single Family

Requests Preliminary Concept Review of a proposed Major Subdivision west of 8990 Greiner Road.

DISCUSSION:

Mr. Packard explained the project as being located on the north side of Greiner Road and south side of Roll Road and is existing vacant residential property. The project site consists of approximately 120 acres in the Residential Single Family zoning district. The applicant is present this evening and is requesting Preliminary Concept Review of a proposed 154 lot Open Space Design Major Subdivision.

Mr. Pazda recused himself from the discussion and vote due to the proximity of his property to the project site.

John Caruso and Jess Sudol of Passero Associates are present. Tony and Fred Cimato are also present along with Jeff Palumbo of Damon Morey LLC.

Mr. Caruso referred to the proposal and said with a project that is over 100 units, they like to have two (2) means of access. There is a four-way intersection and an existing stub road. The curve layer roads throughout the project give character to the subdivision and provide traffic calming techniques. The entire development is 120 acres; they tried to have a mixed use in lot sizes so there are large and small sized lots. The smaller lots are along the roadway and up into the cul-de-sac, the large lots are everything other than that. There are some wetlands on the property that they have avoided. There are also areas that are heavily treed and the applicant is trying to save those trees while putting up homes, as opposed to clear-cutting the trees. The applicant is proposing 60 acres of open space, some will be maintained and some will not. Every lot with the exception of one is absent of another subdivision lot touching it on the back; so there is greenspace around the entire subdivision without having two (2) back to back lots. The update on the wetlands delineation was done in April 2011. With regards to SEQR, Mr. Caruso thinks this is an Unlisted Action but that it will be appropriate to submit a Long Environmental Assessment Form (EAF). The applicant would also submit a traffic study.

Mr. Caruso complimented Mr. Packard on his assistance with this project. The Town Engineer provided documentation to the applicant regarding sewer information. Mr. Caruso said there is enough sewer capacity for 180 lots, they are proposing 154. He explained his calculations which are printed on the site plan, the calculations allow for 183 lots. They looked at how the Town calculated the capacity which took the creek corridor and the woodlot into account; this made the density drop from 183 to 155.

Chairman Schultz said there are three (3) issues raised by the Town Board and the Town Board will make the final decision on this project. They want hard numbers for the sewer capacity. The second and third issues are lot density and interconnectivity of the bicycle paths. The number one issue in the Town is to preserve open space; Chairman Schultz does not think this plan shows open space as it is intended by the Open Space Design Law, which is intended to preserve areas such as open fields and/or large areas of woodland. He is concerned with the pieces of open space scattered throughout the plan. Open space is not as-of-right.

Mr. Todaro said his idea of open space is a unified area of open space versus parcels where you will see people encroach on that designated space.

Donald Schulz, of 8902 Greiner Road, is concerned with traffic and safety. The back end of his lot and surrounding lots flood every year. There should be drainage put in along the property line. He asked why the road going to Greiner Road doesn't butt up to Brookfield Lane, instead of being adjacent to it.

Nancy Miller, of 5221 Shimerville Road, has lived there for 15 years. She has watched Shimerville Road turn into a major thoroughfare. She is not totally opposed to development on the property in question but she would like more information on the project. What is the average size of the homes being proposed? What is the asking price of the homes? Is there any data that shows the need for homes of this size in Clarence? There is a house of sale on Greiner Road; perhaps someone would like to buy that house instead of having to build quite as many across the street. Ms. Miller heard a report on the television that stated the homes in this area are down by 5.1%. Per Realty USA there are 76 homes at this time in Clarence that are for sale with an asking price of over \$350,000. She did not receive information for homes under \$350,000 but she assumes there are less of them. She is also concerned with traffic. Sometimes there are as many as twelve (12) cars lined up on Shimerville Road at the intersection with Greiner Road. If there are 150 house proposed, there will be 150 cars times two (2) or three (3). Addressing Country Club Drive being opened up as a through street, a car would not be able to turn left onto Shimerville Road at 8:00 am. She voiced her concern with sewers and with Historical Property being adjacent to this proposed development.

Chairman Schultz explained that the Planning Board is responsible for the Environmental Review.

Katherine Smith, of 5455 Shadyside Drive, bought her property three (3) years ago largely because of the beautiful view behind it. Her property backs up to the development and she is concerned that the development will add to the existing drainage issues. She has had problems with drainage since she has lived there.

Mary Aldrich, of 5435 Shadyside Drive, has lived in Clarence since 2004. She has 350' width-wise to the back of her property and she is not happy that the lots near her will be smaller lots; she is concerned with how many homes will now be in her backyard. What are the depths of the proposed lots? She is also concerned with the price point of the homes, will there be a minimum size. Will there be an easement from the back of the home to the back of the property? This project will

depreciate the value of her home. She has three school aged children, 183 lots will bring more children into the schools, she has just seen cutbacks in the schools, this project will affect other areas.

Mr. Shear said the long EAF will address many of these questions. He is concerned with the wetlands delineation, the tributary of the creek and the encroachment into the 50' buffer on each side of the creek. He is also concerned with the calculation of the density and the layout of greenspace.

Mr. Bigler said when the lot density is re-calculated; the applicant could delete the proposed street that goes to Shimerville Road and the proposed 150 lot that is there. He thinks it is a dangerous situation with the stacking of cars early in the morning and late in the evening.

Mr. Sackett agreed with basically every comment that has been made by Planning Board members.

Mr. Packard explained that this project will be coordinated with the Clarence School District and capacity will be specifically addressed.

ACTION:

Motion by Robert Sackett, seconded by Paul Shear, to **table** the request from Cimato Brothers/Passero Associates for Preliminary Concept Review of a proposed Open Space Design Subdivision. The applicant will be placed on a future agenda upon receipt of further details associated with overall project density, sewer capacity, sewer district development and other environmental factors.

ON THE QUESTION:

Chairman Schultz said the next step is for the applicant to submit the EAF Long Form for the Planning Board to review. Mr. Caruso said he would like to submit the Long EAF, sewer capacity and calculations on the density.

Mr. Todaro said he would like to see the plan reflect contiguous greenspace.

Gregory Todaro	Aye	Paul Shear	Aye
Robert Sackett	Aye	Timothy Pazda	Recuse
Richard Bigler	Aye	Al Schultz	Aye

MOTION CARRIED.

The applicant is welcome to attend an Executive Planning Board meeting.

Timothy Pazda returns to the meeting.

Item 5

Master Plan 2015 Amendments for 2011

Discussion:

- A.) Transit Road Corridor-Segment B
- B.) Clarence Center Hamlet
- C.) Harris Hill Road

DISCUSSION:

Brad Packard provides the background on the agenda items. The following are proposed Master Plan 2015 amendments that were identified at the annual review held on February 23, 2011. The Town Board referred the proposed amendments to the Planning Board for review and recommendation.

The first proposal is related to the area along Transit Road in the Commercial Zoning classification north of Roll Road. It involves a request from an applicant to construct senior housing on that property. This proposal will require a Master Plan amendment and ultimately a rezoning of the property in question to accommodate the proposed use.

The second proposal is a request from a homeowner in Clarence Center to consider amending the zoning classification that exists along Goodrich Road at their property, 6150 Goodrich Road, from Residential Single Family to Traditional Neighborhood District. The request is related to the Traditional Neighborhood District of the Clarence Center hamlet. The applicant is interested in constructing high density residential housing for the senior market. This proposal will require a Master Plan amendment and ultimately a rezoning of the property in question to accommodate the proposed use. The Planning Board may want to consider a more in depth analysis and consideration of the Clarence Center hamlet as it relates to this request.

The final request is from Mark Barone, a resident of the Harris Hill Community requesting to change the zoning from a property that fronts onto Harris Hill Road from Traditional Neighborhood District to Residential Single Family along Oakwood Drive.

Chairman Schultz explained the Master Plan is the overriding document that establishes how land is to be used in Clarence. The Zoning Codes follow that plan. There is a lot of review and research that goes into a request for a Master Plan amendment. The Town Board makes all decisions on Master Plan Amendments; the Planning Board is responsible for developing information and making the appropriate recommendation.

Michael Connors is representing Affordable Senior Housing Opportunities of New York. Mr. Connors said there was a recommendation for an extension of the commercial district at 8040 Roll Road. The diagram on display shows a 180' extension that was recommended for approval but the Town Board never initiated coordinated review for that proposal. Mr. Connors would like to implement a single apartment building for senior citizens. The footprint of the building fits in to what was to be amended on the Future Land Use Map. The proposed parking would not be problematic so long as the footprint stayed within the Commercial district. However there is concern with the parking encroaching on the residential portion of the property. The edge of the tip of the "hammer-head" would be amended to Commercial zone; the balance would remain Residential Single Family. The request is merely to accommodate the parking as requested by the Town. It would be acceptable to the applicant if the parking was allowed to encroach on the Residential Single Family District. This would result in approximately 190' buffer which would continue to be Residential bordering on the Kippen Drive homes.

Chairman Schultz explained that the "big box" businesses on Transit Road have a minimum of a 300' buffer to residential. He noted that the applicant wants a revision to the Master Plan because of a specific project. Every time the Master Plan has been amended for a specific business, that business did not go in. If the Board approved commercial zoning all the way back on this parcel and the applicant walked away, something entirely different could go in there. Mr. Connors said he was told

that the commercial extension was completed and did not think he would have to ask for an amendment to the Master Plan; however the information he received was incorrect. If the parking is permitted to encroach, they can stay within that 300' buffer. He currently has options on the parcel. Mr. Connors has done nine (9) projects like this in the Western New York area.

Mr. Pazda asked if the applicant could shorten the small part of the "u" to get more parking in the 180' zone. Mr. Connors explained that the access drive needs to be large enough to accommodate fire trucks.

Doug McCallum, of 8087 Highland Farms Drive, represents Clarence First Homeowners Association which includes Kippen Drive. They like the project but would like to see the applicant leave 500' but change the 180' plus the 40' needed to accommodate parking to Restricted Business. Also, leave the additional 260' as Residential with a deed restriction. The Association thinks this is a good compromise. Chairman Schultz asked what the deed restriction restricts, Mr. McCallum does not know. Mr. McCallum said the Association would be happy with a 260' buffer. Chairman Schultz noted that Mr. Wheeler sent a letter that states exactly what Mr. McCallum just said, the letter is on file.

Mr. Pazda asked who in the neighborhood discussed this project. Mr. McCallum said all the people whose property borders the project have discussed the proposal.

Mr. Sackett said the buffer has been considered but perhaps the use of that buffer needs to be studied as well. He said it may be a great buffer, but the use is questionable.

Shyam Kumar, of 5635 Kippen Drive, is concerned with the restriction(s) on the future development of the remaining land, if any. He is also concerned with who will maintain the drainage ditch that is behind his house.

Mr. Pazda said the buffer for Major Arterial is 300', but if Transit Road is now zoned Commercial doesn't the buffer change to 45'? He wants to revisit the minutes and review why the decision was made this way and what decisions the Planning Board has made in the past regarding the Commercial zone. Deputy Town Attorney David Donohue said this should not be referred to as a buffer; the residents are looking for a transitional use that is more accommodating to the neighbors, they are not entitled to a buffer.

Mr. Connors said the balance of the property will be a private drive that comes in off of Roll Road. If something is implemented in that region it would be of a similar use, not another apartment building but maybe a few patio homes.

Mr. Todaro would like more information on the project, specifically where does the parking end up.

Mr. Sackett wants to know what the downside is to this property being zoned Restricted Business. What is the downside to the parcel being zoned unilaterally and what is the downside to it being split zoning?

ACTION:

Motion by Robert Sackett, seconded by Gregory Todaro, to **table** the request for the proposed Master Plan 2015 amendment related to the Transit Road Corridor north of Roll Road to allow the Planning

Board time to review information presented and discussed at this meeting and develop a specific proposal for extending the commercial zoning in the referenced area.

ON THE QUESTION:

Mr. Shear said this should be reviewed as the piece of property and not the project. Chairman Schultz agreed; however he is uncomfortable with the motion because he does not know what the next step is. People need to study the proposal so they become comfortable with making a decision, they should not wait until the next meeting and say they are not comfortable yet.

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

MOTION CARRIED.

The proposal will be placed on the next Planning Board work session agenda.

DISCUSSION:

The second proposal is a request from a homeowner in Clarence Center to consider amending the zoning classification that exists along Goodrich Road at their property, 6150 Goodrich Road, from Residential Single Family to Traditional Neighborhood District (TND).

John and Flora Leamer, of 6150 Goodrich Road, are present. Mr. Leamer explained that they would like to build small one story, two bedroom condos on their 4.05 acre piece of land and market it to Seniors. It is not a Senior Center, but would be marketed to those Seniors who wish to downsize and remain in Clarence Center. The condos would be in walking distance to small shops, restaurants and the bike path. Mr. & Mrs. Leamer would sell their existing home and move into one of the proposed units. They are sensitive to the neighbors on Long Street, so the preliminary design shows the egress/ingress on Goodrich Road.

Chairman Schultz explained that the Planning Board thought it might be uncomfortable taking that one property and making it Traditional Neighborhood with a bunch of Residential Single Family, then more Traditional Neighborhood after that. The Board would prefer to expand the Traditional Neighborhood throughout. Chairman Schultz would like to hear from the residents.

Mrs. Leamer said they have lived in Clarence for almost 30 years, and they love Clarence Center. They would like to accommodate those seniors who may need handicapped services in their home. Mr. and Mrs. Leamer felt this project would be something they could do for the community and at the same time they themselves can remain in Clarence Center. If smaller housing units were introduced it would not only help the tax base but keep people in Clarence as well.

Jim Blum, of 5509 Martha’s Vineyard, understands why the Town would not want spot zoning but he also understands why they might want a continuous TND zoning area. The neighbors on Goodrich Road are not quite ready to accept a business on the first floor and an apartment on the second floor of a building that is in their neighborhood. Perhaps there is a benefit to spot zoning here.

Jean Doane has lived at 5910 Goodrich Road for over thirty (30) years. She has seen Goodrich Road go from a charming rural area to more and more business traffic. She is not totally opposed to a one (1) floor plan but she does not want to see the area changed drastically to another commercial area, especially the four corners. She is ok with small boutique shops.

Mr. Pazda is a strong proponent of senior housing and feels it is necessary to discuss this issue.

Lynn Owcarz of 9545 Maple Street asked for an explanation of the TND and where it will be expanded to. Mr. Packard explained that the TND is a mixed-use zoning classification that provides incentives to encourage the adaptive reuse of existing structures. It is designed to allow and encourage a mixture of uses and mixed use structures. The intent is to foster a walkable, pedestrian-friendly environment. Permitted uses in this zone include personal service shops, banks, small retail shops, mixed use buildings, professional offices, diner or small restaurants and both single-family and two-family residences. Multi-family developments and structures greater than 10,000 square feet are permitted only with a Special Exception Use Permit (SEUP) of the Town Board. Looking at the potential lots that would be rezoned as a function of this consideration, there is not sufficient land area on any of the lots to accommodate a 10,000 square foot structure. Mr. Owcarz does not think more housing needs to go into the center. Isn't the Master Plan a footprint of what Clarence is supposed to be? We do not need to grow Clarence Center, the Hamlet, leave it quaint. Mr. Todaro asked if Mr. Owcarz is opposed to the TND code that Mr. Packard just read, Mr. Owcarz is not. If this zoning is changed to accommodate the request, it is not being consistent; it is just doing what you want. Mr. Pazda asked how the residents in the area would feel if there was a small shop put in their neighborhood. Mr. Owcarz said Goodrich Road is the street to put a business on; he does not want to see business on his street.

Bruce Hoffman of 9455 Clarence Center Road asked for clarification on the proposal. Mr. Packard explained the proposal again. He prefers to keep businesses on Goodrich Road.

Chairman Schultz said hamlet development experts say that if a hamlet is to be successful it should be moved off the main road and have small boutique type businesses on other streets. Most people don't want this.

Mr. Shear noted that if the TND was expanded to encompass the Clarence Center community it restricts people from putting up such structures as ugly metal buildings. A TND would allow small boutiques on side streets off Goodrich Road, but at the same time the TND is protecting the hamlet.

Mr. Pazda said if the commercial zone was brought down one lot it would allow what they want to do there; this option should be considered. He does not know if there has been enough input to make a decision. Mr. Packard clarified that multi-family dwellings are allowed in a Commercial District. Neighbor notifications were sent within a 1,000 foot radius of Goodrich Road, from Boxwood to Village Mill. There were approximately 270 notices sent.

Mr. Packard clarified that the rezoning to TND does not allow the property owner the right to use the property for a business or a commercial use. If the property is currently residential in terms of occupancy rating it would need a Change-In-Use permit, reviewed and approved or denied by the Planning Board.

Mr. Sackett would not be in favor of rezoning the property Commercial. He thinks there has been enough input and discussion to make decision. He would support the rezoning of the dashed area on the plan.

Mr. Todaro questions the inclusion of the side streets. It appears there isn't much opposition from residents with rezoning Goodrich Road.

Chairman Schultz prefers what is being proposed.

Mr. Shear has no problem going up Goodrich Road, but going up Goodrich Road to accommodate one piece of property without considering the rest of the hamlet and its future would be short-sighted on the Planning Board's part. Mr. Shear lives on Maple Street so he will recuse himself when it comes time to vote. He suggested mailing a map with an explanation of what is being proposed to the residents in the area. Mr. Pazda agreed. Chairman Schultz also agreed.

The resident at 6035 Goodrich Road does not have a problem with rezoning proposal. She is concerned with the tractor trailers that travel down Goodrich Road.

Jim Blum said it would be helpful if the Planning Board could explain how a TND concept would protect the look of the community when they mail the notifications.

A resident at 6050 Long Street said most of the residents have no clue what is going on. He would appreciate more information in the future.

ACTION:

Motion by Timothy Pazda, seconded by Richard Bigler, to **table** the request for further input by the neighbors.

ON THE QUESTION:

Chairman Schultz would like to see a notice go to the neighbors with a very clear explanation of what the Planning Board wishes to discuss.

Mr. Packard noted that this mailing is an exception to the standardized notification process as a function of a request by residents of that neighborhood. It is not an effort to provide special treatment to residents of the Clarence Center Hamlet.

Gregory Todaro	Aye	Paul Shear	Recuse
Robert Sackett	Aye	Timothy Pazda	Aye
Richard Bigler	Aye	Al Schultz	Aye

MOTION CARRIED.

Chairman Schultz noted that it is legally the resident's responsibility to know what is happening and research an agenda item on their own. The notice that is sent out is not required by law, the Town of Clarence sends out the notice to make people aware.

DISCUSSION:

The final request is from Mark Barone, a resident of the Harris Hill Community requesting to change the zoning from a property that fronts onto Harris Hill Road from Traditional Neighborhood District to Residential Single Family along Oakwood Drive.

The applicant is not present.

ACTION:

Motion by Richard Bigler, seconded by Paul Shear, to take **no action** regarding the request of the petitioner, Mark Barone to re-zone the rear portion of the property at 4295 Harris Hill Road to Residential Single Family and to instead maintain the existing Future Land Use Map and current Zoning Classification of Traditional Neighborhood District at this property.

ON THE QUESTION:

Mr. Pazda is uncomfortable with the motion because there has been no discussion on the record as to why the Planning Board is taking the motion.

Chairman Schultz explained the current Master Plan supports the implementation of transitional land uses and buffers between residential and commercial uses within Traditional Neighborhood Districts, this proposal would force residential development to be directly abutting commercial. Single Family Homes are a permitted use of the Traditional Neighborhood District; therefore the proposed rezoning does not provide a more appropriate land use option that is not currently achievable. More importantly, given the existing land area and improvements located on 4295 Harris Hill Road, the proposed Residential Single Family zoning classification may create unique constraints and conflict with the Zoning Law concerning required principal structure setbacks, buffers and lot area minimums. Every other Master Plan amendment that the Planning Board has looked at over the last several years has been to extend, add or change zoning to allow for different and better uses. This specific request is directed at somebody else’s property to restrict the use of that property.

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

MOTION CARRIED.

The Town Board and the applicant will be advised about this “no action” decision.

Meeting adjourned at 10:05 p.m.

Carolyn Delgato
Senior Clerk Typist