

Town of Clarence
Planning Board Minutes
Wednesday June 15, 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

Master Plan 2015 Amendments for 2011 Transit Road Corridor-Segment B

Item 2

Master Plan 2015 Amendments for 2011 Clarence Center Hamlet Traditional
Neighborhood District Expansion.

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	Vice-Chairperson Wendy Salvati
2 nd Vice-Chairman Richard Bigler	Timothy Pazda
George Van Nest	Paul Shear
Gregory Todaro	

Planning Board Members absent: none

Town Officials Present:

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

Other Interested Parties Present:

Florence Kiesel	John Kiesel
Sandra Baker	Joe Kleinmann
Margaret Kleinmann	Eleanor L. Graff

Shyam Kumar
 David Hallock
 John Leamer
 Kathy Hallock
 Jill Garrett
 Teresa Ganley
 Gene Florentino
 Duane Burkard
 Patricia Burkard
 Barbara Owcarz
 Joe Weiss
 Edith Clouse
 Cheye Corry

Sarmishltna Kumar
 Paul Wheeler
 Flora Leamer
 Rich Garrett
 Marguerite Hens
 Ed Harder
 Troy Florentino
 Larry Rizzo
 Phran Geasling
 Lynn Owcarz
 Khalid Mahran
 Joe Clouse

Motion by Paul Shear, seconded by Timothy Pazda, to **approve** the minutes of the meeting held on May 13, 2011, as written.

Paul Shear	Aye	Robert Sackett	Aye
George Van Nest	Aye	Timothy Pazda	Aye
Richard Bigler	Aye	Wendy Salvati	Abstain
Al Schultz	Aye		

MOTION CARRIED.

Chairman Schultz explained that the Master Plan is the overriding document that describes land use for the present and in the future for the Town of Clarence. The Master Plan defines how zoning will be done and how land will be used throughout the Town. Any change to the Master Plan must be authorized by the Clarence Town Board. The Planning Board is a recommending body on the Master Plan. Most amendments that come before the Board are a result of a specific project, once the Planning Board receives the request the project goes away and the Planning Board looks at the land use to determine what is the best use for that land consistent with the basic desires of the Town and the direction the Board wants to go in terms of land use. The meeting this evening will discuss the use of the land, not the specific projects. Prior to the Planning Board taking action, anyone in the audience will be invited to voice his/her opinion.

Item 1

Master Plan 2015 Amendments for 2011

Transit Road Corridor-Segment B

DISCUSSION:

Jim Callahan explained that the annual public hearing on Master Plan 2015 was held on February 23, 2011. At that public hearing a request was made to have the Town Board consider a proposed amendment to what has been identified as Segment B, which is the area north of Roll Road along Transit Road. The Town Board referred the request to the Planning Board for consideration. The Planning Board has identified the proposed amendment to the future Land Use map that will increase the depth of Commercial zoning along the Transit Road corridor and provide a transitional zoning classification of Restricted Business to transition to the large lot Single-Family that exists to the east. This represents the third public meeting related to this segment this year.

Chairman Schultz noted that a Transit Road corridor study was done by the Planning Board a few years ago. The corridor from Sheridan Drive to County Road was studied. The Planning Board identified four significant parcels that could possibly be used for Commercial growth; these are sewerer lots with access to the main thoroughfare of Transit Road. The Planning Board has acted on every one of those parcels except this one. The objective is to maximize Commercial potential in that piece of land but ensure that the neighbors have adequate buffering from any large use up front. The compromise was to extend the Commercial piece back, but this time change the back 300' to Restricted Business, which is a much smaller downscale use.

Mrs. Salvati said the Planning Board reviewed this at great length and determined that commercial use would be appropriate just for that 180'. The action on the 300' that extends behind should be consistent with a similar situation further north on Transit Road.

Joe Klienman, of 5623 Kippen Drive, is opposed to any changes beyond the Commercial as far as the Restricted Business. He asked for clarification on what is allowed in a Restricted Business zone. Mr. Callahan explained that Restricted Business allows non-retail commercial uses so it would support office buildings, perhaps a bank and other office-type uses. In this instance, for any large scale development over 10,000 square feet a Special Exception Use Permit (SEUP) would be required which provides additional buffering. The access to this property would most likely be via Transit Road, which means the overall land use density or lot coverage is going to be marginalized or severely compromised. Not only would it not allow a large scale commercial type development, it would allow residential and anything over a certain amount of square footage would require a separate SEUP which would almost mandate an additional buffering to the residential. In this instance the use of the Restricted Business Zone creates an opportunity to put a commercial use there but it is severely limited in terms of land lot coverage and the access to the property. Mr. Klienman asked why it is left residential to protect the neighbors. He is worried about having a large commercial development in his backyard.

Shyam Kumar, of 5635 Kippen Drive, said there is no reason the zoning should be changed. The Master Plan should not be changing for trivial reasons. How does the Town of Clarence benefit from this? Will the tax base increase, he doesn't believe so. A single family house will create some tax base. The lot will be an odd shape. The change should not be made from single family zoning.

Margaret Klienman, of 5623 Kippen Drive, agreed with the comments made by the two previous men. She stresses the Board to look at this in a longer period of time. She does not think this is a good use of the land. To make it Restricted Business is just another title for something that could quite a bit of harm for her residential property. She does not want any kind of business going in behind her home.

Chairman Schultz explained that the Planning Board performed a thorough review two years ago when there was a proposal to put a large box in that area and a request was made to rezone the entire parcel to Major Arterial. This current proposal is very different. The Planning Board, with the resident's input, came up with the proposed 180' of commercial zone. The parcel is on the Transit Road Corridor and should be used for commercial use; however the Planning Board wants to make sure the residents behind the property are adequately protected. Chairman Schultz believes that what the Planning Board did at the junction of Transit Road and Clarence Center Road is a similar circumstance. The front of that parcel stayed Commercial and the Town Board agreed to extend the back and rezone the Residential to Restricted Business. The proposals that the Planning Board have had since then have been landscaped office buildings. This is probably less invasive than Residential Single Family as far as impact on the neighbors.

There are letters on file that are strongly in support of the re-zoning.

Mrs. Salvati noted that Restricted Business zoning requires a minimum 45’ buffer along the entire property line that has to be kept undeveloped, preserved and natural. In a Residential Single Family zone the property can be developed right up to the property line, no buffer required.

Permitted uses in Restricted Business are single family dwellings, professional offices, nursing homes, bed and breakfasts, home occupation, day care center, two-family homes, mortuary or funeral homes, medical clinics, community facilities, public utility facilities, beauty salons, telecommunication towers with a special permit, multi-family dwellings, banks or financial institutions.

Mr. Callahan explained if a larger scale commercial development went along the Transit Road corridor it would be subject to required parking and required greenspace which more than likely would take up the majority of the Restricted Business in terms of maintaining open space to meet the density requirements of the zone up front.

Mr. Van Nest said a lot of analysis has been done by the Planning Board on these parcels; the review should move forward.

ACTION:

Motion by George Van Nest, seconded by Paul Shear, pursuant to Article 8 of the Environmental Conservation Law, the Planning Board **recommends** that the Town Board seek Lead Agency status and commence coordinated review on the proposed Master Plan 2015 amendment related to the Segment B Transit Road Corridor. This Type I Action involves amendments to the Future Land Use Map of the Master Plan 2015 along the Transit Road Corridor north of Roll Road by recommending increased depth of the Commercial Zone and recommending the existing Residential Zone be converted to Restricted Business as per the map on display and on file.

ON THE QUESTION:

Mrs. Salvati explained that this action is only to allow environmental review to consider the potential impacts of amending the Master Plan.

Chairman Schultz said any proposed project on this parcel will require a separate review.

Paul Shear	Aye	Robert Sackett	Aye
George Van Nest	Aye	Timothy Pazda	Aye
Richard Bigler	Aye	Wendy Salvati	Aye
Al Schultz	Aye		

MOTION CARRIED.

Item 2

Master Plan 2015 Amendments for 2011

Clarence Center Hamlet Traditional
Neighborhood District Expansion.**DISCUSSION:**

Jim Callahan explained that the annual public hearing on Master Plan 2015 was held on February 23, 2011. A request was made to have the Town Board consider a proposed amendment to the Future Land Use map associated with the Hamlet of Clarence Center. The Planning Board is seeking public comment related to extending the Traditional Neighborhood District (TND) zoning north from its current termination at Maple Street to the Peanut Line per the map depicted on the screen and on file.

Chairman Schultz explained that the purple part on the map is zoned Traditional Neighborhood District; the white part is Residential Single-Family District. There was a request to look at one property alongside the bike path. The Planning Board has come up with alternate proposals to come up with a plan to extend the hamlet "feel" of Clarence Center.

Paul Shear recuses himself from this agenda item because he lives in the Hamlet.

Chairman Schultz said it is important to note what the TND allows: personal service shops, banks, community facilities, professional offices, churches, two-family residences, small retail shops, mixed-use buildings, second-floor multifamily dwelling units, diners or small restaurants, single-family residences.

Dolores Garguiolo, of 9540 Maple Street, asked why the Planning Board decided to come back two streets from Goodrich Road with the rezoning. Chairman Schultz said it is a thought; the Board wants to hear what the residents have to say. She has lived in her house for 20 years; she bought it to be in a residential district not on a farm or a main road with businesses. She does not want renters around her. There are a lot of children who walk to the elementary school in the area. She liked the senior housing idea. Ms. Garguiolo said the rezoning is a terrible idea; it is a waste of time and money. Ms. Salvati asked how Ms. Garguiolo would feel if the TND was extended just on both sides of Goodrich Road. Ms. Garguiolo is concerned with parking on Goodrich Road for small businesses; it is a congested area.

Chairman Schultz said the objective a hamlet is to have a walkable community. The Planning Board wants the resident's input.

Johanna Westmoreland moved to Clarence because he likes the Hamlet. At 3:00 am there are 18-24 wheelers traveling Goodrich Road every 15 minutes. It is difficult to cross the street. She is concerned with the day care center and the children that walk around. She is concerned with the intensity and density of traffic. She is concerned with the weight of the trucks. She does not see as many semis on the NYS Highway as she does on Goodrich Road. She does not think Goodrich Road can handle any more traffic.

Larry Rizzo, of 6129 Long Street, is concerned with what will go on beyond his property line. He hopes Long Street will not be extended. He is concerned with a buffer and two-story residences; he bought his property because of the dead-end road there. Mrs. Salvati clarified that there is no project before the Board at this point; it is a proposal for an amendment to the Master Plan 2015.

Pat Shanzu said four (4) years ago she downsized and she thinks there should be more housing in Clarence for those who want to downsize as she did.

Patricia Burkard, of Long Street, is concerned about the character of neighborhood. There are properties that could have multi-family units on them and she does not want to see the neighborhood become rental properties. She is OK with the TND just on Goodrich Road.

Jill Garrett, of 6095 Railroad Street, has lived there for 13 years and has three (3) children. She does not want her property to be zoned TND. There is a lot of traffic in the area now; there is no need for more. As far as rezoning Goodrich Road, she hopes that people will own the properties and not rent them; this would be a transient group of people.

Dave Hallock, of 6089 Long Street, thinks that the Leamer's project is a good idea however to destroy Clarence Center Road, Railroad Street and Elm Street just to be able to rezone that piece of property doesn't make much sense. He suggested spot zoning the property for the Leamer's project but leave the hamlet alone.

Eleanor Graff, of 9514 Village Mill Lane, does not want renters in her neighborhood. She has no objection to the TND being extended on Goodrich Road only. It is not necessary nor is it acceptable to change the zoning over to Railroad Street.

Jay Geasling, of 6120 Long Street, wondered what the purpose of this request is. Has the development of the "purple" zone already been exhausted? If this is not a solution to a problem that exists then why do it?

Teresa Ganley, of 9517 Village Mill Lane, has lived in Clarence for two (2) years. To increase the traffic on tiny Railroad Street and to have renters in the area is not what she moved here for. She does not mind TND on Goodrich Road.

Doug Westmoreland, of Goodrich Road, said the Town needs to have a vision for this area. He suggested putting up some stops signs being selective as to what went in this area. Maybe there should be more restrictions that would promote a hamlet atmosphere. The quality of the planning could be increased. He would like less traffic and a weight limit on Goodrich Road.

Chairman Schultz referred to Niagara On the Lake which has little shops off the main road. All the experts on hamlets say this is how it should be done of there is to be a successful hamlet. If the residents of the hamlet want to upgrade their hamlet they should acquire an active, aggressive association to discuss what they want.

Mr. Sackett said the TEQR Committee put forth a recommendation on weight limit but there were two (2) conflicts; the Highway Department is there and it is a County road.

Gene Florentino, of 6070 Elm Street, said there is no reason to do this. You should expect businesses on Goodrich Road and Clarence Center Road, but not on the side streets.

Kelly Klemann, of 6135 Goodrich Road, said she loves the Hamlet but does not agree that it should be bigger. Goodrich is a busy street and she doesn't want to see more traffic on it.

Ed Harder, of 6120 Elm Street, agrees with the spot zoning. Single family residences seem to fit in this area, multi-family dwellings on property lines don't seem to fit. If something is done on Goodrich Road, concerns have already been expressed with regards to traffic and parking. He proposes not to extend the purple zone further north.

Barb Owcarz, of 9545 Maple Street, recommends not extending the zoning. Traffic is a concern.

Lynn Owcarz, of 9545 Maple Street, agreed that traffic is a concern. Why do we need more businesses? He does not need anything else on Goodrich Road.

Chairman Schultz said from a Planning perspective the proposed zoning extension is a much better hamlet, but it is obvious the residents don't want it. He is not in favor of spot zoning.

Ms. Salvati said they are looking at cleaning up the zoning; having the zoning follow the existing property lines.

John and Flora Leamer, of 6150 Goodrich Road, would like to see the TND zone because they want to build single story owner occupied condos. There won't be many of these units, just a few and they would like to live in one. Mr. Leamer wants to continue to make the hamlet a walkable community and he wants to remain in the Hamlet. Chairman Schultz clarified that a TND zone is much more restricted than Commercial, which is the zoning to the north. Mrs. Leamer said she wants to remain in Clarence and she wants to help others who want to remain here as well.

A letter from Beverly Polito in support of the project is on file.

Mr. Callahan explained that prior to the adoption of the Master Plan and the adoption of the new Zoning Law in 2005, the area identified in purple was wholly Commercial. One of the things identified in the Master Plan was that area cannot be Commercially zoned. Not only is it not the land use that the Town wants there but most of those properties would never be able to conform to it, so there were pre-existing non-conforming lots. Thus the Town created, for the hamlets, a zoning classification that identified the uses that existed in the hamlets. The 1990 Master Plan identified that the Commercial zone be extended up north, this was never adopted.

Dwayne Burkard, of 6124 Long Street, said all the side streets would have to take on all the extra parking if more businesses moved onto Goodrich Road. He is not for extending the TND zone.

ACTION:

Motion by Wendy Salvati, seconded by Robert Sackett, to **table** agenda item #2 for further discussion.

ON THE QUESTION:

Chairman Schultz is not in favor of tabling the proposal, because he thinks the majority of the people are ok with extending the TND down Goodrich Road; the only action that would be taken this evening would be to start a TEQR review. Deputy Town Attorney noted that this would not be the end result; the proposal would go to the Town Board for their initiation.

Mr. Van Nest supports tabling the agenda item because it is the Planning Board's job to practice wise planning balanced with the desires of the community as a whole. This is not a situation where zoning

is going to create a hamlet. He thinks further discussion is needed in order to make an informed decision as a group.

Mr. Sackett said there are other options and he would like to be in a work session to explore those options.

Robert Sackett	Aye	George Van Nest	Aye
Timothy Pazda	Aye	Richard Bigler	Aye
Wendy Salvati	Aye	Al Schultz	Nay

MOTION CARRIED.

Meeting adjourned at 8:50 p.m.

Carolyn Delgato
Senior Clerk Typist