

Town of Clarence
Planning Board Minutes
Wednesday August 31, 2011

Work Session 6:30 pm

Status of TEQR Coordinated Reviews
Review of Agenda Items
Miscellaneous

Agenda Items 7:30 pm

Approval of Minutes

Item 1

Master Plan 2015 Amendment for 2011

Clarence Center Hamlet Traditional
Neighborhood District Expansion.

Item 2

AVR Builders, Inc.
Planned Unit Residential Development

Requests an amendment to the Planned Unit Residential Development (PURD) to develop 20 patio homes at the southwest corner of Harris Hill and Roll Roads.

Item 3

Richard Laspro
Major Arterial

Requests a Change In Use from vacant to a center for language learning at 5333 Transit Road.

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

Councilman Peter DiCostanzo led the pledge to the flag.

Planning Board Members present:

Chairman Al Schultz
George Van Nest
Paul Shear

2nd Vice-Chairman Richard Bigler
Robert Sackett
Gregory Todaro

Planning Board Members absent:

Vice Chairperson Wendy Salvati Timothy Pazda

Town Officials Present:

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

up to Maple Street. Under the TND zoning, the properties would be brought into conformance. It is confirmed that the TND would allow a small business in a home.

Chairman Schultz noted that the Clarence Hollow has an overlay district and he asked Mr. Callahan to explain what that is. Mr. Callahan said an overlay creates a zoning classification and provides additional protections to a specified area. The overlay would provide design and architectural guidelines that any project within that designated area must adhere to. This would be done to protect the character, to ensure future land use actions are compatible with the desired community character. A Community Character Protection Board would be formed, consisting of residents from the overlay area that would be involved in the review and recommendation of any future changes to the land use in that overlay zone. The Board would consist of 3-7 people (volunteers) appointed by the Town Board.

The overlay district was originally developed in June 2006 by the Planning Board working with the University of Buffalo. The information is available in the Planning and Zoning Office.

Mr. Shear noted that he originally recused himself from this proposal because the property location backed up to property he owned. The proposal has since changed. He has received input from neighbors in Clarence Center on the proposal that took the TND down Railroad Street. The input was either negative or neutral; with the bulk being negative. He has not heard anyone, aside from the applicant, to speak in favor of this proposal. He thinks the proposal makes sense as long as there is a group to oversee further development such as a Community Character Protection Board.

Sandra Baker, of Railroad Street, asked for clarification that the amendment is just for Goodrich Road and not Railroad Street, Chairman Schultz confirmed. She bought her property 41 years ago, it was zoned Commercial. In 1976 her Commercial zoning was taken away and was then Residential B, she was told that went from Maple Street to the end of Railroad Street. She found out later that this was not the case, the only block that was taken away was between Maple and High Street, from High Street all the way up was left Commercial. To her knowledge, the Master Plan was changed in 2005. She spoke with residents on Railroad Street and Goodrich Road who indicate they were not notified of hearings. She thought the residents were supposed to be notified if there was a change in zoning. She wants to know if the zoning is still commercial from High Street to the end up to the bike path. Ms. Baker is for this change. If the zoning change is done for this block it seems silly to her to leave Railroad Street alone.

Chairman Schultz said the Planning Board initially extended the original request to rezone and subsequently, based on feedback, the request was narrowed down to the Goodrich corridor.

Jay Geasling, of 6120 Long Street, asked if there are businesses that are likely to take advantage of this change. He is not sure that people who were silent about the Goodrich corridor rezone proposal meant that they were in support of it. It seems that a larger change is being made and it is unnecessary; he would like the Planning Board to look at the original request.

Dolores Garguiolo, of 9540 Maple Street, agreed with Mr. Geasling. She thought it was one piece of property that went to Railroad Street; nobody wanted that. She asked if anyone has done a traffic study. It is terrible to get through the intersection at Clarence Center Road, it is so busy. The road needs to be repaired. If Goodrich Road is converted to small businesses the traffic and the condition of the road will get worse. The lots are small and there is no place for parking.

Chairman Schultz said many traffic studies have been done in this area. He doesn't think anyone anticipated what has been happening with the night time truck traffic.

Bill Tuyn, of 4950 Genesee Street, is not a Clarence resident and has no interest in this project. He works for a development consultant firm that does work all over the country. The TND is the zoning that accommodates the historic form of Clarence Center; it puts it back to what it was. What has been put over Clarence Center today is the suburban code that is suburban sprawl. He is completely supportive of this rezoning.

Ed Harder, of 6210 Elm Street, said he appreciates Railroad Street being removed from the proposal. He asked for details on what the color green indicates on the zoning map. Chairman Schultz explained that the color green denotes a community facility on the zoning map.

Flora Leamer, of 6150 Goodrich Road, thanked the Planning Board for meeting with her and all their work for this proposal. She thinks that the TND would correct some issues in the area. Extending the TND would not change the existing use too much; it will enhance Clarence Center. She does not think it will increase the traffic that much.

Kathy Hoffman, of 6130 Long Street, said the addition would abut her property. She referenced access to the addition from Goodrich Road and Long Street. Long Street has 28 houses, 22 of those houses have residents that are over 60 years old. The street has no shoulder. If the rezoning is done and that property is included and the access cannot come off of Goodrich Road, it would have to come off of Long Street. Long Street is narrow. On any given day or night there are at least 2 or 3 cars parked on Long Street. Within the past 6 months, they have had 6 emergency vehicles called and they cannot get down the street because of the parking. How will the construction vehicles or emergency vehicles get through on Long Street? She asked the Planning Board to consider the population of people who currently live there.

Chairman Schultz explained that when that parcel/project comes before the Board it will receive critical review.

Mr. Shear explained that this meeting is to review a zoning change, not to review or consider a project in the Goodrich Road corridor area.

Chairman Schultz explained that the proposal was sent to all involved agencies for their review and comment. The Planning Board received nothing in response, which means there is no environmental impact.

ACTION:

Motion by Robert Sackett, seconded by Paul Shear, Pursuant to Article 8 of the Environmental Conservation Law, to **accept** as complete, the Final Environmental Assessment Form parts 1, 2 and 3 as prepared and filed.

Gregory Todaro	Aye	Robert Sackett	Aye
Paul Shear	Aye	George Van Nest	Aye
Richard Bigler	Aye	Al Schultz	Aye

MOTION CARRIED.

ACTION:

Motion by Robert Sackett, seconded by George Van Nest, pursuant to Article 8 of the Environmental Conservation Law, to **recommend** a Negative Declaration on the Proposed Master Plan 2015 Amendment related to the Clarence Center Traditional Neighborhood District. This Type I Action involves a change to the Future Land Use Map within Master Plan 2015 to extend the Traditional Neighborhood District along the Goodrich Road Corridor north from Maple Street to the Peanut Line. After thorough review of the proposed amendments and prepared Environmental Assessment Form and including coordinated review among involved agencies, it is determined that the proposed action will not have a significant negative impact upon the environment.

Gregory Todaro	Aye	Robert Sackett	Aye
Paul Shear	Aye	George Van Nest	Aye
Richard Bigler	Aye	Al Schultz	Aye

MOTION CARRIED.

ACTION:

Motion by George Van Nest, seconded by Robert Sackett, to **recommend** to the Clarence Town Board that Master Plan 2015 be amended as follows:

That the Future Land Use Map be amended to extend the Traditional Neighborhood District, within the Clarence Center Hamlet, north from Maple Street to the Peanut Line along the Goodrich Road Corridor.

ON THE QUESTION:

A formal Zoning Overlay is to be prepared to cover the Clarence Center Hamlet to require minimum design standards/guidelines to ensure that future actions protect the character of the Clarence Center Hamlet.

Chairman Schultz said this zoning change makes sense in order to protect the village look of Clarence Center. People who live in this Hamlet and are concerned about it need to volunteer for the Community Character Protection Board.

Mr. Sackett agreed that this change makes sense.

Gregory Todaro	Aye	Robert Sackett	Aye
Paul Shear	Aye	George Van Nest	Aye
Richard Bigler	Aye	Al Schultz	Aye

MOTION CARRIED.

Chairman Schultz explained that the proposal will go on a Town Board agenda. The first thing to happen is a SEQRA recommendation, the next thing would be a public hearing in which the public is invited to speak.

Item 2

AVR Builders, Inc.
Planned Unit Residential Development

Requests an amendment to the Planned Unit Residential Development (PURD) to develop 20 patio homes at the southwest corner of Harris Hill and Roll Roads.

DISCUSSION:

Jim Callahan provided the background on the project. Randaccio Builders is the applicant for patio homes in a Planned Unit Residential Development (PURD); this area was formerly planned as a Commercial portion of the PURD. It is located on the southwest corner of Roll and Harris Hill Roads. It is an existing PURD zoning created as a part of the original Loch Lea Development. This particular area was approved as 45,000+/- square feet of commercial areas. The applicant is requesting an amendment to the originally approved PURD to allow for 20 new patio homes as an alternative. The Planning Board has completed a coordinated review on the proposed amendment. The applicant is present seeking a recommendation on the requested amendment.

William Tuyn, of 4950 Genesee Street, is present representing the applicant.

Chairman Schultz said the Town Board's primary question had to do with screening from Harris Hill Road. Mr. Tuyn said the Concept Plan illustrates consistency with the existing Hollows at Loch Lea; berming/landscaping that wrap around the entire property. Setbacks will be consistent as well. The berm will ungulate so it will be more attractive and the detention pond will be behind some of this landscaping.

Bill Riordan, of 65 Sutherland Court, commends the Planning Board for being thorough. He noted that there are issues that are very important to him and others that need to be addressed. He was aware that the proposal was sent out for coordinated review but he just learned this evening that there were no comments from involved agencies. He understands that one of the concerns is if this proposal fits and if it meets the density requirements. Mr. Riordan said on a stand-alone basis everyone knows this proposal does not fit. If the new development applies for condo status it would have a large impact on the community. If the Planning Board's decision this evening is to refer this proposal to another governing agency, Mr. Riordan and others are OK with this and will bring their issues to that organization. They need an opportunity to express their concerns; Mr. Riordan feels as though they have not yet had that opportunity.

Chairman Schultz explained that the SEQRA review was done per the law, as usual. The only reason this proposal goes back to the Town Board is because it is a Planned Unit Residential Development (PURD). The Planning Board is responsible for looking at the proposal to make sure it is a legal development and to make sure it meets the constraints of the PURD; they look at things like the layout and where the roads are. The Planning Board does not handle condo status.

Harriet Ortolani, 5 Ashby Court, said she heard that Mr. Randaccio does not have enough land to develop this thing and so he is going to join her group. Chairman Schultz clarified that the parcel in question is zoned PURD and the applicant meets the requirements of density in the PURD. Ms. Ortolani said it is a slap in the face to have the proposed development have condo status and the current residents not have condo status; it doesn't seem fair.

Cindy Riggio, of 8471 Chadway Court, was told that a PURD can never be changed, so she wondered how this proposal is going to be allowed. If the proposal goes through what will happen to the berm with all the trees that is behind her house?

It is clarified that although the request is an amendment to the PURD it is technically a zoning change.

Mr. Tuyn said he is not at the design step of the project yet, but it is his intention to try and leave the berm that wraps around the west and south part of the property. Mr. Tuyn explained that this portion of the property was slated for a 45,000 square foot shopping plaza. The applicant thought the current residents would rather a development that is identical to theirs than a shopping plaza. Additional homes in the area would not decrease the existing property values as a shopping plaza might.

ACTION:

Motion by Robert Sackett, seconded by Richard Bigler, pursuant to Article 8 of the Environmental Conservation Law, to **accept** as complete, the Final Environmental Assessment Form parts 1, 2 and 3 as prepared and filed.

Gregory Todaro	Aye	Robert Sackett	Aye
Paul Shear	Aye	George Van Nest	Aye
Richard Bigler	Aye	Al Schultz	Aye

MOTION CARRIED.

ACTION:

Motion by George Van Nest, seconded by Paul Shear, pursuant to Article 8 of the Environmental Conservation Law, to **recommend** a Negative Declaration on the Proposed Loch Lea Planned Unit Residential Development (PURD) Amendments. This Unlisted Action involves a change to the previously approved PURD Zoning to include 20 +/- Patio Homes at the corner of Harris Hill and Roll Roads. After thorough review of the proposed amendment and prepared Environmental Assessment Form and including coordinated review among involved agencies, it is determined that the proposed action will not have a significant negative impact upon the environment.

Gregory Todaro	Aye	Robert Sackett	Aye
Paul Shear	Aye	George Van Nest	Aye
Richard Bigler	Aye	Al Schultz	Aye

MOTION CARRIED.

Motion by Richard Bigler, seconded by George Van Nest, to **recommend** that the Town Board approve the proposed amendment to the Loch Lea PURD to allow for 20 +/- Patio Homes on the Corner of Harris Hill Road and Roll Road. This proposed amendment is to replace the previously approved 45,000 square feet of commercial space as originally designed. This proposed amendment includes Concept Plan recommendation per the submitted design from GPI dated May 2011.

ON THE QUESTION:

Applicant must return for Development Plan Approval on the project as designed. Previously submitted comments from the public are to be included.

Gregory Todaro	Aye	Robert Sackett	Aye
Paul Shear	Aye	George Van Nest	Aye
Richard Bigler	Aye	Al Schultz	Aye

MOTION CARRIED.

Meeting adjourned at 8:32 p.m.

Carolyn Delgato
Senior Clerk Typist