

Town of Clarence  
One Town Place, Clarence, NY 14031  
**Town Board/Planning Board Minutes**  
Wednesday July 31, 2013  
6:30pm

Supervisor David Hartzell called the meeting to order at 6:30 p.m.

Planning Board Chairman Robert Sackett led the pledge to the flag.

Chairman Sackett said the discussion this evening will involve the Master Plan 2025. The Planning Board will give an overview of the process they will use to investigate the plan. After a series of meetings the Planning Board expects to report back in about a year. The report will consist of the goals for the new Master Plan. The current Master Plan consists of nine (9) goals with the first chapter being an introduction followed by nine (9) chapters that are goals. The Planning Board is questioning if these goals are doable. That means observable, measureable and controllable to Chairman Sackett. Are more goals needed?

Chairman Sackett said the goals are supposed to balance the developer's interest with the environment and the rural culture of Clarence and protecting the neighborhood. The first stage is the public opinion and that is the point we are at now. There is a concern when the Zoning does not match the Master Plan, for the most part it does match, but there are a few exceptions where it does not.

The Planning Board has a lot of public opinion already. The Board projects two (2) public hearings, one in October and one in April. Chairman Sackett thinks people will not comment so much on the goals but on issues such as preservation of natural lands and/or how much natural land has been preserved by open space. Another comment may be about a failing intersection or the Master Plan should limit growth, another maybe on sewer capacity. Chairman Sackett opened the floor for comment by all Board members present.

Paul Shear said the Planning Board runs into a lot of problems with Open Space Design. The details of the law as it exists is 50%, the intent of the law is that it provides open space that accommodates everyone. He referred to the Northwoods project which shows a huge open space in the center of a bunch of properties that, under the circumstances, probably allows for a higher value of the raw land and does not bring anything to the table in terms of Open Space Design as the Board understands it. He thinks this has to be addressed in some way.

Mr. Shear voiced another concern over sewer capacity prioritization. Historically, the Harris Hill area has been a priority, it still is, but the Clarence Hollow and Spaulding Lakes are also priorities. They should come to the forefront in terms of the Board's major concerns. Mr. Shear said the Master Plan should address major concerns that are obvious and need to be resolved. If the Master Plan 2015 is adopted, in 2016 the Boards should look at it to see if any of the goals have been met or if progress has been made in meeting those goals. The Boards should look at what is an immediate concern and how it can be remediated, then move down the list of things that can be done as opposed to things that are beyond the Board's control. The Harris Hill area is currently beyond the Board's control.

Mr. Shear said another concern is that the Master Plan and the Zoning Law don't always agree. The Zoning should match the Master Plan goals and in some cases it does not.

Councilman Peter DiCostanzo said his concern is how to balance the Master Plan while encouraging more commercial growth in the Town. At what point does looking at greenspace and protecting neighbors hinder the Boards from bringing up the commercial value in Town. He would like to be more aggressive on getting more commercial growth in Town while still preserving and paying attention to the items listed.

Mr. Callahan noted that Timothy Vertino and Michael Hutchinson, who work in the Planning Office, have been working on and have produced a demographic study comparing 2000 to 2010 and comparing the region as a whole and a couple of communities as opposed to Clarence. The study will be available next week. The study points out that this is an aging region, the percentage of population over 50 years of age is increasing at an alarming rate. The population in the younger cohorts is not rising. This is an issue that needs to be looked at. The region as a whole needs to be looked at; how to sustain the community going forward needs to be addressed as well.

Steve Dale said he will be interested in the connectivity issue, both pedestrian and vehicular. He said the Board continues to look at subdivisions without sidewalks and says that is good enough. He thinks the Board can get better.

Councilman Patrick Casilio said the Hollow is about 80% sewerred; Main Street is 100% sewerred in the Hollow. He noted that a motion was passed to start design work for Spaulding. He thinks that reuse of property in a multi-family and the 50% greenspace requirements are areas that were not addressed properly. If someone takes a 60 year old hotel that has been abandoned for years and wants to reuse the property, it might be unrealistic for the greenspace requirements and some other requirements that may be addressing open fields versus rundown buildings or hotels. He would like to see flexibility in the law because of existing conditions.

Supervisor David Hartzell said the Planning Board and Jim Callahan's office has done an excellent job on the plan that exists. He likes the way Clarence is growing, slow controlled growth. The Town has done a great job in the past with the issues that face them. The result is Clarence is a great Town; there is a lot of greenspace. Any project that goes before the Planning Board is looked at in a lot of different ways; it is given careful and thorough analysis. Supervisor Hartzell would like to see more consistency between the Town Board and the Planning Board. A few comments he has heard lately are that the Town Board does not care about bike paths, they are not on the same page, there seems to be a lot of friction. He clarified that the Town Board is very much on board with bike paths. Past and recent surveys showed people in Clarence love parks and bike paths. He hopes that when a plan comes before the Town of Clarence, in which a bike path fits, the Town Board and the Planning Board would join together to give the people of Clarence a recreational trail, a place to bike, hike, run or roller blade. He compliments prior administrations, Mr. Callahan's office and prior Planning Boards for their hard work on making Clarence a great place to live and work.

Councilman Robert Geiger agreed with Supervisor Hartzell regarding recreational trails. If there are curbs, there should be sidewalks. If there are no curbs there should be a recreational trail. He would also like to see some strengthening in the landscaping and tree conservation laws. He is not happy with what he sees on Sheridan Drive where they tore out beautiful pine trees. He knows this was approved but you can see right through to Kittinger. He thinks the Town has to utilize some of their present assets, such as Beeman Creek. There are historic buildings that the Town owns that are being utilized for maintenance purposes but there could be great uses for these, perhaps for charitable groups

or other groups. He would like to see intermittent shopping areas, something so people don't have to drive out to the malls; something more local.

George Van Nest said he would like to see economic development strengthened in certain areas such as the Hollow, Clarence Center or Swormville. Making stronger usage of economic development in those areas creates opportunities. Supervisor Hartzell said the Clarence IDA has been one of the most active IDA's in Erie County on what is called adaptive reuse since 2007 when NYS relaxed its policy on retail. The Clarence IDA has done more adaptive reuse than any other IDA in Erie County. A lot of the projects were retail, but recently the State of New York has banned and prohibited Clarence from doing anymore retail. They can still do adaptive reuse for retail but they can't do just plain retail.

Richard Bigler complimented Jim Callahan and anyone who was involved in setting up the Master Plan 2015. He would like to see a Main Street visioning session, perhaps from Transit Road to the Hollows so that 20 years from now it doesn't look like it does now.

Timothy Pazda said the goals that are listed are appropriate. He would like to focus on connectivity and bike paths. He would like the Boards to continue to ask for cross access on projects. He thinks the Boards need to work harder on the lighting issue when reviewing projects so there is no spillage to neighboring properties.

Gregory Todaro referred to previous comments made regarding the population getting older and the commercial development. He said those two issues have to be considered hand in hand for liability to the Town and the tax base. The Town needs to consider good slow proper commercial growth. The Town also needs the tax base with the populous changing. The projects that come before the Planning Board always have certain items come up such as traffic and Transit Road congestion. He thinks there could be better planning in the Transit Road corridor as far as connectivity between businesses and what the Town accepts there.

Wendy Salvati said the Master Plan document needs to be kept flexible to provide that higher level of guidance. It is important to strive to incorporate the recommendations and pieces that have come out of some of the other planning documents that have been developed since the last Master Plan was done. With respect to bike trails, the Town needs a goal that focuses on multi-moto transportation and connectivity. With respect to sewers, the Master Plan should set the stage for updating the Master Sewer Plan in existence now. The Town also needs a goal set for economic development. A focus should be centered on the Hamlet revitalization. Mrs. Salvati agreed that the Town needs to plan for the aging population.

Chairman Sackett wants to produce a document that is everybody's document. He hopes that all committees and boards in the Town of Clarence look to this document for guidance.

Mr. Callahan said they looked at the character of the Town in 1999/2000 when they were going around the Town asking for public input. Local laws were created including the rewriting of the Zoning Law, a Subdivision Law and a Tree Conservation Law. Everything they did was focused on trying to preserve open space. The Recreation Advisory Committee was created and the Greenprint Program and the Open Space Bond Act were initiated. The Town achieved a lot of the objectives set forth back then, but the Master Plan needs to sustain this or even expand upon it moving forward.

Mr. Shear said what the Planning Board believes is an appropriate application of the design per the code and what the developers put forward is often in direct opposition. This needs to be regulated. In

the case of Open Space there may be pockets of it scattered throughout a development that add up to the 50% requirement but those pockets eventually have sheds built on them. Mr. Shear said the Town Board is the gate keeper for projects so if they want something specific like sidewalks or a bike path they should get that on the record and list their concerns and considerations. Mrs. Salvati said she thinks the Master Plan should set the stage for an issue like this. Supervisor Hartzell agreed with Mrs. Salvati. Mr. Todaro said the Town has to be careful what they restrict in the law, if economic development is being considered you don't want to make the laws too restrictive where the developers don't want to come into Clarence. He thinks the intent of the Open Space law is vistas and non-isolated parcels of land.

Councilman Geiger said he would like to see creativity in the bike path, not just a straight path. He does not like it on the edge of the road or on stones. He would like to see it go over a bridge or around a pond.

Mr. Pazda suggested everyone read the Randall G. Arendt's book entitled *Conservation Design for Subdivisions*.

Mr. Callahan said Clarence is the oldest Town in Erie County with a lot of history. In the early 2000's the Traditional Neighborhood zoning classification was built in to encompass the Hamlets. The grass roots creation of a Community Character Protection Board was encouraged and now there is a protection board in Clarence Center as well. The intent of the Board is to obtain input from residents of those areas and hopefully maintain a sense of that history. The Town was able to become a certified local government which gave access to funding. The Historic Preservation Law has worked well and has been a benefit to the community.

Chairman Sackett said he would like to make sure Swormville is taken into consideration when discussing changes to the Master Plan.

Supervisor Hartzell sees economic development along Transit Road, County Road, Sheridan Drive and Main Street. He would like to see Clarence Hollow, Clarence Center and Swormville stay the way they are.

Mr. Van Nest said the Hollow is struggling; the Board needs to find a way to assist in an appropriate way to help this area.

Mr. Callahan said areas of concern have been identified in the growing Town of Clarence, infrastructure is critical. Traffic congestion at certain intersections has been identified and improvements have been made to those intersections, but traffic continues to grow. The Land Use Access Management Plan has helped to guide some of the zoning. The Town of Clarence has met with the Town of Amherst on how to improve the Transit Road corridor, but nothing came from it because the two communities had different thoughts on implementation. Traffic, sewers and infrastructure will always be areas of concern. Mrs. Salvati said a new goal needs to be formulated that focuses on public infrastructure. Mr. Todaro said the goal should focus on traffic while maintaining the character of the community. Mrs. Salvati said the Land Use Access Management Plan should be applied to Main Street, Sheridan Drive and the other corridors. Mr. Shear said the Town is past the opportunity to add a major thoroughfare. There are stub streets in the Town, but there is not a lot of pressure for interconnectivity using those stub streets. The Boards tend to address sewers based on projects without necessarily looking at the sewer system as it exists, which could provide opportunities for other connections. For example, the Board should be looking at the possibility of connecting the potential

Spaulding Lake sewer to Main Street. Mr. Callahan pointed out the 2007 Planning Board study that was well done and prioritized where the Town should focus sewer capacity for the future; there may be adjustments needed to that study. Mr. Callahan credited the former Planning Board Chairman Al Schultz for a fantastic job done on that study. Mrs. Salvati said the Town needs to know what the Thruway is planning because it will impact what happens on those local roads. Supervisor Hartzell said he recently had a conversation with a NYS Thruway representative who said the Thruway Authority does not have enough money to build another exit, they are committed to putting the money they have into the exit they have now.

Mr. Callahan said the Town adopted the Agricultural and Farmland Protection Plan and it should be incorporated into the Master Plan. Mr. Shear would like to see a map made up showing the greenspace in the Town of Clarence along with parks and existing properties owned by the Town that may have the opportunity to be worked with in the future. These maps should be incorporated into the Master Plan and periodically updated. Mr. Callahan said there have been various versions of that type of map over the years. Michael Hutchinson just recently created a new map that lays out all the Mr. Shear is referring to. That map will be distributed to all who want a copy. Supervisor Hartzell said the Recreation Advisory Committee (RAC) does not want to share the properties they are looking at purchasing for the Town because they don't want to drive up the price when they bid. Mr. Shear asked for clarification on what can be done with Greenprint properties. Deputy Town Attorney Steve Bengart said property that is truly a Greenprint purchase has to stay in its present condition. When we intend to have an additional use for property an area is designated or put into the conservation easement the right to designate an area and use separate funds that are not Greenprint funds to allow for recreational uses.

Mr. Callahan said the 9.9 acres per 1,000 acres was highly criticized by residents in years prior; the whole purpose of this number was to provide a base line. He said the Master Plan did not include a lot of recreational planning.

Mr. Callahan said in 2005 the Town hired Wendel to submit a Mini Parks Master Plan. This was to include information on 5 or 6 of the parks and what could become of them in the future. Nothing became of the Mini Parks Master Plan, but it may be time to review it and enhance it by including the rest of the active recreation parks; it could also include the passive recreation park. This would develop this section of the Master Plan even more. Mr. Casilio asked if the Greenprint properties were included in the Plan and if it brought the Town closer to its goal. Mr. Callahan said it did not include Greenprint or passive recreation parks.

Mr. Todaro said Beeman Creek is the second largest open space parcel in Erie County, the first being Chestnut Ridge Park. Although it is a lot of land, it is also on a floodplain. Deputy Town Attorney Steve Bengart said the agreement is that the land would not be changed from its present existence, which is mostly passive. So nothing could be done with it anyway or there is a right of reversion. Supervisor Hartzell said the where issues with egress from Beeman Creek and the residents. He said they are working on a solution so there can be a grand opening. Deputy Town Attorney Steve Bengart said existing trails can be improved upon.

Mr. Callahan suggested the Mini Master Plans, including the Parks plan, be incorporated into the Master Plan, making it comprehensive.

Mr. Callahan said the schools are a high priority and should be maintained. While that is not a function of the Town, it relates because it is such a draw to the community. The Town tries to work with the two large school districts in town regarding the adequate educational facilities to identify if

there are needs as the population grows. This is a difficult task but should be continued because the schools are an important part of the community.

Mrs. Salvati said the Boards do not have the control to maintain a high quality school district; it is the authority of the School Board. She suggested the wording "support continued collaboration with the school districts to maintain a high quality school system".

Mr. Callahan said the Town has come up with many new updated laws with some different mechanisms for enforcement; this will always be an ongoing thing. Mr. Van Nest asked if there is sufficient capacity within the different departments to handle enforcement and the follow-up. Mr. Callahan said at this point yes, however, it is always a challenge. Mr. Callahan tries to keep a balance and work with the people of this community instead of being a heavy-handed enforcement officer.

Councilman Peter DiCostanzo said it is good to have a certain amount of freedom in the Town rather than too many enforcement officers. He referenced the issue of a noise ordinance and the salary for an enforcement officer could be \$50,000 a year and that person would walk around with a \$50,000 piece of equipment to measure the noise level of a lawnmower or a truck, then the court costs come into play, does the Town really want to get to this point? There has to be a cost benefit and a balance. Councilman Pat Casilio agreed that a balance is needed, but in the case of signage he referred to the Clothes Bar re-grand opening signs and said he doesn't think it is fair to allow 50 signs up and down the street in front of 20 other businesses; those 20 businesses are looking for business too.

Mr. Callahan referred to the next goal which is trying to balance growth with preservation; this is the underlying goal of the plan. Chairman Sackett said that they should be careful with zoning and there should be a transitional zoning to protect neighboring properties. Mr. Van Nest said the Boards need to do a better job of educating the public when they come before the boards that a development appropriately located and designed is permissible and consistent with the Zoning law. Councilman Casilio asked if that should be put in the deed. There needs to be a balance with existing residents. Mr. Shear said the Master Plan says, "protect existing residential areas" so people will ask the Boards why they aren't protecting them when a development is proposed in a Major Arterial zone that abuts a residential neighborhood. Mr. Van Nest said some of the language in the Master Plan has to be revised. Mr. Callahan said Brad Packard and Al Schultz completed a tremendous study that looked at the Transit Road corridor and its current uses and what use it should be going forward. The zoning was amended to accommodate it because the Town was looking to protect those residents, but they are also looking to promote development. Mrs. Salvati voiced her concern with the word "protect". Chairman Sackett questioned how far does the protection go, what is the Town protecting? "Considers" might be a better word to use. Supervisor Hartzell asked if the Town should allow residential to abut industrial.

Mr. Callahan said on a regional basis his office keeps an eye on what is going on in the County with their Master Plan efforts. He also communicates with the Planning offices of surrounding Towns such as Amherst. What is good for Buffalo is good for Clarence; we want to see Buffalo prosper because it is only good news for the Town of Clarence and helps us to protect our character.

Chairman Sackett said there are two public hearings planned one for October 2013 and one for April 2014. A tentative future date for another joint meeting would be October 2014 to report what the Planning Board thinks the goals should be. If there is a set of goals agreed upon, it is time to rewrite the Master Plan and consider a mechanism to rewrite the plan. He suggested hiring a firm to provide a

global perspective. Supervisor Hartzell asked Chairman Sackett to find out how much it would cost to hire a firm so it can be budgeted. The targeted year is 2025.

Meeting adjourned at 8:03 p.m.

Carolyn Delgato  
Senior Clerk Typist