

COMMENTS FROM 2003 PUBLIC HEARING ON THE TOWN OF CLARENCE
MASTER PLAN 2015

1. Councilman Bylewski:

Update to the Nutter/CGR analysis on a preferred growth option. The Town issued 65 commercial building permits in 2002, of which 24 added square footage to the commercial tax base. Total space was 134,223 square feet with an estimated assessed value of \$4,080,000.00. The rate of growth is somewhat accelerated from the baseline of 100,000 square feet identified in the study. The value of this space is less than the projected values due to the inclusion of some mini-storage space. Overall the Town is on target in Industrial and Major Arterial development but lagging in Commercial and Restricted Business zones. The overall tax revenue impact on this development is estimated at \$110,160.00. In addition, the Holiday Retirement Facility, currently under construction is not coded as Commercial, however it will have a significant impact upon the overall value of the Town, estimated at \$5,000,000.00, and will not have an impact upon services as the roads are private and there is no school impact.

223 single family housing permits were issued in 2002. This is well under the 282 units per year rate identified in the Nutter/CGR Study. The overall assessed value increase is estimated at \$49,400,000.00 with a tax revenue generation estimated at \$1.33 million. The net impact on the model of this development will (-\$37,654.00) to town and Highway budgets and (-\$82,906.00) to the Clarence Central School District. The break even home in the Nutter/CGR Model is \$225,000.00 per home with other experts estimating the breakeven home at upwards of \$325,000.00.

COMMENT: It will be imperative that the action plans be implemented in a timely fashion to ensure balanced growth in the community. The Town should ensure that all new housing developments are designed to provide the best overall design and to include open space design elements to further support housing values in the future.

2. Rene Desai, 5160 Ledge Lane.

Ms. Desai identified a number of empty commercial spaces in Town. The Eastern Hills Mall, Clarence Mall, Harris Hill Plaza all have a considerable amount of vacant space. These spaces should be redeveloped prior to approving new commercial developments.

COMMENT: The amount of empty space is a concern and redevelopment of existing space should be encouraged. As reported in the 2002 update to the Nutter/CGR model, the Town is in line with new commercial development. New programs through the IDA to benefit small business should assist in

aiding redevelopment for small companies. New ownership of the Eastern Hills Mall may offer some reinvestment and reenergize the entire area. Pursuit of the Eastern Hills Corridor Plan as recommended in Master Plan 2015 should be prioritized and development of this road section will aid in encouraging redevelopment of the Eastern Hills Mall space. In addition, the Land Use Access Management Plan (LUAMP) should be finalized and any recommendations pursued to assist in redeveloping Transit Road properties.

3. Allene Falk, 10880 Boyd Drive.

Ms. Falk, representing the League of Women Voters, spoke on behalf of Master Plan 2015. The public clearly indicated at the public meetings leading up to the adoption of Master Plan 2015 that preservation of greenspace and the rural character was the primary goal. New zoning should be enacted to further preserve this character. Any changes to the Master Plan should be well thought out and given thoughtful consideration to avoid future consequences.

COMMNET: Adoption of a new zoning code reflecting the goals identified in the Master Plan will provide the best mechanism for continued orderly development.

4. James Blum, 5509 Martha's Vinyard.

Timely completion of the Action Plans is needed to ensure that goals are achieved, including development of a managed, prioritized action plan.

The Town requires a more appropriate plan and measurement for the development of parks and recreation space. The standard of 10 acres of park land per 1000 persons is not appropriate. Amherst has more than double the acres per 1000 person than Clarence and Lancaster.

Historic district overlays to properly develop certain areas, including architectural standards, landscaping, signs and off-street parking should be developed. Lands should be purchased to develop off-street parking lots to service historic commercial areas.

Shovel ready business and light industrial sites need to be developed.

A tree law should be developed and utilized to save mature trees. A tree survey should be incorporated at the beginning of every site plan.

Zoning Law updates should eliminate "B-lots"

Open space should be identified and preserved between Lapp Road and Wehrle Drive. The "Greenprint" and Open Space purchasing should not be delayed.

Neighborhood parks are necessary and should be developed. There should be park space within a walkable distance (1/2 mile) from every subdivision lot.

COMMENT: No specific implementation schedule was identified in the original plan and an acceptable method, that includes public updates, could be developed as a result of this update.

The Master Plan does not dictate a minimum amount of parkland for every person in the Town. The plan identifies the current ratio and recommends that the Town maintain that ratio at or above the current levels. The Master Plan does recommend that parkland be dedicated for every new subdivision over 30 lots. As new projects are proposed, the dedication of a proportionate amount of active recreational lands should be included in the final design.

The Master Plan does recommend preservation of the hamlet areas of the Town and includes recommendations on public parking lot development within the hamlets. The Town has hired Wendel-Duchscherer to complete a Streetscape Design and Zoning classification for a Traditional Neighborhood District to further this particular element recommended in the Master Plan. It is envisioned that the recommendations forwarded in this report from Wendel-Duchscherer can be utilized as a guide for directing the development and implementing land use regulations for all of the hamlet areas within the Town.

The proposed new zoning law includes a substantial amount of preservation techniques, including mature trees. While a separate tree preservation law may be developed, the proposed zoning law will include many of the design standards included in most tree preservation laws.

The Master Plan does recommend that “B-lots” are eliminated and the proposed zoning law does eliminate the “B-lot” classification. The Master Plan and proposed zoning law do recommend a cluster concept. The cluster would allow a developer to have “B-lots” but only in exchange for a preservation of valuable lands for the community and only if certain design standards are incorporated into the approvals to eliminate many of the concern related to standard B-lots.

The greenprint is under development as is the actual plan for acquiring open space. The Town needs to be very deliberate in moving forward and a scientific basis needs to be developed and implemented to make the program work for the good of the community.

5. Susan Ballard, 8760 Faribrook Court.

Small Town character is desirable and the means to maintain this character is to work with the building community to ensure development is in keeping with the existing community. The Master Plan is a template that can be adjusted with the needs of projects that could be beneficial to the community.

COMMENT: The Master Plan includes adoption of the future land use map, which identifies broad land use areas. These broad land use areas generally identify the types of uses that are compatible in these areas to maintain the community character. This future land use map is meant to be static in guiding land use decisions. The adoption of the plan does provide some flexibility. An example of this flexibility is the development of a Traditional Neighborhood District, which by its very nature, allows a mix of uses and densities. The plan also includes a provision for an annual review/update of the adopted goals and the future land use map. This allows the plan to be a dynamic document and allows the Town Board to identify changes in the community and to make adjustments in the plan to deal with such changes.

6. Anne Case, 10013

Concerned over the pace of development and the need for time to better review projects.

COMMENT: The Master Plan identifies the broad land use categories and goals of the community. As long as a proposed project is compatible with the goals and land use plan, a project may move through the review process. The proposed zoning law update will better define the process under which a project can move through the review process.

7. Frank Kennedy, Gentwood Drive/Peter Gorton, Hedgewood Drive

The Master Plan is an important tool and any changes to the plan should be undertaken with tremendous diligence. A letter from Peter Gorton was read into the minutes, identifying concerns over the adoption of Master Plan 2015 in terms of SEQRA and not undertaking a Draft Environmental Impact Statement.

COMMENT: The Master Plan 2015 was adopted after a thorough review under the State Environmental Quality Review Act. The Municipal Review Committee, Planning Board and Town Board all held public meetings and public hearings in reviewing and subsequently adopting the plan. During the SEQRA review process, it was determined that the action of adopting the plan was not significantly different from the existing conditions that were influencing development decisions in the Town. The Plan formalized the existing conditions and put together a formal analysis of the conditions that should guide growth into the future. It was determined in the review process

that a Negative Declaration under SEQRA would in fact be the preferred method of adoption. More than adequate public meetings and public hearings were held to ensure that the Plan does reflect the goals of the community. Undertaking a DGEIS would not have provided any additional public hearings or meetings or identified any significant impacts associated with the plan. It was identified that any action that would change conditions under which the plan was adopted would necessarily affect the plan and such conditions, if they changed the plan, should be analyzed under SEQRA.

8. Jeff Palumbo, Buffalo/Niagara Builder's Association.

The Builder's Association is concerned over the type and character of housing historically developed in the Town, that being one unit per .95 acres. They recommend a smaller lot size requirement will make for a more desirable configuration.

They are concerned over the building cap and recommend that, if a maximum number of units per year is identified that there not be a distinction between in subdivision and outside of subdivision lots. They also recommend a carry-over for unused permits from one year to the next.

They recommend expansion of public sewers to address long standing pollution problems associated with on-site septic systems.

They recommend against a lot size increase to 150 feet of frontage and 1.33 acres, claiming this will contribute to sprawl.

It should be identified that new technologies will make it feasible to develop on-site sewage treatment facilities and will enable landowners to develop on lands previously considered not developable. They agree with the concept of clustering, however feel that 50% preservation of a property is financially unacceptable to developers.

The rights of landowners need to be carefully weighed in making all land use decisions

COMMENT: The principal goal of Master Plan 2015 is to maintain the character of the community. Reducing lot size and increasing the density of development as a whole will not work to achieve this goal. The Master Plan identifies that land use in the agricultural areas should be limited to uses that retain the existing character—a higher density will not achieve this goal. The Planning Board is on record as advocating maintaining on-site systems wholly on a parcel and not allowing a development to outlet effluent into any Town ditches/waterways. The best way to achieve this goal is to increase lot size in the areas without access to public sewers. Public sewers should be

pursued to eliminate pollution problems in existing areas identified in the Master Sewer Plan. The land use plan should guide direction and the comprehensive zoning law update will aid in guiding growth to the proper areas.

The building cap is recommended to control the pace of development to ensure that adequate public facilities are maintained to accommodate future growth. The numbers are based upon historical data identifying the average number of single-family building permits issued annually. The specific number is meant as a guide for the Town Board. The difference of inside subdivision versus outside subdivision does not necessarily need to be detailed. It is actually preferred to have a designed development prioritized over individual lot development. The concern, as noted in Master Plan 2015 is the unplanned growth occurring on country roads, which tends to degrade the utility of these roads.

The concept of clustering is meant to preserve lands identified as valuable to the community. Projects should attempt to preserve as much land as possible to reduce the total amount of infrastructure dedicated to the community, to integrate a project into the character of the community and to maintain the value of individual lots into the future. The identification of 50% preservation is meant to guide the Town and forms the basis for initiating review. Circumstances related to individual properties and the potential value of the specified open space to be preserved should drive the actual percentage of openness on a particular project.

The premise of the Master Plan is to protect the rights of individual property owners as well as to maintain the character of the community, which protects the rights of all existing residents. The Master Plan was developed to protect all property owner rights and to allow the community to grow in a manner that protects the existing community. The fact that the plan received unanimous support from the Town Board after many public hearings and public meetings on its content speaks to the support it has in the community.

9. Steve Murtaugh, 5109 Willowbrook Drive.

The suggestion forwarded is to develop a fair process for implementing amendments to the Master Plan 2015, should the need to amend the plan arise. Any amendments should be reviewed in a consistent manner and with great thought as to how any changes made will affect the community in general. Mr. Murtaugh outlined a detailed process for implementing changes to the plan.

COMMENT: The Master Plan 2015 did not provide any detailed mechanism to amend the document. The Plan was adopted under the premise that it is an active document and is subject to periodic change. The

plan does identify the annual public hearing to review its content. A method to implement necessary changes as identified by the community should be formalized.

10. Bernie Kolber, 9421 Hunting Valley Drive South.

Concern as to developing smaller lot sizes, out of character to the vision of the Town. The builders would like to build as many houses as possible and public sewers have been the driving force behind higher density development.

COMMENT: The Master Plan identifies those areas where the Town can accommodate higher density development under present circumstances. The plan further identifies areas that should be retained as rural in nature and specifies a minimum lot size—1.33 acres. The adoption of a comprehensive zoning law will further define these areas and the process of how these areas may be developed.

As circumstances change with respect to public sewer availability, the Master Plan can be amended to reflect such changes.

11. Kevin Curry, 4197 Heather Court.

The Master Plan should identify the vision of what the Town should be and not what it should not be. There is concern over the negativity associated with builders/developers. The building industry is vital to the community. The Master Plan should work to reduce problems that have developed, including neighborhoods without parks, homes without sewers, industrial parks without industry, and stores and offices without tenants.

COMMENT: The Master Plan identifies the vision of the community by outlining general land use goals and by incorporating a land use map that identifies broad land use categories. Implementation of the plan will provide the community with the balanced growth formula that will achieve the vision as desired and maintain property values at the highest levels into the future. The plan is not a no growth plan it is a smart growth plan that identifies the areas of the Town that can accommodate certain types of uses as well as those areas that can accommodate higher densities.