

Public Comments are in bold.

Planning Board responses are in plain text.

- 1. Councilman Bylewski identified commercial, industrial and residential building permits for the 2004 calendar year and the associated fiscal impacts as estimated utilizing the Land Use Service Cost/Revenue Generation Study prepared by Nutter Associates and the Center for Government Research.**

The Town should consider developing an update to the fiscal impacts model to identify updated conditions and updated building development.

- 2. Mary Powell identified a contradiction in Master Plan 2015 by identifying that the neighborhood business/restrictive business classifications along Main Street and Sheridan Drive will erode the tax base and create a tax burden on the community. The Master Plan identifies that commercial/industrial lands should be maximized while limiting Sheridan Drive and Main Street area to neighborhood business and restricted business uses. These areas should be made available for large scale projects that will add to the tax base. She noted that Sheridan Drive is a 4-lane highway and that it does not make sense to encourage small scale residential and commercial projects.**

Master Plan 2015 identifies that the commercial/industrial tax base should be maximized and that balanced growth is the best long term plan to sustain the fiscal health of the community. Master Plan 2015 also identifies that existing residential neighborhoods should be protected to maintain the quality of life. Master Plan 2015 also identifies concerns over traffic volumes and negative impacts associated with growth and potential increased traffic volumes in the Harris Hill Road corridor, including sections of Main Street and Sheridan Drive.

The identification of certain areas as restricted business or neighborhood business is identified as the preferred land use for sections of Sheridan Drive and Main Street as far back as the initial Master Plan for the Town completed in 1959. This recommendation stems from the potential conflicts with large scale projects with existing residential areas and to the overall character of the Town of Clarence.

Master Plan 2015 and the subsequent adoption of a new comprehensive Zoning Law increases the amount of lands in the Town that are zoned to accommodate some form of commercial/industrial use by 75% over previous zoning laws and master planning documents. The new Zoning Law identifies 4630 acres of land for commercial/industrial uses, an increase of almost 2000 acres. This increase will have a positive impact on the fiscal stability of the Town.

There exists no proof that Restricted Business and Neighborhood Business zoning classifications erode a tax base. To the contrary, these uses compliment the character of existing communities, providing a means for sustaining the balance and character of a community, and offering valuable space for small business owners.

As Clarence has developed as a rural residential community with a primary emphasis on maintaining quality neighborhoods, in many instances there was insufficient depth remaining along traditional commercial corridors to allow for large scale commercial projects. This was identified within Master Plan 2015 with the break down by type of commercial opportunities. Significant lands remain to allow for large scale projects in areas that will not have as significant an impact on existing residential neighborhoods.

The other major factor in identifying the scale of uses in the Main Street and Sheridan Drive corridors is the lack of public sewers and capacity to provide public sewers in these areas.

- 3. Henry Bourg, Chairman of the Clarence Industrial Development Agency, identified the need for a definitive action plan to accomplish some of the stated goals within Master Plan 2015, specifically the need to create the necessary infrastructure to create shovel ready commercial/industrial sites. In addition, the IDA is recommending that outside expertise be brought in to aid in the planning of large scale industrial/commercial properties. Finally, the Master Plan should address revitalization of existing commercial/industrial areas to a greater extent.**

The most significant impediment to creating shovel ready large scale commercial/industrial land sites is the lack of public sewers to service appropriate areas for such projects. This issue is addressed in Master Plan 2015 with the inclusion of the Master Sewer Plan, identifying pollution abatement areas and planning consideration areas. The planning consideration areas involve areas that can most reasonably accommodate future commercial/industrial growth without having significant negative impacts on existing residential neighborhoods. The major concern as identified in Master Plan 2015, is the consequence of undesirable higher density residential growth with the extension of public sewers and sewer capacity. In addition, Master Plan 2015, identifies that future sewer capacity should be prioritized for appropriate commercial/industrial uses as opposed to additional housing growth.

Outside assistance on specific project design would be helpful, however, any attempt to change Master Plan 2015 to accommodate a commercial/industrial site should be thoroughly analyzed and reviewed before any action is taken. The Future Land Use Map was and is created to identify uses that can be generally acceptable in various locations around the Town. These land use categories were not specifically created to promote or prioritize large scale commercial projects but rather to protect existing Town residents. The Future Land Use Plan does identify where large scale developments can be reasonably accommodated and where existing and proposed infrastructure could reasonably support such uses.

Master Plan 2015 is designed as a land use document and more generally identifies use types, existing and proposed infrastructure, potential impediments to growth and concerns over quality of life issues. It was not designed as a promotional tool, however, the plan does identify and encourage revitalization and adaptive reuse as a desirable use in the Traditional Neighborhood Districts. The Town should work to promote areas for redevelopment in support of the Town Board action to create revitalization zones.

- 4. Brian Cook of Uniland Development identified a concern over the restrictive nature of the Master Plan 2015, specifically the annual review process. There should be two or three times per year created to consider amendments to allow for changes and provide better reaction to business movements and opportunities.**

There should be more input from professionals to identify locations for future commercial development. He expressed concerns that the Industrial Zones are located in wetlands and in areas where there are physical/natural constraints to development. Also, many commercial developments are restricted by size and this may create more undesirable developments and developments that may not adequately buffer adjoining uses.

The Zoning Code and Master Plan do not adequately address the needs of commercial developers to provide size and scale for more desirable projects. Infrastructure upgrades should be proactively developed to provide for better commercial projects.

One of the integral guiding forces behind the development of Master Plan 2015 was that it is a document based upon the goals as established by the residents of the Town. These goals and the land use planning guidance derived from these goals may not necessarily match the goals of commercial development interests. The Planning Board worked very hard to identify those areas that may accommodate higher density commercial/industrial growth and established a land use plan and proposed a zoning map accordingly. This work did include input from all aspects of the community, including business representatives.

The Master Plan does identify that infrastructure should be developed to encourage commercial/industrial uses in appropriate areas within the town. The Master Sewer Plan and the transportation portions of the plan help to identify the areas that may accommodate such uses.

The Town's adopted comprehensive plan identifies those areas that may accommodate higher density commercial park type uses. Several changes have been included within the proposed Zoning Map to accommodate such uses, these include:

-increasing the depth of the existing commercial areas, where practical, to accommodate higher uses. These increased depths were analyzed parcel by parcel by the Planning Board and in community meetings leading up to the adoption of Master Plan 2015 to ensure that existing residential areas were not negatively impacted.

-enlarging areas to accommodate the industrial business park classification. In particular, the industrial/business park area in the vicinity of the Wehrle/Gunnville intersection and the Roll/Harris Hill intersection was increased substantially to attract like uses to this part of the Town.

-As discussed within the Master Plan, the Town of Clarence is limited in the availability of commercial/industrial lands and the plan works hard to provide acceptable locations for such uses. As identified, lands that may have access to public sewers and lands which will not have a negative impact upon nearby residential uses are promoted for such development. The density of any commercial/industrial project is determined by adequate parking and acceptable greenspace. The Planning Board has worked hard to identify the parking and greenspace requirements to ensure that projects are compatible with surrounding residential uses.

As a part of the Master Plan and subsequently with the adoption of the new Zoning Law and Map, the Town has substantially increased the amount of lands dedicated to commercial/industrial development. In making these dedicated increases, the Town simultaneously removed a substantial amount of lands that were considered not developable due to natural/physical constraints. The result is a much better plan to accommodate future commercial growth in those areas deemed appropriate by the community.

5. Dave Folger, Town Assessor identified the need to develop more commercial tax base to provide a balance to the growing residential tax base.

As discussed, a great deal of time and effort was put into the development of the Future Land Use Map, identifying a significant increase in lands that may be developed in some form of commercial use. Attached is a comparison of the current Zoning Map to the previous Zoning Map identifying the substantial increases.

6. Jim Blum identified the need for a better defined implementation strategy to develop the necessary land use tools in support of Master Plan 2015. Specifically, a time frame should be developed to adopt a new subdivision law, a tree and landscape law and other land use regulations in support of preservation of open space and natural features. Jim Blum also identified that all housing types should be included in a residential building cap, including duplexes, patio homes, town homes, manufactured housing and apartments. Lot coverage standards should reflect the rural character of the Town by allowing residential development with adequate open space to maintain the historic residential development within the community.

Mr. Blum also identified the need to provide more parks and recreation space to support the growing residential development in the community. More parks are needed within walking distance of all new residential areas and that parks and recreation development has not kept pace with growth over the past 15-20 years.

Mr. Blum complimented the board on the Open Space Bond act and acquisition of open space, especially between Lapp Road and Wehrle Drive.

Mr. Blum identified the need to begin looking at adequate infrastructure in the area of public safety.

As a result of comments at previous public hearings on Master Plan 2015, a better defined timeline has been incorporated in the plan. It is important that adequate time be dedicated for public comment and review of all regulations developed and this is the drawback to setting specific dates. A subdivision law redraft is currently

underway and the goal as identified in Master Plan 2015 is to ensure that future residential design incorporates more greenspace and that natural features are protected.

Adjustment of the residential building cap may better be addressed through a number of related legislative actions. Specifically, the proposed Adequate Public Facilities Law and/or a Rate of Growth Law will control the number of housing units that may be developed in the future. In addition adoption of Master Plan 2015 has identified where future growth may reasonably occur and this will be protected via adoption of the new comprehensive Zoning Law and Map and the proposed Subdivision Law. In addition, adequate review under the State Environmental Quality Review Act (SEQRA) should establish the need for future housing types and development rates via market analyses.

As identified in Master Plan 2015, adequate parks and recreation should be developed as the Town grows. It is intended that the proposed Parks and Recreation Master Plan will identify existing facilities and provide a realistic plan for the development of need facilities into the future. Upon completion by professional consultants, it is the desire of the Planning Board to have this plan incorporated into Master Plan 2015 as an update to Chapter 6.

The Town Board will need to identify any future needs to adequately address public safety.

7. Kathleen Fleming identified concern over the Traditional Neighborhood District formation in the Harris Hill area and the impact this will have to deter commercial investment in the Town.

The purpose of creating a Traditional Neighborhood District was and is to maintain the character of the existing hamlet areas of the Town that have developed over time and help to define Clarence. The TND's offer flexibility to ensure that residential uses can be maintained while allowing commercial developments at a scale and size to sustain the traditional developed character of the area. The minimum architectural standards included in these districts will aid in ensuring the goals of the Town are maintained while allowing commercial growth. This zoning classification acts to encourage reinvestment in the community and will ensure that the hamlets and surrounding areas are developed in conformance with the goals of the community.

8. Sean Hopkins identified concern over the boundaries of the Traditional Neighborhood District formation in the Swormville area and the impact this will have to deter commercial investment in the Town.

The Traditional Neighborhood District of Swormville is designed to maintain the character of the Swormville area. The boundary lines for this district are created utilizing man made features developed over time and the existing uses in the area. The Swormville area traditionally begins at the corner of County Road and Transit Road and the TND district identifies this intersection as the gateway to the Traditional Swormville Neighborhood. As envisioned, the Swormville area will be a walkable community with a mix of residential and service oriented commercial uses in keeping with the architectural and design character of the hamlet. While existing uses on the other corners of this intersection were not designed to respect this character, the goal is to ensure that the hamlet of Swormville is maintained for the enjoyment of future generations. The design of the northeast corner of this gateway intersection should reflect the design goals of a traditional hamlet and encourage a design that reflects the walkable nature of the traditional hamlet.

9. Councilman Kolber identified the goals of the community to maintain a semi-rural character and the need to change the way development is approved to reflect the goals of the community.

The goals of the community are identified in master Plan 2015 and reflect the comments identified by Councilman Kolber. Adoption of the new Zoning Law and Map, a new subdivision law, an Adequate Public Facilities Law, a Parks and Recreation Master Plan will all work to achieve the goals of the Master Plan 2015.

10. Councilman Weiss identified the following constraints be added to Master Plan 2015: 1). No more than 50 building permits be issued per year, twenty lots outside of subdivisions and thirty lots in subdivisions. 2). The Town of Clarence will no longer accept any maintenance responsibility for

roads. 3). Recreation fees will be raised to 2% of the assessed value of each property proposed for residential development.

Adjustment of the residential building cap may better, and more legally, be addressed through the adoption of an Adequate Public Facilities Law and/or a Rate of Growth Law that specifically identifies the rationale for limiting market rate growth. As identified previously, adoption of Master Plan 2015 identified the areas within the Town that may reasonably accept future growth by general type and density. Adequate review under the State Environmental Quality Review Act (SEQRA) and adoption of the new Zoning Law and proposed Subdivision Law will ensure that future growth is more in keeping with the goals of the community.

Dedication of public roads should be analyzed on a project by project basis to ensure that the goals of the community are addressed. There may be instances where a public road is a desirable feature of a proposed development—a feature that will provide a desirable traffic pattern change and/or a positive change to the existing level of service along a segment of public road or particular intersection. The original traffic analysis developed in conjunction with Master Plan 2015 should be periodically updated to identify level of service concerns and the traffic model generated as a product of this analysis should be utilized in analyzing impacts of all future development proposals. Prior to making any determination on public road dedication, the Town should identify the long term costs associated with public road dedication and compare this to the potential public benefit and tax base increase.

As identified in Master Plan 2015, there should be more open space/recreation lands developed into the design of future subdivisions. The amount of land identified for a recreation has been discussed as high as 10-12% of the total lands included in a major subdivision. A fee in lieu of dedication of recreational lands should be reflective of the cost of that developed land.

11. Wendy Salvati identified that the Future Land Use Map has hashed areas for projects under review. She feels that the proposed land uses should be shown.

These projects under review were not specifically noted on the future land use map because of the undetermined nature of the proposed land uses on these particular parcels. These particular projects had all been introduced to the Town Board and were in various stages of the formal review process (several remain in the review process). Because complete environmental reviews had not been completed on these projects, it would have been premature to specify a particular land use. With the adoption of the new Zoning Law, more definitive land use categories are identified.

12. Councilman Bylewski identified that several of the comments received tonight may be addressed via the proposed Adequate Public Facilities Law, currently under development.

Development of the Adequate Public Facilities Local Law and the Parks and Recreation Master Plan will address many of the identified issues.

13. Kevin Curry stated that comments forwarded by the building and development community should be given a great deal of weight. He further stated that the Master Plan 2015 and the recently adopted Zoning Law and Map encourage sprawl and promote economic discrimination. Increasing lot size increases sprawl. We are creating a community that is and will be unaffordable and their needs to be more and greater incentives to encourage clustering and higher density development in appropriate areas.

Setbacks only should be utilized to determine lot coverage for residential lots and the town will be creating non-conforming residential neighborhoods with the adoption of the new Zoning Law.

There exist several areas in the commercial sections of the new Zoning Law that are deficient or inconsistent.

Mr. Curry read from several sections of the Master Plan to identify inconsistencies. These include the building of new homes along existing road frontages outside of subdivisions creating an undesirable character change. The Master Plan promotes the concept of developing incentives to encourage the preservation of existing road frontage and the new Zoning Law does not identify enough incentives to address this concern. This issue leaves the Zoning Law in contradiction to the Master Plan 2015.

Access to public sewers is critical to the long- term environmental health of the community and a capital plan should be developed to address this issue.

Clustering incentives are recommended in the Master Plan and apparently do not exist in the new Zoning Law. The PURD Zoning classification has been eliminated from the Zoning Law. Master Plan 2015 identifies that the PURD section of the Zoning Law should be streamlined.

Land uses identified in the Future Land Use Map in Master Plan 2015 are a reflection of the goals of the community as identified via existing conditions, available infrastructure, market conditions, natural features, and a historical analysis of the development of the community. The goal of the community is to preserve a rural character and the means to achieving this goal is to increase lot size where services/infrastructures are not available to support a higher density. Where adequate services/infrastructure is present to allow for a higher density, the Master Plan and Zoning Law allow for higher densities in keeping with the scale and character of the community as it has historically developed.

Setbacks are an acceptable mechanism to control lot coverage. Historically, the Town has always employed a maximum lot coverage ratio and this has created a rural open character to subdivision development. This factor was mainly due to a lack of public sewers to accommodate a greater home size on an individual lot due to septic system requirements. The introduction of public sewers, in addition to market driven desires for larger homes, has led to the placement of larger homes on a smaller lots. This scenario creates a more urbanized/suburbanized character in certain areas of the Town. Master Plan 2015 identifies these factors and makes accommodations for smaller lots/higher densities in those areas that can best accommodate these uses.

The Planning Board has worked hard to develop a new Zoning Map that accurately reflects the community goals as identified in Master Plan 2015. This includes identifying commercial/industrial areas by type and scale as discussed in previous comment responses. The main goal in establishing commercial areas and potential uses was and is to provide adequate protections to existing residential areas and to provide consistency to the existing scale of buildings/projects.

As identified by Mr. Curry, the Master Plan does seek to provide a long- term solution to reducing the concern of over-development of frontage lots on existing roads. The Zoning Law provides some mechanisms for controlling this situation via increasing lot sizes in those areas that do not have the infrastructure to accommodate smaller lots. The proposed Subdivision Law will provide further protections to help to better address this situation without unduly harming large tract property owners. Once new better designed subdivisions, in conformance with better design regulations are approved, there should be a corresponding reduction in the number of frontage lots that are developed. Market forces will tend to maintain a certain number of large lot residential uses in the Agricultural areas as many individuals desire to leave the smaller lots of the major subdivisions. Also, Open Area developments and large lot major subdivisions will assist in reducing more meets and bounds property splits for individual lots.

Public sewer capacity and sewer line extensions are critical to the environmental health of the community. The Master Sewer Plan incorporated as a part of Master Plan 2015 identifies planning consideration areas where future extensions should be prioritized. Additionally, sewer extensions/capacity should be prioritized for existing developments without public sewers, where pollution abatement problems exist as identified within the Master Sewer Plan. These long standing problems should be addressed and solved prior to allowing new growth within the community.

The Planned Unit Residential Developments (PURD) was eliminated from the new Zoning Law because of the concern over commercial development as a part of an overall residential design. As it has been historically utilized,

the PURD has not provided the type of design that will provide a long term benefit to the community. As the Master Plan 2015 identifies preservation and enhancement of existing commercial nodes, the creation of new nodes is felt to erode the existing character of the community. Clustering or Open Space Design was incorporated into the new Zoning Law to provide a mechanism to allow for a mix of housing types without the concern over incompatible commercial uses. It is identified that incentives exist in terms of preservation of greenspace and the provision of private drives to allow for higher density developments. The Open Space Design is an overlay zone designed to protect open spaces of value and allow single-family residential developments at the base density of the underlying zone.