

Public Comments are in bold.

Planning Board responses are in plain text.

- 1. Growth Caps- The limits on the number of housing units built each year should be an established policy of the Town. In order to properly consider demands on all types of public facilities, we need limits that include all housing categories (duplexes, patio homes, town houses, manufactured homes, apartments, etc.) in addition to the limit on single-family homes.**

The Growth Cap Policy is another growth management tool for the Town to use in reducing impacts from residential development on the limited public infrastructure and facilities currently available to residents. Master Plan 2015 identifies that the cap could be reduced to the current 240 single-family units (170 within subdivisions and 70 outside). The Town Board is considering an amendment to further reduce the cap as well as to include other types of housing in the overall determination. This amendment shall be ready for inclusion within the Master Plan 2015 in 2006.

- 2. Tree & Landscape Laws – We need protection for existing trees and plans to become a Tree City. The proposal in the works needs to be implemented.**

The Town currently has some legislation regarding the preservation of trees in the Zoning, Subdivision, Landscape, and Clearing, Filling & Grading Laws. Although these laws have given the Town greater say in what can be preserved in the future the draft Tree and Landscape Law will provide more control over wooded areas. It is intended that the new legislation will be another means in achieving the goal of preservation of the open character of the Town and its beautiful greenspaces.

- 3. Recreation & Parks – We need more neighborhood parks and developed parklands.**

Chapter VI of the Master Plan supports the policy of expanding the recreational resources of the Town with additional growth. The Subdivision Law requires active recreational lands and/or trails with new residential developments that have 25 or more lots. The Zoning Law requires the set aside of usable lands for active or passive recreation and open space. As new applications for development are reviewed and approved, they must include these additional recreation areas.

The Town Board has retained the services of Wendel Duchscherer Architects & Engineers to provide a more thorough Parks & Recreation Master Plan than the original action items mentioned in the August 2001 plan. These will include additional policy recommendations and physical improvements to existing park facilities. The final report should be included in an amended Chapter VI.

- 4. Transportation Plan – There needs to be planning for additional roadways to handle the additional growth. The Eastern Hills Corridor, Roll Road to Salt, Harris Hill to Clarence Center, Goodrich to Gunnville, Sheridan Drive Extension all need to be built for additional growth that is taking place. There should be more municipal parking in the hamlets. There should be more pedestrian walkways (paved & unpaved).**

The Town of Clarence has a network of roadways that include the State Highway System, County Highway System, local collector roads, numerous private roads, and a Metropolitan Planning Organization who holds the federal purse strings over all of it.

Certainly, traffic planning is part of any new project submitted to the Town for review. The Town has retained Nussbaumer & Clarke to develop a traffic model to review the traffic impacts from the additional growth happening in Town and make recommendations on specific improvements to the overall system.

Per the Master Plan 2015 recommendation, the Town should work long term to develop an Official Map and include a Traffic/Transportation Management System Action Plan.

5. The Town should be planning for infrastructure upgrades such as roads and sewer service but also public safety (fire, police, & court).

The Town is currently reviewing all of its public facility allocations including police and fire services. The final product of this review may be the establishment of an Adequate Public Facilities Ordinance. For example, as part of the State Environmental Quality Review of the Waterford Village project and the Heise-Brookhaven Trunk Sewer Corporation, there were several improvements suggested as mitigation for the impacts of the development. The impacts from developing 1,000 homes over the next 15 years would have to be mitigated by improving six intersections, increasing school capacity, and installing a new sanitary sewer trunk line.

6. The Town should be vigilant about enforcement of all land use regulations.

The Town does intend on providing for consistent enforcement of all of the land use regulations it has enacted. The Town currently has five NYS Code Enforcement Officers to provide for safe building activities, as well as a professional engineering and planning office to review and permit land use activities. The Town Board has also established a review policy under the zoning and subdivision laws that require applicants to provide thorough documentation in assisting all boards and committees to make appropriate decisions on land use proposals.

7. All projects should have an Environmental Impact Statement prepared and the process should be open to the public to comment on the potential impacts.

All proposed actions that require a discretionary decision by the Town Board must go through the State Environmental Quality Review process before any final decisions are made. All meeting agendas are posted publicly and all meetings must follow the New York State Open Meetings Law. Also, the Town has adopted a public notification policy that requires the Planning and Zoning Department to notify property owners within 500' of a proposed action at the first Planning Board meeting regarding that project. The Town has completed, in 2006, a new local law creating a Town Environmental Quality Review Committee (TEQR). The formation of this committee formalizes the review process associated with SEQRA and formalizes the Town Board's role in acting on SEQRA.

8. The lands along Transit Road from Clarence Center Road to Miles Road should be rezoned to limit the intensity of commercial growth.

This issue was addressed by the Planning Board and Town Board through the update of the comprehensive plan. The Planning Board has rezoned much of Transit Road from Major Arterial to Restricted Business Zoning District to reduce future impacts of retail traffic on Transit Road from County Road to Tonawanda Creek. There are also very few areas left to build between Miles and Clarence Center on the Eastern side of Transit Road.

The Planning Board recommends reviewing the comprehensive plan for that section of Transit Road to determine if a zoning change would help protect the Town from increased traffic generation. Specifically, Chapter V, pages 23-24 addresses areas of the Zoning Law that need to be amended to preserve greenspace and the character of surrounding land uses. The Town would have to add an item addressing the change from Major Arterial to Commercial Zoning District along this section of Transit Road.

9. The Town should consider amending the zoning law to include four-plexes in the Open Space Design Development (OSDD) Overlay Zone to allow a more affordable housing opportunity in the Residential Single-Family Zone.

There should be more variety of housing choices for all people especially those 55 and older (empty nesters) who don't wish to take on the maintenance responsibilities of a large yard and who may be traveling for 4-5 months of the year. If this type of housing unit is decided to be an integral part of the Residential Single-Family Zoning District, then a development proposal that has these units as well as meets all of the other requirements in the OSDD would seem to be a fair proposal. The issue of condominiums should be addressed via local legislation to have minimum requirements to control such housing types.

The Town should consider amending Chapter 5, page 24 under the Clustering Zoning Incentive section to include a bullet item that states a mix of housing types may be considered in such an overlay district including single-story four-unit townhomes.

10. The graphics in the Master Plan should be updated to include new subdivisions and roadways.

Master Plan 2015 was a snapshot in time for the year 2000. The graphics within the plan should be used to illustrate what conditions were at that time. There are several maps on the Town's website under the Master Plan graphics that are labeled as "existing zoning map", "active agricultural lands" and "current subdivisions under review" that may be misleading to those looking at the website information. The Planning and Zoning Department will be working with our web host, Erie County, to redesign and update the site information.

11. The Town of Clarence should take into consideration the regional economic impacts to the City of Buffalo and quality of life issues throughout the region when considering land use policy (And then there were counter arguments that the Town should formulate its own policies ignorant of the City of Buffalo. The City has made some poor decisions over the years that have created its non-competitive atmosphere).

The Town of Clarence should be collaborating with Erie County and other Towns including the City of Buffalo when considering proposed actions that may impact the WNY region. There are some State Laws that mandate this collaboration and the Town of Clarence does follow those regulations when reviewing projects. Chapter 10 of Master Plan 2015 does require coordination of planning issues on a regional basis. The guiding principles developed by the Erie County Department of Environment and Planning are incorporated by reference within the Master Plan 2015 and included as Appendix E of Master Plan 2015.

12. The Adequate Public Facilities Law should be finalized and any amendments necessary to the comprehensive plan should be implemented prior to the adoption of the law.

The Town of Clarence has a contract with a professional consultant to provide an Adequate Public Facilities Ordinance (APFO). The Town is currently working through the myriad of details of the various infrastructure and service provider issues that have arisen in the drafting of the ordinance.

Currently, the Town reviews for adequate public facilities through the SEQRA legislation. Any public facility that is deemed insufficient through the environmental review of a proposed project should be noted and used as evidence in taking a final action under the State Environmental Quality Review Act (SEQRA).

13. Comment: As a part of the Master Plan review process, the Town should look at page 34 of the Master Plan 2015, specifically limiting the number of sewer taps issued on an annual or monthly basis.

Response: District formation should identify where sewer service extends and the rate of growth would be controlled by market conditions and the Town Board's continuation of a residential building cap. Other factors include the Adequate Public Facilities Local Law and the State Environmental Quality Review Act, in reviewing specific projects, as mechanisms to regulate the future rate of growth.