

Town of Clarence  
One Town Place, Clarence, NY 14031  
**Planning Board Minutes**  
Wednesday October 16, 2013

**Work Session 6:30 pm**  
Status of TEQR Coordinated Reviews  
Review of Agenda Items  
Miscellaneous

**Agenda Items 7:00 pm**  
Approval of Minutes  
Discussion on Master Plan Goals

Chairman Robert Sackett called the meeting to order at 7:05 p.m.

Supervisor David Hartzell led the pledge to the flag.

Planning Board Members present:

Chairman Robert Sackett  
2<sup>nd</sup> Vice-Chairman Paul Shear  
George Van Nest  
Gregory Todaro

Vice-Chairperson Wendy Salvati  
Timothy Pazda  
Richard Bigler  
Steven Dale

Planning Board Members absent: none

Town Officials Present:

Director of Community Development James Callahan  
Junior Planner Jonathan Bleuer  
Supervisor David Hartzell  
Councilman Pat Casilio  
Councilman Peter DiCostanzo  
Councilman Robert Geiger  
Deputy Town Attorney Steven Bengart

Other Interested Parties Present:

Karen Willyoung  
Bob Lenz  
Steve Nagel

Pat Obermeier  
Kathy & Gerry Goodrich  
Sara Kraatz

Motion by Paul Shear, seconded by Gregory Todaro, to **approve** the minutes of the meeting held on October 2, 2013, as written.

Gregory Todaro	Aye	Richard Bigler	Aye
George Van Nest	Aye	Timothy Pazda	Aye
Paul Shear	Aye	Wendy Salvati	Aye
Robert Sackett	Aye		

**MOTION CARRIED.**

Chairman Sackett explained that the revision of the goals of the Master Plan 2015 will be discussed and public opinion will be heard and documented. In April 2014 a revised set of goals will be discussed. The Planning Board has tweaked the existing Master Plan goals from what they have learned over the past thirteen years, they have also taken into consideration the input they have received regarding the goals. The public comment period will be open for 60 days from today's date. There are forms available at the meeting this evening for public comment, they can be completed and forwarded to the Zoning Office. There are also forms available on-line. All comments should be forwarded to the Zoning Office. The suggested revised set of goals will be forwarded to the Town Board for their review. If they agree with the revision they will commission the writing of a Master Plan 2025. The revision will go through coordinated review, which involves a public hearing and involved agencies.

**MASTER PLAN 2025 GOALS:**

**Goal 1:** Preserve and protect the open space character of the Town.

Jim Callahan said if the goals were weighted during the preparation of Master Plan 2015 this goal probably would have been number one. It is the issue that is always on the minds of not only the Planning Board but, in general, the community to preserve and protect the open character/open space of the Town. The action plan from 2001 was to adopt new Land Use Regulations including Zoning and Subdivision. Those regulations not only dealt with the specific site plans to preserve Open Space within a particular project but also Subdivision Laws to create the Open Space within a housing development, and then also to take it to a community-wide level with the Open Space Bond Act and the preservation of Open Space by actually purchasing Open Space community-wide to try to reduce the effects of sprawl. The Planning Board has identified this as one of the primary goals that needs to be continuously pursued through the next decade.

Chairman Sackett said the wording has changed because the Planning Board didn't want to attack just the Open Space Development but all that Mr. Callahan has referred to in his introduction of this goal. So the wording was changed to reflect a multi-point attack to preserve the open character.

Pat Obermeier, resident of Clarence, asked what other criteria is used to evaluate a lot split besides sewer access. Chairman Sackett said the intent is to preserve the open character so that if something was being split that would frustrate the open character, the Planning Board would question that.

Jim Callahan noted that in the early 2000's there was no Minor Subdivision review process. So lots were splitting in the Town without any knowledge of the Town. This was a big problem. The Town should have the control over regulating splits for the purpose of pollution problems, roads and sewers. This is a concern for the community and a cause of sprawl. Now every split is reviewed by the Planning Board to help reduce the effects of sprawl. Mrs. Salvati said all lot splits must meet requirements in accordance to what the property is zoned. Mr. Shear said they also look at the area of

Town that the lot split is in, for example in the north country where flooding occurs, those lots have to be larger in terms of frontage. It is project specific.

**Goal 2:** Maintain and promote the historic character of the Town.

Jim Callahan said the Historic Preservation Law was adopted by the Town and 20 historic local landmarks were designated. The Town of Clarence is a certified local government which means the Town is identified by New York State and prioritized for future funding opportunities related to Historic Preservation. One of the goals was to promote growth within the hamlets and preserve them at the same time. The Town wanted to identify the hamlets and the local historic landmarks and work to preserve that portion of the community related to Historic Preservation. Chairman Sackett noted that there are two Character Protection Boards in Clarence, one in Clarence Center and one in Clarence Hollow. Those boards review any project and provide input for those located in their respective area.

Mr. Dale noted that a SEQRA review is done on properties that were built prior to 1950 before it is demolished. This is keeping with the character also.

**Goal 3:** Continue to evaluate and upgrade public service infrastructure.

Jim Callahan said public infrastructure such as roads, sewer, water and drainage receive the most comment during review. These issues are critical in sustaining the community. Drainage will always be an issue in the Town because Clarence is flat.

Chairman Sackett noted that connectivity of existing roads to new roads is always a question; it may look good on the surface but is not always the case as it produces its own set of problems. The issue of sidewalks is always a question as well. The Town relies on public input and comments from involved agencies when it comes to infrastructure issues such as those listed.

**Goal 4:** This goal has been deleted and has been integrated with goal #8.

**Goal 5:** Maintain the Town's strong recreation program and park facilities.

James Callahan said Clarence is known for its parks and recreational program; these things should be sustained in the future. Tim Vertino, a Planning and Zoning intern who is in the University at Buffalo's Master's program took the Parks Mini-Master Plan and the general information related to parks and combined it with the population growth study. The Planning Board can use this document going forward; it is on the website for the public to view as well. It is an analysis about future projections on general Town population related to the location of the parks.

Chairman Sackett noted that there is an issue with the football fields and the recreational/bike trails.

**Goal 6:** Maintain a collaborative relationship with all school districts within the Town.

Jim Callahan noted that there are three school districts within the Town of Clarence, the Williamsville district which is on the western border of the community, the Clarence district is the largest and the Akron district, which is on the northeast corner of Town. Land use does affect school districts. In proceeding years the Town has adopted an Adequate Educational Facilities Local Law in order to get input from the schools related to future housing developments.

Chairman Sackett said the Town sends the schools districts information relative to proposed developments and their input is requested under the State Environmental Quality Review Act process.

Mr. Shear noted that the school districts are an autonomous group and the Town Board, Planning Board and Planning Department have no control over what those districts do or choose to do for their budgets.

**Goal 7:** Provide consistent enforcement of land use regulations.

Jim Callahan said the Town has adopted a number of new laws to try and sustain and maintain the community character. Consistent enforcement is an ongoing battle that the Town will endeavor to persevere. Enforcement is handled through various departments.

Sara Kraatz lives on Salt Road and is surrounded by farms. She is concerned about the zoning in that area and if an owner decided to sell property in the area will she be notified and will she have a say in what is going on. Chairman Sackett said there would be a Public Hearing and it would most likely be through the Planning Board. Any property owner within 500' of the project will receive notification of the date and time of the hearing. Mr. Bigler said there will be several opportunities for public comment during the review process.

Kathy Goodrich lives on Sheridan Drive and is concerned about the subdivision part of this. If the subdivision is on the eastern side of Town all the homes and their 2 ½ and 2.6 cars come down Harris Hill Road. Everyone tries to avoid Transit Road. Her area is all residential. Chairman Sackett said that any new project has to go through the Department of Transportation or Erie County Department of Public Works, those agencies are asked to do an impact study. Residents have the opportunity to attend the meeting to listen to the results of that study. If the Town doesn't think the agencies accurately accounted for the flow they will ask the developer to do a traffic study.

Jim Callahan stated that in Master Plan 2015 it was identified that the Town wanted to preserve that section of Harris Hill Road, south of Sheridan Drive in that residential fashion. They looked at existing traffic problems and where growth was occurring; Harris Hill becomes the bottle neck. A comprehensive traffic study was done and it was identified that the intersections at Shimerville Road and Harris Hill Road were of major concern. Under the Clarence Greenprint program the Town has purchased some lands that would potentially impact that corridor in the future, which eliminated development opportunities from occurring there. The Town does not want Harris Hill Road widened. Mrs. Salvati thinks that eventually it will become self regulated and people will start seeking other routes. Ms. Goodrich suggested timing all the traffic signals on Transit Road so they all turn green and stay green, she thinks that will encourage people to travel Transit Road. Mr. Van Nest pointed out that the Town doesn't control the build-out or the improvement of major highways such as Transit Road and other roads; the Town can encourage the State and/or County to do the right thing.

Kathy Goodrich said if there were sidewalks leading up to the parks it would encourage people to walk to the parks and would cut down on parking issues. Mr. Pazda said no one in the Town feels as much of the cumulative impacts as those who live in the Harris Hill area. Mr. Callahan said connectivity, whether it be bicycle or pedestrian, between all the Town's public lands would help address the issue.

**Goal 8:** Adopt an orderly and balanced growth plan.

Jim Callahan said this goal is a summation of the other goals balancing areas such as commercial and residential and preservation of open space.

Mr. Shear said the right-of-use comes into play when reviewing projects as well.

Pat Obermeier referred to the sentence in the document that stated a residential growth cap was implemented. She is concerned with what the document says next: "...the Town Board has the ability to amend this policy and adjust to changing times/demands." Ms. Obermeier said this sentence means the Town Board can just make that change. Chairman Sackett said this is referring to the rate of growth. Ms. Obermeier wants to know how the Board just decides on their own, why even implement a growth cap? How can the residents affect a policy whereby that can't happen without review. She asked if you have the ability to amend the policy why have the policy?

Mr. Van Nest said this happens in a representative sense because the Town Board members are the elected officials of the Town, elected by the citizens. The Planning Board makes suggestions to the Town Board taking into account the rate of growth, the number of projects that are built-out versus the number of projects that are permitted so that if there was going to be any significant change in that particular policy that would be studied first. Ms. Obermeier said you can make all the recommendations and suggestions you want but the Board still has the ability to amend the policy. Mrs. Salvati said that's what the Master Plan is about. The Town Board is not just going to arbitrarily make changes. They make legislative decisions all the time depending on the need. It is always based on the general health, safety and welfare of the public. The Town Board will look at the Master Plan because it sets forth policies and recommendations on how the Town should grow. Chairman Sackett said the Master Plan is the people's document.

Mr. Van Nest said the Planning Board has a whole framework in which they have to work with, on a project, contained in the local laws. The applicant has to work within that same framework. No developer is going to have free reign in the Town of Clarence or any other community that has adopted these laws. The land use process has to be followed. The number is less important than the process, if the process is followed there will be more controls in place than an arbitrary number that may or may not fluctuate. Ms. Obermeier thinks the Residential Growth Cap is just as important as the Land Use policy. Mr. Shear said the Residential Growth Cap is divided into two (2) separate sections, one having to do with subdivisions and the other portion having to do with individual properties, both of which are approved on a yearly basis and each has their own cap. Over the past several years the Town has not come close to either of the caps. Deputy Town Attorney Steve Bengart said the Town has never reached the cap. Ms. Obermeier asked why the language is in there then.

**Goal 9:** Coordinate efforts on a regional basis.

Jim Callahan said that anything that happens around the Town has an effect on it. The Town needs to coordinate Land Use decisions though coordinated efforts with the County, the Region and adjoining townships.

The Town looks for what is suitable for the area and also seeks input from residents and surrounding Towns as part of the process.

**Goal 10:** Additional goals and aspirations.

Bob Lenz has lived in Clarence since the 1940's and his comments are: 1.) Protect agricultural lands. 2.) Slow growth by making the cap permanent. 3.) Keep working on the sidewalks. 4.) Expand the recreation trails. 5.) Protect the historical buildings like the one at 10645 Main Street, which is currently under SEQRA review. 6.) New regulations for non-owner occupied buildings to help maintain those buildings. 7.) Encourage slower speed in Town by using roundabouts.

Meeting adjourned at 8:10 p.m.

Carolyn Delgato  
Senior Clerk Typist