

Town of Clarence
 Planning Board
 Work Session Minutes
 Wednesday August 29, 2012

Work Session 7:00 pm

Item 1

Multi-Family Housing Overview

General Discussion.

Chairman Al Schultz called the meeting to order at 7:00 p.m.

Planning Board Members present:

Chairman Al Schultz

Vice-Chairman Robert Sackett

Timothy Pazda (arrived at 7:06pm) George Van Nest

Richard Bigler

Planning Board Members absent: Wendy Salvati, Paul Shear and Gregory Todaro

Town Officials Present:

Director of Community Development James Callahan

Planner Brad Packard

Supervisor David Hartzell

Councilman Patrick Casilio

Councilman Peter DiCostanzo

Councilman Robert Geiger

Councilman Bernie Kolber (arrived at 7:30pm)

Deputy Town Attorney Steve Bengart

Other Interested Parties Present:

Sharon Wahl

Mark Stevens

H. J. Berly

Margaret Dale

Steven Dale

Noel Dill

Mike Patterson

Item 1

Multi-Family Housing Overview

General Discussion.

DISCUSSION:

Chairman Schultz noted that the proposed overview should be discussed amongst the Planning Board members this evening so that the overview is understood and it can be voted on at the next meeting. The overview is as follows:

General Strategy

Proposal would establish "overlay zones"

- Similar in application to the "open space design"
- Town Board control over location and design features.
- More restrictions and design features than the current "Special Exception Use Permit" regulation.
- Two separate overlay districts are proposed: Traditional Neighborhood and Commercial/Restricted Business zones.
- Multi-Family development is not allowed in the Major Arterial zone.
- Multi-family uses within residential zones are adequately addressed in those regulations and are not included.
- There is no specific Senior Housing distinction – Senior Housing must be considered the same as normal multi-family since shifting demographics could require a change in use in the future. It is noted that the difference in Senior Housing will show up in the SEQRA review. Mr. Bigler said there should be no distinction because the use could change over time. Mr. Van Nest said the use issues would be dealt with under other areas of the municipal code.

Chairman Schultz explained that Major Arterial was excluded because those areas are so limited that the Planning Board really wants those areas to be for significant business development.

Principal Features

- Multi-family use will only be allowed on lots within sewer districts. An exception mechanism is available which could allow restricted multi-family development on unsewered lots in the Commercial zone. Chairman Schultz voiced his concern with a code that would allow only four (4) residences in an unsewered district and yet 16 or 20 apartments would be allowed in that same area. Brad Packard displayed a map of Clarence that highlighted project sites greater than 5 acres and in theory could accommodate a multi-family housing project with Town Board approval. There are 10-12 parcels of land in Clarence in a sewer district that could be used for a multi-family housing; in an unsewered district there are an additional 10 parcels.
- Screening requirements are enhanced, including from public roadways.
- Underlying zoning regulations (buffers, setbacks, etc.) apply in all cases.
- Interconnectivity to adjacent commercial and residential development is required to the maximum extent possible.
- Two (2) parking spaces are required per unit. At the discretion and recommendation of the Planning Board, additional open space in lieu of parking can be approved; this option should be considered when the project is designated as "Senior Housing" with lower parking needs.

Traditional Neighborhood Zone

1. Small scale, low density (4 units per acre, 16 units maximum).
2. Two (2) acre minimum lot size for the consideration of a Multi-Family Overlay Design.
3. Scale and design standards compatible with Hamlet features.

There are three (3) parcels in the TND outside a sewer district and four (4) within a sewer district. Jim Callahan said the preferred mechanism to develop these parcels would probably be an Open Space Design due to the size of the parcels.

Richard Bigler thinks the maximum number of units should be less than 16; he will look into this further.

Robert Sackett suggested making the 4 unit per acre a maximum as well as the 16 and allow a per project decision.

Commercial and Restricted Business Zones

Brad Packard said the following seems to be a generally adopted standard in surrounding communities for sewerred areas:

1. Unit Density to be determined based on entire parcel acreage.
 - Density varies according to size of units:
 - ✓ 1 bedroom – 12 units per acre
 - ✓ 2 bedrooms – 10 units per acre
 - ✓ 3 bedrooms or greater – 8 units per acre

Chairman Schultz asked if there was a project where half the units were 1 bedroom and the other half was 2 bedrooms would the units per acre change to 11?

2. Minimum Lot size for consideration of a Multi-Family Overlay Design to be 5 acres.
3. Multi-family developments in commercial zones will require a "commercial component" (minimally 25% of the entire parcel acreage), establishing these as essentially "mixed use"; interconnectivity with other residential and commercial uses is required.

Timothy Pazda asked if they would be subdivided so that a different entity could develop the 25% commercial area. Chairman Schultz said he thinks they would have to be. The 1st floor commercial use and second floor residential also needs to be addressed.

- a. Part or all of this percentage can be saved as "green space" for later commercial development; this reserved commercial green space is in addition to the required overall project site open space as per lot coverage calculations.
- b. Upon recommendation of the Planning Board, the Town Board will designate which part of the property is to be "green space" and which part will be "commercial development" at the time of Concept Plan Approval.

Richard Bigler suggested language be added noting that a commercial structure cannot be framed for future use but that area could be "banked" unless there is a tenant.

A member from the audience asked what recourse is there if these rules are not followed. Chairman Schultz noted that this would be discussed at the Concept Plan level, specifications and conditions would apply to Concept Plan Approval. If the applicant doesn't follow the Concept Plan they cannot get a building/development plan through the Town Engineer.

4. Multi-family developments in these zones will require 30% (20% with required interconnections as per the underlying zoning regulations) of the land be devoted to "green space".
5. In special cases, the Town Board, upon recommendation of the Planning Board, may allow multi-family uses on unsewered lots within the Commercial zone. These circumstances include:
 - Maximum 70% lot coverage.
 - Minimum 50% commercial use of developable land (35% of the total lot).

- Maximum on-site waste treatment of 7500 gpd, including residential and projected commercial waste (this requirement, combined with the minimum commercial use, would typically yield a maximum of 16 housing units, regardless of site acreage).
- Super majority vote of the Town Board.

Note: Multi-family housing is not allowed on unsewered lots within the Restricted Business zone.

Chairman Schultz asked what happens if the sewers fail, who is responsible? George Van Nest said the owner is responsible and the Department of Health will have to take corrective action.

Noel Dill said there is a tremendous amount of capacity built into the sewer systems on the front end per code by the DEC.

George Van Nest said he would draw a distinction between land use planning and code enforcement.

Chairman Schultz said if there is an escape hatch involved, he would suggest a Super Majority by the Town Board.

The crux of the debates will be:

1. Density in C and RB zones. BK wants 6 per acre regardless of size; proposal varies with size, similar to Amherst and Orchard Park. These are only numbers, and they can be negotiated/changed.
2. Commercial Component in C and RB. Proposal allows a “staged” development, but builders will not like it.
3. Building on unsewered lots. There are three choices:
 - a) Allow unrestrained. (PB will probably not recommend this)
 - b) Allow with restrictions (as in this proposal). (Metzger/Steven will object to the restrictions as proposed.
 - c) Do not allow at all. This might be ultimate PB and/or TB position.
4. Special Senior Housing Code. Proposal allows for “softening” parking requirements, but does not recognize Senior Housing as a separate category. Belief is that Senior Housing eventually becomes “Affordable Housing” and should be treated as such. Chairman Schultz does not think this is needed.
5. Development “cap”. BK and PC have talked about this; this is a separate issue.

Mr. Sackett thinks this represents the balance of many conflicting fears.

Mr. Pazda would like to see a drawing of a project that reflects the proposal to see if it would work for a developer.

Mr. Bigler is concerned with #5, Main Street in particular. If developers who own property along Main Street would provide some input on what they are planning, that may help in developing this proposal.

Mr. Callahan noted that the properties in question are very limited in number. The more that is given up on Main Street to small scale on sight systems the less leverage you have long term to have an ultimate solution.

Mr. Packard said this strengthens and supports mixed use development along Main Street.

Mr. Callahan thinks the Town Board has to be the ultimate decider. Mr. Bigler agreed.

Councilman DiCostanzo said he would rather not have a moratorium and he thanked the Planning Board members and the Planning and Zoning Office for all their hard work.

Councilman Casilio thanked everyone who worked on it as well. He questioned the masonry element of the code; Mr. Callahan said the base zoning is still in place and will be enforced.

Councilman Kolber made copies of Chapter 9 of the Master Plan and distributed them to the Planning Board members for their review.

Mike Patterson encourages the Board to lock onto the green space number. He said the document doesn't say whether it is garage or open parking; this needs to be specified.

Councilman Geiger is concerned with the growth cap, it is for 240 single family homes but says nothing about apartments, he thinks the cap should be all encompassing. Last year only 70 permits were issued.

Supervisor Hartzell thanked the Board for their hard work and said he doesn't think you can be too conservative nor have too low a density, or too much green space.

Meeting adjourned at 8:26 p.m.

Carolyn Delgato
Senior Clerk Typist