

Town of Clarence
Planning Board Minutes
Wednesday August 18, 2010

Work Session 6:30 pm

Roll Call
Update on Pending Items
Zoning Reports
Committee Reports
Miscellaneous

Agenda Items 7:30 pm

Approval of Minutes

Item 1

Master Plan Amendment 2015 Planning Process.

Chairman Al Schultz called the meeting to order at 7:30 p.m.

Councilman Peter DiCostanzo led the pledge to the flag.

Planning Board Members present:

Chairman Al Schultz	Timothy Pazda
George Van Nest	Richard Bigler
Gregory Todaro	

Planning Board Members absent:

Vice-Chairperson Wendy Salvati

Town Officials Present:

Director of Community Development James Callahan
Planner Brad Packard
Councilman Peter DiCostanzo
Deputy Town Attorney David Donohue

Other Interested Parties Present:

David Kruse	Paul Wheeler
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Motion by Gregory Todaro, seconded by Timothy Pazda, to **approve** the minutes of the meeting held on August 4, 2010, as written.

Gregory Todaro	Aye	Richard Bigler	Aye
George Van Nest	Abstain	Timothy Pazda	Aye
Al Schultz	Aye		

MOTION CARRIED.

Chairman Schultz explains that the Planning Board is a recommending body that may vote to refer agenda items to other committees such as the TEQR Committee, Fire Advisory and Traffic Safety for their study and comment. A project may be tabled pending further information. The Planning Board may vote to recommend an action to the Town Board with conditions. The Town Board is the governing body and as such will have the final vote on all items.

Item 1

Master Plan Amendment 2015

Planning Process.

DISCUSSION:

The Town Board has asked the Planning Board to review and make recommendations on how Land Use decisions are handled, how SEQRA reviews are handled and the size of the Planning Board. The Planning Board held a work session regarding these issues; for the record the charts from that presentation are attached to these minutes.

Deputy Town Attorney David Donohue said that a basic review of the discussion that was held at the work session would be appropriate.

Chairman Schultz referred to the issue of the Planning Board having final authority on Land Use decisions. The Town Board or the Planning Board uses the same basis in making decisions; the decisions are based on the law in either case. The proposal is not for all Land Use decisions; the sub-items on the chart were discussed at the work session. Mr. Van Nest said the advantages were discussed with the Town Board at the Joint Meeting held on June 30, 2010. Chairman Schultz said one disadvantage is that there is a perceived loss of control by some residents who look to their elected officials to make these decisions. Another disadvantage is some reduction in public input. Mr. Pazda points out that rarely has the Town Board made any changes to a Planning Board's recommendation. Chairman Schultz explained there is a list of Land Use items that would remain in the Town Board's purview. He does not think that anything the Planning Board does should preclude the Town Board from suggesting the Planning Board look at a project if they think it is appropriate.

ACTION:

Motion by George Van Nest, seconded by Richard Bigler, to **recommend** expanding Planning Board authority to include final approval for Land Use issues that do not require variances under, or changes in, laws or codes. This expansion would include:

1. Concept Plan approval for concepts that do not involve overlay zoning amendments.
2. Development Plan approval.

- 3. Minor lot splits.
- 4. Change in use permits.

Legislative Land Use issues would continue to be the responsibility of the Town Board. These would include:

- 1. Master Plan Amendments.
- 2. Special Exception Use Permits.
- 3. Temporary Conditional Permits.
- 4. New or extended sewer districts.
- 5. Public hearing and final approval of Open Space Design Overlays (following Planning Board recommendation).

ON THE QUESTION:

- This recommendation would require amendments to the Zoning Law and the Subdivision Laws under administrative procedure provisions of both.
- This action would improve process efficiency and eliminate redundancy while freeing up the Town Board for legislative issues in a sense that it would basically put the Town Board at the 20,000 foot view of making legislative policy decisions for the Town of Clarence free of the agenda issues and Land Use nuances that the Planning Board ultimately makes recommendations on that are routinely adopted by the Town Board as discussed. It puts Clarence more in-line with what other New York State communities across the board generally do, which is have the Planning Board make Land Use decisions.
- Under this recommendation, the Town Board could still refer any issue for which it is responsible to the Planning Board for analysis and recommendation.
- Tim Pazda said the Town of Clarence is in the minority with the current policy; other communities do not do what the Town of Clarence currently does.
- George Van Nest noted that Wendy Salvati could not be in attendance at this meeting but, as a long standing member of the Planning Board, she has commented on these issues, was involved in the discussions and is in favor of this proposal and recommendation.

Gregory Todaro	Aye	Richard Bigler	Aye
George Van Nest	Aye	Timothy Pazda	Aye
Al Schultz	Aye		

MOTION CARRIED.

DISCUSSION:

The Town Board asked the Planning Board to look at the use of the TEQR Committee to conduct SEQRA Reviews. This issue has been reviewed at the June 30, 2010 Joint Meeting and several times since. Chairman Schultz said the SEQRA Review is basically a “by the numbers” three (3) part review that is prepared by the Planning Office. The proposal is to fold the SEQRA Review into the Planning Board for efficiency and improvement in the overall planning process. The Planning Board would be more involved in the SEQRA process which would improve the overall evaluation of a project. This would save the Town approximately \$8,500 a year. This proposal would reduce the time the Planning and Zoning Office spends in preparing for and attending the TEQR meetings.

A disadvantage is that there will be fewer people involved. There will be one set of meetings eliminated in which the public would have been able to comment. There may be more work for the Planning Board.

Mr. Pazda said the TEQR process is a minority process compared to surrounding municipalities.

Chairman Schultz said Wendy Salvati believes this is the right direction to take on this issue.

Mr. Pazda asked what this proposal would do to the requirements of the Planning and Zoning staff. Mr. Callahan said there will be one less meeting the staff would have to prepare for in terms of preparing the agenda, notifying the public and working with the individual members of the committee. In terms of the Planning and Zoning staff’s involvement in the process, he does not see a significant change.

Chairman Schultz noted that a letter from the TEQR Chairman, Robert Sackett, dated August 16, 2010 has become a permanent part of the file. Mr. Sackett’s comments are strongly in support of the proposed motion.

ACTION:

Motion by Timothy Pazda, seconded by George Van Nest, to **recommend** eliminating the Town Environmental Quality Review (TEQR) Committee and making the Planning Board responsible for reviews under the New York State Environmental Quality Review Act (SEQRA).

ON THE QUESTION:

1. This action would improve the overall quality of Planning Board land use reviews while saving the Town in excess of \$8500 per year.
2. This action would result in a simpler, less confusing and more efficient decision making process, less subject to artificial delays caused by meeting schedules.
3. This action would require a Master Plan amendment, repeal or amendment to the Town TEQR Law and amendments to the Zoning Law and Subdivision Law under administrative procedures.

4. Current TEQR members could be considered to fill existing Planning Board vacancies.
5. This action would make the Planning Board Lead Agency for decisions on Land Use and SEQRA issues. This effectively consolidates the decision making process.
6. In view of the education the Planning Board members have received they are well qualified to do the SEQRA review; three (3) of the five (5) Planning Board members served on the TEQR Committee prior to serving on the Planning Board.

Gregory Todaro	Aye	Richard Bigler	Aye
George Van Nest	Aye	Timothy Pazda	Aye
Al Schultz	Aye		

MOTION CARRIED.

DISCUSSION:

Chairman Schultz explained that the Planning Board is officially a seven (7) member board with one (1) alternate position. The Town Board chose not to fill two (2) vacancies that came about at the beginning of the year. Currently there are five (5) members and one (1) alternate member. Chairman Schultz noted that a seven (7) member board costs approximately \$4,000 more per year than a five (5) member board. A second vice-chairperson adds \$1,775 per year more.

The benefits in maintaining a seven (7) member board is there are two (2) additional trained people. The Executive Committee is extremely useful. It essentially eliminates the risk of a board's agenda and decisions being dominated by a single member, or a two-member "alliance".

It is clarified that the Town Code states that each Planning Board member serves the number of years consistent with the number of members on the Board.

ACTION:

Motion by Gregory Todaro, seconded by Richard Bigler, to **recommend** maintaining Planning Board strength of seven (7) members (including a three (3)-member executive committee) and one (1) alternate.

ON THE QUESTION:

1. A seven-member board improves debate and representation of alternate viewpoints; it eliminates the potential for a board to be overly influenced by one or two members.
2. A three (3)-member executive committee improves quality of "up-front" work and streamlines the sign review process.
3. This action would require no change to existing codes.
4. This is not a cost increase as the funds are budgeted.

Gregory Todaro Aye
George Van Nest Aye
Al Schultz Aye

Richard Bigler Aye
Timothy Pazda Aye

MOTION CARRIED.

Meeting adjourned at 7:55 p.m.

Carolyn Delgato
Senior Clerk Typist