

Town of Clarence  
Planning Board Minutes  
Wednesday August 19, 2009

**Work Session Only 6:30-8:30 pm**

Roll Call  
Update on Pending Items  
Zoning Reports  
Committee Reports  
Miscellaneous

**Item 1**

Master Plan 2015 Amendment

Transit Road Corridor, north of Roll Road,  
Discussion.

Chairman Gerald Drinkard called the meeting to order at 6:30 p.m.

Planning Board Members Present:

Chairman Gerald Drinkard  
2<sup>nd</sup> Vice Chairman Wendy Salvati  
Timothy Pazda  
Richard Bigler

1<sup>st</sup> Vice Chairman Albert Schultz  
Jeffrey Grenzebach  
George Van Nest

Planning Board Members Absent:

Gregory Todaro

Other Town Officials Present:

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

Gerald Drinkard discussed that minutes will be kept of tonight's worksession meeting. No public participation will be taken because it is a worksession; no motions either. The goal of the evening is to provide detail to the board. They wish to establish the principles of a transition zone. After, they will establish a strawman, which is a reasonable transition zone, that they can live with, based on what is heard tonight. We must also look at Wegmans proposal. When looking at the proposal on the record, the board can test it against the strawman created tonight should they choose to do so. They will also challenge the strawman, if necessary. It is proposed that the Planning Board meet on September 2<sup>nd</sup>, with this as a topic on the agenda; Wegmans will also offer their idea of a transition zone at this point. The planning board can then make one of three decisions: 1) send it to TEQR as a strawman based on what they decided, 2) send it

back to Town Board, with a counter recommendation to original recommendation, or 3) table it for more information. Tonight they want to talk about the Master Plan and the strawman, and the major arterial zone- not Wegmans.

Jim Callahan discusses what has been done so far. To summarize the last Planning Board meeting- the Planning department was asked to analyze along Transit, in regards to those areas that transition between large commercial uses along Transit Road corridor and large lot single family residences that adjoin that corridor. Brad Packard has for the most part completed that analysis.

Brad Packard discusses that the basic approach was to look at some of the transitional zones to see what the current standard is along Transit Road, as far as a buffer to residential single family uses from major arterial uses.

Al Schultz discusses findings. They are looking strictly at the Master Plan amendment, which tells us to look down Transit Road to try and find a property that might be extended and evaluate whether or not it can be done without impacting the neighbors. The Town Board has already rejected the Planning Board's submittal. The area north of Roll Road is the property that was circled after the initial study was completed, as having the potential to expand if it can be done without impacting the neighbors. The Town Board wanted to look at ways to avoid conflict between Major Arterial buildings and Residential Single Family uses. This can be done with a transition zone built out with either lower impact commercials, vacant land, or permanent green space buffer. As a result, we have looked at all of Transit Road. We started out by seeing if there was any business in Clarence that was over 30,000 square feet that butts up against Single Family Residential. The only ones were on Transit Road. The question is whether the board has established a minimum buffer or a precedent of a minimum buffer. Handout with diagrams contains all information, available from Planning and Zoning, if wanted. Bottom line is that the heavy part of the corridor is by Wehrle and Sheridan Drive. The distance between those big buildings and Single Family Residential varies from 670 feet, to nearly 2,000 feet. There is a buffer of lower transitional type businesses that varies from nearly 700 to over 1,000 feet. There is no exception. This is also an example of those transitional residential uses, such as apartments that act as a buffer. For example, behind Eastern Hills there is some commercial zoning, some restricted business, all of which is down zoned to buffer what is behind it. Restricted business is approximately 350-500 square feet behind Eastern Hills. This is known as the Eastern Hills corridor with commercial towards the mall and restricted business towards the residential. The smallest transition zone is about 700 feet.

The next segment that was analyzed was between Sheridan and Greiner. This has newer commercial and has a transitional zone of about 650 feet and 315 feet of dedicated green space, which is the smallest along the corridor. Neighbors to this are Eastbrooke, which was plotted in 1989 and Eastgate Plaza was developed in the mid 1990s. The 315 foot buffer that is there now is a product of the input from the neighbors. There have been complaints over the years, mainly related to noise at off hours, and street cleaners. Even with a 300 foot buffer zone between the plaza and Eastgate, there are still some complaints. There were also complaints about the contentious BJ's gas station. Wendy Salvati made the observation that on the Amherst side there was a more traditional transitional pattern used going from larger businesses, to apartments, to single family homes.

Al Schultz explains next segment. The next segment pertains to Greiner and Roll Roads. There is virtually no transition from single family residential and major arterial zone; majority goes from small commercial businesses, which were installed after the houses. This area has transitional zoning of 670 feet. Wendy Salvati discusses that there is a possibility for redevelopment and a buffering zone with possible apartments. The area is designated as Major Arterial to match the Amherst side. The point is brought up that the parcels in this area are much deeper so as to allow more of a buffer zone. There are apartments and patio homes that exist as part of the buffer zone from the Major Arterial zone on the Amherst side.

Al Schultz, Jim Callahan, Wendi Salvati and others discuss zoning and development of next segment- Roll to Clarence Center Roads. There are no Major Arterial type uses. Wendi Salvati discusses that the Amherst side is totally different, more of a neighborhood scale with smaller businesses with school and behind that is country club and then single family homes. The group discusses that transitional zoning is at 750' as of now. There are restricted, small businesses on both sides of Transit with an 850' buffer- doesn't make it a good comparison. There was an agreement with the neighbors to make the buffer zone 350 feet to 800 feet in depth against the commercial zone.

Al Schultz points out that all of the data they have on Transit for Major Arterial style businesses to large single family residential homes is about 650 plus feet of transitional zone or 300 +/- feet of green space.

Gerry Drinkard returns the discussion back to the principles of the transition zone. Transition zones provided have ranged from 300 feet to 1500 feet. There has been subsequent development within the corridor. From the information in the law there is a minimum 45 feet transition zone to the Major Arterial. From what has been established, and when it comes to application, the transition zone needs to follow the precedent that has been set and enforced over the years.

Al Schultz discusses that Brad Packard has put the data and numbers together. The question is raised "What is the point of a transition zone or the point of a buffer zone?" The answer is that it is to muffle sound and be a visual buffer and perhaps others; there must always be a reasonable transition zone that can be calculated by an equation, agreement or straw man.

Al Schultz discusses that in relation to the Master Plan it is their job to establish and develop some sort of buffer zone classification standard and test it eventually.

It is thought that 300' seems a reasonable transition zone and would be testable. Al Schultz distributes a handout and discusses that other numbers, looking at this parcel in regards to the Master Plan amendment, are 525 feet of major arterial from center of Transit Road and 480 from behind Transit Road.

Originally, there was a request to rezone 6.5 acres to major arterial zoning with a 100 foot buffer. If there was a 300 foot buffer, it would turn the rezoning into 3 acres, on the north side 2 acres or 1 acre on the other side. Al Schultz debates whether a 300 foot buffer is reasonable for the area, and that it is what has always been used. The exception was brought up of Miles Road, where it is not 300 feet, but only 85 feet- however this is not a Major Arterial parcel and there are differing areas of buffer zone depending on the side.

If a strawman is established, it must be detailed and specific in order to send to TEQR.

George VanNest discusses the difficulties in this decision making process. He states that to go from a down-zone recommendation to a Major Arterial expansion is hard to justify. Wendy Salvati agrees, and states that the new data strengthens the previous argument regarding prior planning decisions. There has always been some sort of transition, whether it is a natural buffer or higher-density housing, and it has been no less than 300 feet. George states that the board must focus on the planning job- not Town Board's job. There were already two recommendations made that were consistent and had strengths for the argument and they weren't accepted; we may be trying to force a project that just doesn't fit.

Several questions of what they have previously done and what the data shows and what the best idea for the future will be were discussed. There has already been some development in the area and it is more of a neighborhood type with single family housing and the school; the parcel can clearly still be used if it's not utilized as a big box.

There was discussion among members of whether a strawman should be established and is there enough data to create one? If there is a 300' or 100' buffer then it would change the depth and size of the major arterial. Can the property be cost effective and also a transitional property? But that question can't be answered without more analysis and a strawman. The board has more than enough information regarding the issue.

There were some complaints from the people bordering Laurel Park, but the approval came before the residents moved in and all the complaints were addressed and mitigated, according to Jim Callahan.

Wendy Salvati discusses that if anything is sent to TEQR it would be an amendment to the Master Plan because the Planning Board is not here to discuss rezoning or project specifics- just amending the Master Plan. The question is whether or not to amend the Master Plan. With the data that we have now, the question is if we have enough information to justify changing the previous two recommendations. George Van Nest states that while the board looks at it from just the amendment aspect, the community is going to see it as the project. Wendy Salvati discusses that TEQR would need to look at the situation from a more generic standpoint of whether commercial use should go back deeper on property.

Gerry Drinkard discusses that Wegmans has not come back with a meaningful, different plan as requested by the Town Board. It is, apparently not worthwhile for them to cut out a lot of space because that would defeat the purpose of a newer, larger store.

George Van Nest states that he does not see how the board can go forward knowing what they know, and with the data that was collected. Wendy Salvati agrees that she believes that nothing compelling has come before them, including all of the data and information that was collected, that would shift them away from the decision that the planning board has already made twice. George Van Nest states that the new information strengthens their previous decision and that there are too many problems arising, should the recommendation change.

Wendi Salvati discusses the purpose of sending it back to TEQR. If the planning board's recommendation does not change, let the Town Board know what the findings are. Only if the board's recommendation changes does it need to be referred to TEQR. Is there a point to

sending it back to TEQR when the true logic is that there is a better way to make the land more efficient, rather than carving out a little bit to make it commercial, and the rest unutilized?

George Van Nest points out that the data has shown a maximum build out zone, and it makes no sense to send it to TEQR.

Tim Pazda questions how this is different from Roy Jordan when he requested to amend Master Plan- the board made a recommendation to change his zoning. Board answers that it was because it was transitional use and there were no neighbor complaints.

Gerry Drinkard goes back to the Town Board's minutes from two years ago. They liked the recommendations then with segments A,B,C & D & the idea of having green space around the area. The planning board would like to put this on the agenda for September 2<sup>nd</sup>.

Dave Donahue suggests that the question on the table is clear- a request to change the Master Plan to allow for a big box- but the answer is much more complex, including the analysis of the corridor, the straw man and the 300 feet green space buffer zone, which has been done before, and on the Amherst side.

Al Schultz brings up the question of whether the board should engage in a dialogue with the Town Board or just make a recommendation. Gerry Drinkard points out that that is the job of the liaison. Wendy Salvati questions why do that & what is the precedence. Al Schultz answers that they have done that with the previous recommendations. Others point out however that it was because it was a joint meeting.

Wendy Salvati and others discuss that the planning board is just a recommending body and that ultimately it is up to the Town Board, and they are the ones that will be challenged. It is our job to help them make the best decision. The board has done extensive work in this regard.

Roll call taken.

Meeting adjourned.