

PLANNING BOARD MINUTES

Wednesday August 18, 2004

WORK SESSION 6:30 P.M.

Roll call Miscellaneous
Minutes Agenda items
Sign review Communications
Update on pending items
Committee reports
Zoning law

AGENDA ITEMS 7:30 P.M.

ITEM I

PUBLIC HEARING ON PROPOSED ZONING LAW.

ITEM II

Michael Metzger
Major Arterial/Agricultural

REQUESTS DEVELOPMENT PLAN APPROVAL FOR
CONSTRUCTION OF A 10,000 SQUARE FOOT
TAE KWAN DO FACILITY AT 5921 TRANSIT ROAD.

ATTENDING: Patricia Powers
Wendy Salvati
Joseph Floss
Roy McCready
Christine Schneegold
Jeff Grenzebach
Tim Pazda

INTERESTED
PERSONS: Councilman Scott Bylewski
Councilman Bernie Kolber
Councilman Joseph Weiss
Jim Blum
Henry Becker
Karen Yeager
Janet Sgamma
Phil Sgamma
Lois Daiger
Lorri Forman
Robert Forman
Rosita Penetar
George VanNest
Reas Graber
Loretta Schabel
Donna Ioviero
Michael Metzger
Kevin Curry

ITEM I

PUBLIC HEARING ON PROPOSED ZONING LAW.

Patricia Powers said the Planning Board was charged by the Town Board to update the zoning code to meet the criteria set forth in the Master plan. This has been a long time in the making, this is the fourth draft. All of this could not have been accomplished without the guidance, assistance, able direction, and the unlimited patience of Jim Callahan Director of Community Development, and Jim Hartz the Assistant Director of Community Development. Tonight we seek a vital aspect of this exercise and that is the opinion and the thoughts of, you the public. Pat asked Christine Schneegold to read the public notice which appeared in the Clarence Bee on August 4, 2004.

Jim Callahan presented an overview of the proposed zoning law changes. A handout of the following was available for members of the audience.

Proposed Zoning Law changes

Proposed changes represent the first comprehensive update to the zoning law since its inception in the 1940's. Proposed changes reflect the recommendations identified in Master Plan 2015, making this proposed zoning law consistent with the adopted Master plan 2015.

AGRICULTURAL ZONES:

The Agriculture Zone is proposed to be broken out into two classifications:

Agriculture Flood Zone-(AF) which changes the minimum lot size requirements to match or exceed the requirements identified in the Flood Damage Prevention Law of the Code of the Town of Clarence. Minimum frontage requirements are increased to 150'. The minimum lot size will remain the same at 1.33 acres. In general, permitted uses remain the same as the existing Agriculture Zone.

Agriculture Rural Residential (AR) which increases the minimum lot size to 1.33 acres and the minimum frontage requirements to 150'. In general, permitted uses remain the same as the existing Agriculture Zone with the exception that duplex or two-family residential uses are no longer permitted.

For both Agricultural classifications a "lot of record" is established that allows acceptable building lots that pre-exist the adoption of these proposed changes, to remain as acceptable building lots.

RESIDENTIAL ZONE:

The residential zoning classifications will be consolidated into one zone, with the Residential B classification being removed. The proposed Residential Zone will be exclusively for single-family residential development and will have two distinct categories:

Sewered lots will require a minimum lot size of 125' of frontage and 20,000 square feet of area.

Unsewered lots will require a minimum lot size of 125' of frontage and 1 acre minimum lot size. There does exist an incentive that would reduce minimum lot size requirements to current conditions with open space preservation.

For both Residential classifications a "lot of record" is established that allows acceptable building lots that pre-exist the adoption of these proposed changes to remain as acceptable building lots, including allowing any existing agricultural uses that may pre-exist the adoption of these proposed changes to continue.

TRADITIONAL NEIGHBORHOOD DISTRICT:

A zoning classification to maintain the traditional hamlet areas of Clarence Hollow, Clarence Center, Swormville, Harris Hill and Wolcottsburg is proposed to allow for small scale mixed uses in keeping with the character of these areas. A maximum size structure, reduced setbacks and reduced parking requirements to encourage adaptive reuse of existing structures is incorporated into this zone.

An overlay specific to Clarence Hollow further defines this area and creates a Community Character Oversight Board to review projects as to architectural style, and make recommendations on land use in this overlay area.

MAJOR ARTERIAL, COMMERCIAL, RESTRICTED BUSINESS AND INDUSTRIAL DISTRICTS:

In terms of land use, these zoning classifications remain basically as they exist in the current law. Areas of these classification have been expanded in terms of depth from existing roads to encourage more substantial commercial projects, in areas where there will not be a significant negative impact upon existing or proposed residential developments.

The most significant change will be the area north of Swormville on Transit Road, changing from Major Arterial to Restricted Business. Certain areas along Sheridan Drive and Main Street are changed from Commercial to Restricted Business in keeping with the character of these areas.

OPEN SPACE DESIGN (CONSERVATION DESIGN/CLUSTERING):

A chapter on Open Space Design is proposed to encourage more efficient designs that preserve open space in allowing the same density of development as the base zoning allows. This overlay district is designed to preserve 50% of a lot proposed for development in open/natural conditions.

ADMINISTRATION:

Procedures are clarified to make the use of the proposed document, more user friendly to residents and applicants. Specific land uses such as commercial vehicle storage, outside displays, garage sales, produce stands, home occupations, and parking requirements are clarified.

General and specific site Plan Review and Special Exception Use Permit criteria are more clearly defined.

Distinct schedules are charted for the various zoning classifications to generally identify permitted uses and dimensional requirements (see attached schedules). Available in the Zoning office.

Chairman Powers invited the members of the audience to come forward with their comments, and state their name and address for the record.

James Blum of 5509 Martha's Vineyard has read the entire document more than once, and appreciates the effort that has gone into the draft. These are his observations on the fourth draft of the Clarence Zoning Law.

Zoning Moratorium will have to be extended until the following updated laws are implemented:

- 1) Zoning
- 2) Subdivision
- 3) Infrastructure
- 4) Landscape

We aren't moving anywhere near fast enough on them. We need a greater sense of urgency by all concerned.

Zoning specification exceptions.

The new law should require that each exception to specifications for a zoned area to be approved by a super majority of the Town Board (four affirmative votes at this time).

Items related to size of house versus size of lot.

Lot coverage was 10% two story and 15% one story (not counting garage and storage rooms)

for many years. Porches, terraces, and accessory buildings were never included.

Should have been changed to 13% two story and 18% one story to include garage and keep the relationship between size of house footprint and lot size in line with long established Clarence standard.

Lot coverage was changed in May 1998 to 20% for both two and one story houses. The change represented a huge increase in size of two story houses allowed relative to lot size.

This should be improved to what I believe Clarence citizens expected - that is 13% two story and 18% one story lot coverage.

The same objective could possibly be achieved by variable setbacks related to dimensions representing the size and scale of the house.

Control of the size of house relative to the size of the lot must be done more effectively than it is now. 20% lot coverage for a two story house is a very poor number in terms of rural character.

SPECIFIC ITEMS IN THE PROPOSED ZONING LAW

A) Low density residential lots - should be ½ acre per family. At least 20,000 square foot single, at least 40,000 square foot duplex.

B) Duplex - which is a commercial property, should not be allowed in any residential zone except possibly as a special exception.

C) Bed & breakfast - should not be allowed in single family residential.

D) Boarders - paid boarders should not be allowed in single family residential. Non paid boarders like exchange students, nannys, personal care aides, private nurses, etc. would be allowed.

E) Minimum frontage - 30 foot front proposed for dead end lots is barely room for a driveway plus drainage. Must be much greater. Replacement of dead ends by gentle curves would help.

F) Parking - On street parking in front of a lot should not count toward parking requirement. A public parking lot may be needed in hamlets.

G) Multi-family residential - No more than eight (8) units on any one acre. They should be on enough area to meet Town low density standard.

H) Building height - 45 feet in Arterial, Business Park and Industrial. No more than 35 feet elsewhere. Possibly one central building greater than 35 feet as we have in Clarence Center.

Each variance should be approved by super majority of Town Board as with any other zoning variance.

Councilman Joseph Weiss spoke next. He said that he read in today's paper that our population as a country is going to increase by 40% by the year 2050. His concerns included the quality of life, traffic concerns, school population. The League of Women Voters has done a study on the impacts of sprawl, resulting in higher taxes. Every time there is development infrastructure has to be increased, traffic is increased, we have to pay for more schools, and it is very difficult to maintain jobs. In Clarence we have a great school system, but what we are doing is educating kids for other parts of the country, and other parts of the world. Our students can't stay here. We have to stop that, we have to contribute like other communities towards keeping kids in our area. We have to force growth towards the city. The last election you found that you really didn't need developer money if you had the right candidates. We are not dependent on developer money as we were in the past. I think this is a good start, the zoning here, it has been a long time coming. I congratulate the people who have worked on it, and I propose that down the road we look at doing some overlays to the Master plan to build on what we have done here. Again, we have to look at our perspective of Western New York, a global economy, and our citizens as people in that economy. I will be proposing in February, an overlay on the Agricultural district which will increase the size of lots out there, and hope that my colleagues will also do some things to the zoning that will improve it to protect all of our interests.

Phil Sgamma of 9520 Village Mill Lane spoke on behalf of the 150 members of the Clarence Hollow Association. Their board thoroughly endorses and congratulates the zoning office and the Planning Board on this fine document. He will take back some of the excellent comments made tonight. He encouraged the board to continue this fine work, and know that you have the support of the Association. He challenged the board to continue to improve this document and get it adopted.

Kevin Curry of 4197 Heather Drive, and Patrick Homes said "The document is certainly a step in the right direction. There are a lot of positives in it, and everyone is well intentioned. At the same time I have a little different opinion on different parts of it. From a very simplistic point of view, if there is sprawl, and if it does exist in WNY, and in Clarence in particular, that making lot sizes bigger increases the rate of sprawl. I see a little more emphasis or outcome here on slightly larger lots, as opposed to some of the more proactive ways to not have sprawl documents. I too do not want to see our children leaving the area either, but we are creating a situation in Clarence where it is expensive, very expensive. I don't know what the answer to that is, but I don't see the document really addressing that. I just see Clarence becoming more and more expensive. In my opinion it is creating economic discrimination. I think we really need to address the need for affordable housing whether it is in Clarence, the inner ring suburbs, the city itself. I just think it is sad that Clarence is becoming more and more expensive. One specific comment. The Planned Development District. I am disappointed to see that removed at this point. Many areas of the town are probably not suited for commercial development, and perhaps that commercial development should be centered in the hamlets and in the corridors. But I don't know if that reason alone, supports the complete removal of Planned Development District. The integration of uses, is a good thing as opposed to the segregation of uses. I would like to see more integration of uses

within the document as opposed to just different layers of colors located in different areas. Thank you for all your efforts, and allowing me to voice my opinion.”

Bob Lenz of 10529 Main Street commended the document. It is long overdue, and he supports the Clarence Hollow overlay district.

Bernie Kolber said he appreciates all the efforts, but he is concerned about the maintenance of green space. There are people who do not want large lots, how can we accommodate them? One way to do that is to have a density on the parcel and require that 50% of the land does not get developed. As long as the density on the entire tract remains within compliance, that allows the development of a reasonable size lot that people so desire, but keeps larger areas of green space intact, which protects the character of the Town which is something that subdivision after subdivision does not do. He has spoken to a gentleman in Freeport Maine, and there were steps they took for conservation development. As far as lot prices - it is a case of what the market place drives. The lots that are being built on right now are not very large, and they are not being sold for reasonable prices. It's a case of Clarence being the place to go, and the developers are getting it.

Councilman Weiss said he wanted to clarify about the overlay before. I do propose larger lots, but there still would be the option if a development was going in, they could have smaller lots if a certain portion of that was set aside for a conservation easement. There still are a lot of starter homes in Clarence, everyone can not afford every town. Our job as elected officials is to protect people in our town and our quality of life. Our job is not to provide housing for everyone in Western New York. We are a hot place, and we have to protect the interests of all of our people.

Bob McLean of 4330 Shisler Road had questions about frontage and width. He is on an angle and has lots of frontage but not width. He would like to give some land to his son, and his granddaughter. Jim Callahan said it is frontage on a public road that drives lot size.

Councilman Bylewski praised the efforts over the past year of the Planning Department and the Planning Board. “As far as affordable housing, it is my understanding that with the inclusion of the traditional neighborhood developments, that mixed uses would be allowed in those areas. Those mixed uses will also allow for more affordable housing to take place, whether they are apartments or just less expensive housing found in other parts of town. Hopefully that would be an off shoot of the new zoning law.”

Motion by Patricia Powers, seconded by Joseph Floss to close the public hearing.

On the Question?

Joseph Floss asked that the written comments from Jim Blum and Phil Sgamma are included as attachments to the minutes. (Jim Blums comments are completely contained in these minutes. Phil Sgamma's written

comments and questions are attached to these minutes.

ALL VOTING AYE. MOTION CARRIED.

Chairman Powers said “In light of the comments we have received this evening, we need to take some time to further consider the comments and include them, before we send this document off to the Town Board. Would someone care to make a motion to table?”

Motion by Roy McCready, seconded by Wendy Salvati to table this item and consider the information we have received tonight. On the suggestion of Roy McCready, and agreement of the board written comments will be received and accepted until September 1, 2004.

ALL VOTING AYE. MOTION CARRIED.

ITEM II
Michael Metzger
Major Arterial/Agricultural

REQUESTS DEVELOPMENT PLAN APPROVAL FOR
CONSTRUCTION OF A 10,000 SQUARE FOOT
TAE KWAN DO FACILITY AT 5921 TRANSIT ROAD.

DISCUSSION:

Jim Callahan gave a description of the project located on the east side of Transit Road, south of Clarence Center Road. The property consists of approximately 2.7 acres in the Major Arterial zone with Agricultural zoning in the rear of the property. The project was introduced to the Town Board on January 21, 2004 and referred to the Planning Board on February 4, 2004. The MRC recommended and the Town Board issued a negative declaration under SEQR on April 28, 2004. The Planning Board recommended concept plan approval to the Town Board on May 5, 2004. The applicant is here tonight seeking development plan approval, and the Town Engineer has forwarded a recommendation with conditions. Patricia Powers congratulated Mr. Metzger for being the first applicant to submit the checklists for concept plan approval as well as development plan approval. Christine Schneegold asked how much space there is between the detention pond and the building. Mr. Metzger said it is 50 feet plus. Christine asked Mr. Metzger if he remembered about the

connectivity issues that had been mentioned at previous meetings, and you mentioned that there were some drainage ditches along the north side?” Mr. Metzger said “Since that time we actually had a wetland delineation done, and there are federal wetlands to the north of the property along that drainage ditch. There would have to be a crossing of federal wetland for that to occur. Wendy Salvati asked Mr. Metzger “Could you do it with a culvert, and get a permit from the Army Corps of Engineers?” Mr. Metzger said “Well, yes we would. There is a slight bit of wetland involvement in that north west corner there to get all the drainage in by technical terms, a little bit of filling of the wetland already. So I would suspect just by knowing what the width is of that wetland, that we would be impacting more than a tenth of an acre. There would have to be some mitigation involved, which is a very involved process and would be difficult.” Christine said “I am thinking about that property to the north which is vacant, it is just so much easier to do it at this stage then after it has been developed.” Mike Metzger said “I suspect that the drainage way is probably going to remain in its present natural state, with whatever happens to the north. It doesn’t totally cut off their access to their property, but it definitely does impact their south, and our north property line. It runs along that property line, and then veers off in a north easterly direction. We did take a look at that, but then the wetland delineation kicked in.” Wendy Salvati said “When you first were deciding where to place that detention basin, why didn’t you think about putting it in the back where the wetlands are? Wouldn’t that have been a logical place to locate the detention basin? I wasn’t sure if there was a reason grading wise or something, that you couldn’t do that.” Mr. Metzger said grading is a part of it. There is quite a bit of pitch from the back forward. If you go by that property now, that house sits up quite high. The natural place for a detention pond was on the low side, as well as at your outlet, which is right there on the north west corner. Plus the impact to the wetland would still have to be assessed by the Corps. Tim Pazda said “The question that I asked earlier is still bothering me. My comrades tell me it is too late to do anything about it, but it bothers me. You have shown some wonderful elevations showing the south and west sides of the building, but we have not seen anything on the north side. Now since that lot that you are describing is going to remain wetlands or open -

perhaps for some time, my concern is Master Chongs customers are going to have a nice view of the building , but everyone coming into Town from the north is going to see an ugly block wall. We were told it was going to be taken care of through plantings and landscaping, but now I hear that it is going to be very difficult to landscape there because of the need to keep that ditch. It bothers me that it has not be taken into consideration. Is there something that I am missing?" Mike Metzger said "It comes back to the same answer I gave before. We did find that there is a federal wetland there with some vegetation that will in time get thicker and taller, and provide a natural buffer both partly on this site and the adjacent site to the north. We actually have put some planned things in there to supplement the natural vegetation." Tim Pazda said "It disturbs me that we are treating this like the back of a building, when it is really the side of the building." Mike Metzger said "We put some arborvitae plantings along the north property line, something that is there all year, evergreen type plantings as well as the existing vegetation." Christine Schneegold asked the percentage of green space on the project. Mike Metzger said "It is fifty percent at least." Pat Powers asked if he intended to put a stop sign at the exit onto Transit Road. Mr. Metzger said "That wasn't the plan, bur if there are no regulations that would prohibit it, I don't think that would be a problem." Roy McCready said he would like to get together with Mr. Metzger after he has revised the submitted plan, to the satisfaction of the Landscaping Committee. Pat said curbing is to be included in that plan. Tim Pazda asked why Mr. Metzger was asked to put in a stop sign. Pat said it just seems coming out of a parking lot onto a major thoroughfare there should be something there sign telling them to stop, but that is something we can look into." Chairman Powers asked if anyone in the audience had any questions or comments. No one did.

ACTION:

Motion by Joseph Floss, seconded by Wendy Salvati to recommend development plan approval to the Town Board subject to

- 1) Commercial open space fees.
- 2) An approved landscape plan.
- 3) Subject to conditions of the Town Engineers approval dated August 11, 2004.

Tim Pazda	NAY due to previous objections.
Jeff Grenzebach	AYE
Roy McCready	AYE
Joe Floss	AYE
Chris Schneegold	AYE
Wendy Salvati	AYE
Patricia Powers	AYE

MOTION CARRIED.

Motion by Jeff Grenzebach, seconded by Chris Schneegold to adjourn the meeting.

Meeting adjourned at 8:30 p.m.
Patricia Powers, Chairman