

Town of Clarence
One Town Place, Clarence, NY 14031
Town Board/Planning Board
Joint Meeting Minutes
Wednesday May 21, 2014
7:00pm-9:00pm

Deputy Supervisor Lawrence Meckler called the meeting to order at 7:00 p.m. and led the pledge to the flag.

Board Members present:

Councilman Patrick Casilio	Councilman Bernard Kolber
Councilman Peter DiCostanzo	Councilman Robert Geiger
Planning Board Chairman Robert Sackett	Planning Board Vice-Chairman Paul Shear
Planning Board 2 nd Vice-Chairperson Wendy Salvati	
Timothy Pazda	Richard Bigler
Gregory Todaro	Steven Dale

Board Members absent: Supervisor David Hartzell Jr.

Town Officials Present:

Director of Community Development James Callahan
Junior Planner Jonathan Bleuer
Town Attorney Lawrence Meckler
Deputy Town Attorney Steven Bengart

Other Interested Parties Present:

Jim Blum	Elaine Wolfe
Peter Wolfe	Clayt Ertel
Alan Bedenko	

Master Plan 2025

Chairman Sackett referred to the most recent addition to the Master Plan 2015 which was a mapping exercise done on April 30, 2014. The principles that came from that meeting include preserving greenspace, maintaining traditional neighborhoods, no tiny lots, preserve agricultural, maintain a balance, promote moderate growth, traffic calming for hamlets, continue development expand and strengthen our industrial zone, enhance the parks system, prioritize sewer location, maintain the actual open space and wildlife habitat, create and expand a completely developed walkable area/recreational trail system throughout the Town and build mixed-use developments. These principles were used to round out the 9 goals of the Master Plan. The Planning Board reviews requests to re-zone properties every February and they look to the Master Plan for guidance in these requests. They also look to the Master Plan when reviewing projects.

There was a public review of the Master Plan goals on October 30, 2013 and there was some input on April 30, 2014. The proposed Master Plan 2025 goals are a result of these two meetings and a work session of the Planning Board. Chairman Sackett noted that number 1 and 4 of the old goals have been combined for the new goals. An additional goal was added because of the comments made at the mapping session regarding sidewalks and recreational trails. A comparison of the 2015 Goals and the 2025 Goals was distributed for all to review prior to the meeting. Each goal will form a chapter of the Master Plan. A draft copy of the Master Plan 2025 Goals and Narrative was distributed to all members prior to the meeting. Chairman Sackett read each proposed goal, see copy attached. In summary: goal number 2 was changed to preserve the historic character of the Town without pointing to any single entity. Number 3 was to continue to evaluate public infrastructure since there is already a map in existence. Number 5 removed the words, "in proportion to growth" because the Planning Board didn't think it was a proportion thing. Chairman Sackett referred to goal #6 and said the Master Plan is a land use document, a land use document can't maintain a high quality school system. The Boards can interact with the school system and report what developments are coming in and ask if the school system has the facilities to take on the new students, which is known as the Adequate Facilities Law. The Town should have a relationship with all three (3) school districts. Goal # 7 remained the same. Goal #8 should not call out specific areas in which to balance growth, this should be overarching the entire Town. Chairman Sackett asked if the Boards are ready to commission a write up of the Master Plan. The full plan would eventually go to the Town Board and have a public hearing.

Councilman Kolber asked if an outside firm is needed. Mr. Callahan said it is needed to coordinate all the studies and information that have been done in the past few years. Councilman Kolber said the experts on Clarence are sitting at the table so to bring someone else in would only be to format it. Mr. Callahan said once someone is brought in they would work closely with the Boards to make sure exactly what the Boards are saying is carried forward. Mrs. Salvati said an Advisory Committee could be established to work with the consultants. It is noted that there will still be the annual review/update of the Master Plan.

Mr. Shear said the Master Plan is the document that drives the Town Code. The Master Plan needs to be correlated with the Town Code. The Planning Board's job is to apply the Town Code to all projects but often they see a significant difference in the Town Code and the Master Plan. It makes a lot of sense to look to an outside entity to write this as they will be objective. The Town Board, the Planning Board and the Planning Department are all in a position to edit, critique and adjust the document.

Councilman Kolber said the Master Plan is more subject to interpretation than the Code is. Mrs. Salvati said there must be some flexibility in the Master Plan, it should not be too specific. The idea is that the Master Plan guides the Town with regards to growth.

Mr. Shear would like to see a few members of the Town Board join the Planning Board members in updating the Master Plan so that all will be satisfied with the document.

Chairman Sackett said there is time to meet on the full document again since the current document is good until 2015.

Councilman Kolber does not see a lot of complaints in Town except that maybe they are losing control a little bit.

Councilman Geiger would like to see some creative ideas, perhaps a rapid transit.

Deputy Town Attorney Lawrence Meckler said he thinks there is enough information that the Request for Proposal (RFP) process can begin in order to select a consultant, more new ideas can come into play after that.

Councilman Kolber would like to identify what is and what is not in the Town's control.

Chairman Sackett said the Town must be aware of what is happening regionally as well.

Sign Code

Mr. Callahan provided the history on the Sign Code noting that the original Sign Law was adopted in 1973 and lumped together the Commercial Zone and allowed large signage and limited signs in Residential and Agricultural. In 1999 the Town did a comprehensive update which took several years. They worked with the Chamber of Commerce. Major Arterial zoning was broken out because that is where the largest signs were allowed. The requirement for signs in the Commercial Zone was reduced. The Hollow was broken out. A-frame signs were a big issue back then and the Town Board did not want any part of that type of sign. Mr. Callahan has seen a major impact to the Main Street corridor in terms of the sign reduction. In 2009 there was another comprehensive update which included a break out of all the zoning classifications, it included the overlays and the Traditional Neighborhood Districts. This update also introduced the concept of the electronic, digital changeable copy with strict parameters. There was also collaboration with the Chamber of Commerce with this update.

Mr. Callahan said today's proposed amendments include temporary signs, which have become an issue with the newest type being a flag sign. These flag signs are all over Town and there is nothing in the law that allows them or prohibits them. Currently, they are treated as temporary signs but it is difficult to enforce because there is nothing specifically identifying them. Business men will say that temporary signs really help bring business to them, and the Town does not want to destroy that. It should be controlled and allowed.

Councilman Kolber said he thought there was a legal determination that the Town could not have a for-profit versus a non-profit distinction on signs. He suggested the company put a bond up to guarantee that by "x" date the sign will be removed. He also noted the clutter aspect.

Mr. Callahan said the Town cannot permit a sign in someone else's right-of-way, so anything in the right-of-way is just not allowed. Councilman Kolber asked where does the right-of-way start and end, each road has a different right-of-way dimension.

The current length of time for a temporary sign is 30 days twice a year.

Chairman Sackett said there was a Planning Board session last October in which public input was asked for regarding the Sign Law. There was not a lot of input.

Chairman Sackett said they are proposing a 30 day limit for flag signs. The Planning Board is also proposing a limit on how many flags can be put up at a business. They would make a recommendation regarding the Sign Code and the Town Board would hold a Public Hearing meeting. The question is if the Town Board is accepting of the changes proposed in the Sign Code.

It is clarified that inflatables are permitted through the Special Event permit process.

Mr. Shear said the Planning Board would like to put the proposal forward to the Town Board and hope that they support it. If changes are needed, they would like to do that now. Mrs. Salvati said it is important to make sure the location of the flags don't become an impediment to visibility. Councilman Casilio noted that the Sign Code is silent on truck signs. These are the signs that are on trucks and those trucks are parked in parking lots to advertise the business. Mr. Shear said the Planning Board has discussed these trucks with the State and they said that the Town can require that those trucks/trailers be licensed and they can be required to be moved every so many days, whatever the Town would agree on. The problem with that is the enforcement.

The law also needs to clarify how many flags are allowed and how many feet apart they should be placed per business.

Councilman Kolber suggested scaling the sign regulations based on the amount of frontage of the property.

The question was raised as to how many flags a plaza would be allowed. Mr. Callahan said this will become impossible to enforce properly.

Regarding a plaza, will the flags be permitted per business or per plaza owner? The density issue needs to be addressed. The Town Board members confirmed that they are receptive to suggestions on language adjustments for the Sign Law.

Mr. Shear pointed out that the east side and west side of Transit Road are significantly different when it comes to signage. It is up to the Board as to whether address this or not. Councilman Kolber said rather than having a blanket sign policy, target the sign policy toward the different areas. The Planning Board has had that discussion, Mr. Shear said they should differentiate between zones. Deputy Town Attorney confirmed that the Sign Law currently differentiates between the zoning. Mr. Callahan said the proposed Sign Law amendment further defines monument signs which helps in the Sheridan Drive Restricted Business area.

In summary, Chairman Sackett said there needs to be language on flag signs and A-frame signs. The code should allow LED signs in the TND for gas prices only at a gas station. Mr. Shear said they felt it was more important to list what you could do and anything that is not listed becomes a "no" or an exception that has to go to the Zoning Board of Appeals.

Chairman Sackett said to be a true monument sign the Planning Board thinks 8' would be what others see as a monument sign. This is the only type of sign allowed in the Commercial and Restricted Business Zones. Councilman Kolber thinks Commercial is a different aspect, if the height is limited to 8' then it obstructs visibility. Mrs. Salvati said the problem is the sign is restricted to 32 square feet in size, if you put that on a 12' pole, the sign will not be very wide. Councilman Kolber said why not split the Commercial and Restricted Business sign restrictions, that way they can be treated to their specific uses. Mr. Shear asked what the town fathers want to see in terms of signs around Town. He thinks what they want is something low, non-obtrusive and consistent.

Councilman Kolber suggested permitting a sign depending on the frontage of the property. Mr. Shear said the McGuire building that is going up on Main Street is 19,000 square feet, there is a lot of frontage, about 200', and it is a big building, should they get a bigger sign? Mr. Shear said signage should not be frontage significant. Councilman Kolber said there should also be a heavy landscaping requirement. Mr. Callahan noted that landscaping is a requirement.

Town Attorney Lawrence Meckler suggested a two week time period for everyone to get their comments to the Planning Board/Planning Office. Chairman Sackett agreed.

Chairman Sackett noted that there is a proposal to define a monument sign as having a base no more than 18" of the ground supplemented with perennial vegetation "to be maintained" can be added to the wording. There are committees in the Hollow and the Center that have input on signage in their respective areas.

Councilman DiCostanzo said the commercial zoning is anything non-residential. He wants to talk about businesses only. He said most people agree that more commercial businesses are needed in Town. He referred to goal #7: Adopt an orderly balanced growth plan, then he read from the draft: "In managing growth, the protection of residential areas needs to be balanced with the need to promote commercial growth..." We need more businesses in Town, there are a lot of people in Town that will support the businesses. The people sitting at the table tonight need to be prepared to experience some discomfort when business people come to Clarence and want to promote a project. Anything the Town does or approves will come with some traffic, noise or smells. People near the project will not be happy. It might not be the Town Board's job or the Planning Board's job to promote that but maybe it is the IDA's job.

Mr. Todaro said that will help change the dynamic of the area, if we start bringing businesses in, then younger people will follow.

Mrs. Salvati said it is not the Planning Board's job to promote business. The Master Plan is not a strategic business plan, it is a growth document that deals with land use. She agreed with Councilman DiCostanzo but said it needs to be addressed by the proper entities.

Mr. Bigler said he thinks everyone agrees with Councilman DiCostanzo 100%.

Councilman DiCostanzo said he is willing to take the heat from people in order to have good businesses that provide a good tax base for the Town.

Chairman Sackett said the Planning Board tries to mitigate as many issues as they can when a project comes before them, before they send it back to the Town Board for a decision. They also talk to as many involved agencies as necessary to obtain information on the project.

Councilman Casilio said it is definitely sewer driven, without sewers new businesses will not build in the area, it's not going to happen. The way to move forward is to bring sewers in, but that is economically impossible to do.

Councilman Kolber said if we want to promote commercial development we have to protect the commercial land.

Mr. Shear said the lack of sewers precludes anyone from putting up anything on County Road or Roll Road other than an aluminum or board and stick buildings that house a minimum number of people. If you want commercial you need shovel ready property on a sewer.

Councilman DiCostanzo said the business does not have to mean 100 people, it could be a small sushi bar in the Hollow, or an accountant's office with 10 people. Mr. Shear said you're also talking about

property that has enough of an assessed value to be a substantial investment. This is just not going to happen without sewers.

Mrs. Salvati said there are still opportunities for businesses to happen in Clarence. Mr. Shear asked if the Town wants a significant amount of small businesses or bring in some significant properties that add a great deal to the assessed rolls. The significant properties would need shovel ready property. It is pointed out that Seal and Design and Kittinger Furniture are great businesses and they are on septic. Councilman Casilio said he had many people look at the Seal and Design property who went elsewhere because there are no sewers.

Town Attorney Lawrence Meckler said the IDA can play a role in aggressive marketing for the Town.

Mr. Shear asked if anyone has tracked the number of businesses that have come to Clarence, inquired about what is available, found out the down side and the pluses and then walked away and went elsewhere. Councilman Casilio said he gets phone calls weekly where people inquire about the property on Wehrle Drive but are no longer interested once they find out what it is. Mr. Shear said if the Town had a sense of what the opportunities were maybe that would drive the Town to say maybe they should spend the money to put in a sewer. Town Attorney Lawrence Meckler said the Town has to work with what they have now. Mrs. Salvati said the IDA should be doing that, not the Planning Board. Town Attorney Lawrence Meckler said that is exactly what the IDA is doing now, they are doing inventory of properties and trying to promote to the extent that they can under the circumstances that they have.

Mr. Callahan said one of the things that will be incorporated into the Master Plan 2025 in working with Tim Lavocat, is the Master Sewer Plan and an update of that. This ties back to where the Town can prioritize sewer extensions and the capacity to service those areas and what makes most sense from a land use standpoint.

Meeting adjourned at 8:45 p.m.

Carolyn Delgato
Senior Clerk Typist

#	Master Plan 2015 Goals	Master Plan 2025 Proposed Goals
1	Preserve and protect the open character of the Town through the development of an Open Space Plan.	Preserve and protect the open space character of the Town.
2	Maintain and promote the historic character of the Clarence Hollow, Clarence Center and Swormville as well as historic landmarks not located within these districts.	Maintain and promote the historic character of the Town.
3	Develop an official map that identifies future public service infrastructure upgrades.	Continue to evaluate and upgrade public service infrastructure.
4	Preserve existing greenspace through the redesign of land use regulations and design guidelines.	Maintain the Town's strong recreation program and park facilities.
5	Maintain the Town's strong recreation program and park facilities in proportion to growth.	Maintain a collaborative relationship with all school districts within the Town.
6	Maintain a high quality school system.	Provide consistent enforcement of land use regulations.
7	Provide consistent enforcement of land use regulations.	Adopt an orderly and balanced growth plan.
8	Adopt an orderly and balanced growth plan which protects existing residential areas.	Coordinate efforts on a regional basis.
9	Coordinate planning efforts on a regional basis.	Maintain and improve connectivity of trails and sidewalks.