

Town of Clarence  
One Town Place, Clarence, NY 14031  
**Planning Board Minutes**  
Wednesday October 1, 2014

**Work Session 6:30 pm**  
Status of TEQR Coordinated Reviews  
Review of Agenda Items  
Miscellaneous

**Agenda Items 7:30 pm**  
Approval of Minutes

**Item 1**

Silvestri Architects  
Residential Single Family

Requests a Change-In-Use from previously approved nail salon to professional office building at 8353 Main Street.

**Item 2**

Michael Development  
Industrial Business Park

Requests Preliminary Concept Review of a proposed Industrial Business Park located on the south side of Wehrle Drive, west of Shisler Road.

**Item 3**

Lou Visone  
Residential Single Family

Requests a Master Plan Amendment to consider Rezoning to allow for Multiple Family Housing at 4880 Ransom Road.

**Item 4**

Elliot Lasky/Roxberry Subdivision Phase 2  
Residential Single Family

Requests Preliminary Development Plan Review for a 19 lot subdivision.

Chairman Robert Sackett called the meeting to order at 7:30 p.m.

Councilman Patrick Casilio led the pledge to the flag.

Planning Board Members present:

Chairman Robert Sackett  
2<sup>nd</sup> Vice-Chairperson Wendy Salvati  
Richard Bigler  
Steven Dale

Vice-Chairman Paul Shear  
Timothy Pazda  
Gregory Todaro

Town Officials Present:

Director of Community Development James Callahan  
Junior Planner Jonathan Bleuer

Councilman Peter DiCostanzo  
 Councilman Patrick Casilio  
 Councilman Robert Geiger  
 Deputy Town Attorney Steven Bengart

Other Interested Parties Present:

Michael Mesi	Lou Visone	Barb Ernst
D. Bowers	AJ Benaker	R. Sendler
M. Tornabene	Mary Ann Endres	F. Endres
Laura Pfennig	Carol Minnick	Lynn and Ron Weiss
Terry Tredo	Jim Rash	Kathy Yu
Kim Kroese	Marilyn and Joseph Rizzuto	Bob Lenz
Shawn and Mindy Reis	Jeff Luchterhand	Tom Sinica
Richard Rockford	Maureen Zimmermann	Mark Bochynski
Matthew Sutton	Erwin Rakoczy	Susan Daugherty
Deborah Grimm	Jean Lyon	Thomas Bardo

Motion by Gregory Todaro, seconded by Richard Bigler, to **approve** the minutes of the meeting held on September 3, 2014, as written.

Steve Dale	Abstain	Gregory Todaro	Aye
Richard Bigler	Aye	Timothy Pazda	Aye
Wendy Salvati	Aye	Paul Shear	Aye
Robert Sackett	Aye		

**MOTION CARRIED.**

Chairman Sackett explained the meeting procedure noting that Mr. Callahan will introduce each project. The applicant will have the opportunity to provide further comment. The Planning Board members will ask the applicant any questions they may have. Members of the audience will be invited to speak on the project. The applicant will address any questions the audience may have had. The Planning Board will then take action on the project.

**Item 1**

Silvestri Architects  
 Residential Single Family

Requests a Change-In-Use from previously approved nail salon to professional office building at 8353 Main Street.

**DISCUSSION:**

Jim Callahan provided the background on the project noting that it is located at the southeast corner of Main Street and Susan Drive. It is existing vacant property. A Use Variance was granted on the property in 2007 to allow for commercial use of the property, specifically a nail salon. Conditions of the Use Variance identified that any change to the approved use would be subject to Town Board Approval. The Town Board has referred the proposed use of the property as professional office building to the Planning Board for review and recommendation.

Matthew Sutton of C & S Engineers is present. Mr. Sutton said there have been a few changes to the plan which include the elimination of a curb cut on to Main Street, so there is only one curb cut and that is off Susan Drive; the reason for that is to make room for the septic system. There is a reduction in parking to 12 spaces, which is sufficient for the nature of the business. The business involves managing several properties around the country, he is not sure how much property is local. The use of the building will be for office space, no retail.

Mr. Pazda asked why the applicant decided to put the entrance on Susan Drive. Mr. Sutton said the main factor that went into this decision was that the best place for a dumpster truck to come through and empty a dumpster would be straight through and they would rather see that dumpster back up onto Susan Drive than Main Street. There is more room to have parking at the back of the building and the entrance off Susan Drive than squeezing it in between the building and the neighboring property. Mr. Pazda asked if there is a need for a dumpster with this being a small office, could the applicant get by with totes and have a regular garbage pick-up. Mr. Sutton said he will confirm with the applicant to see if they can get by with totes.

Mr. Bigler asked if there will be deliveries made to the building. Mr. Sutton said there would be no significant deliveries, no large trucks. There would be a one-time office furniture delivery, but that would be the extent of it.

Mr. Dale asked if there would be blasting involved for the construction of this building. Mr. Sutton said they are awaiting the soil borings test results but they would avoid any blasting even if it meant redesigning the site.

Mr. Callahan clarified that the discussion for this evenings meeting is whether the Board wanted to initiate coordinated review, but only if the Town Board is comfortable with the use as a professional office. Deputy Town Attorney Steve Bengart said it would be the Planning Board that would be asking for coordinated review.

Mr. Sutton said they are proposing 2 lights, one on each side of the parking area. They would make sure there is no light pollution spilling on to the neighboring property. There will be two building lights facing the south side of the building.

Mr. Dale asked if the client would be willing to put in a stone fence to mask the detention pond. Mr. Sutton said he will discuss it with the client to see if he is open to that. There is a courtyard to the left of the building for employees to enjoy their lunch or other breaks outside.

Mr. Sutton said he will submit a landscaping plan when the time comes to do so.

#### **ACTION:**

Motion by Wendy Salvati, seconded by Gregory Todaro, to **recommend** to the Clarence Town Board a Change In Use from vacant and former nail salon to a professional office building per the design as submitted by C&S Engineering dated 8/26/14 and amended on 10/1/14.

Subject to the Use Approval, and pursuant to Article 8 of the Environmental Conservation Law, for the Planning Board to seek Lead Agency status and commence a coordinated review among involved agencies on the proposed professional office building located at 8353 Main Street. This Unlisted Action involves a change in use to allow for construction of a 3000+/- square foot professional office building.

Steve Dale	Aye	Gregory Todaro	Aye
Richard Bigler	Aye	Timothy Pazda	Aye
Wendy Salvati	Aye	Paul Shear	Aye
Robert Sackett	Aye		

MOTION CARRIED.

**Item 2**

Michael Development  
Industrial Business Park

Requests Preliminary Concept Review of a proposed Industrial Business Park located on the south side of Wehrle Drive, west of Shisler Road.

**DISCUSSION:**

Jim Callahan provided the background on the project noting that it is currently vacant land with an existing Mining Permit.

Michael Metzger with Metzger Civil Engineering is present along with Dave Clare of Michael Development. Mr. Metzger said the property is just under 30 acres in size, zoned Industrial Business Park, they are proposing an Industrial Business Park. Currently the site has a valid mining permit and is actively used for that. There is a DEC permit as well and with that it is required to show what might happen with the property once the mining operation is done. The reclamation plan for this project showed a strip development of single family homes lined up along Wehrle Drive. The zoning of this property has changed to Industrial Business Park no longer allowing residential uses, so it would be inconsistent to utilize the land in the residential fashion. Instead of developing a plan with driveways that empty out on to Wehrle Drive, they are showing a spine road that would go down the center between the buildings. There would be two (2) access points out to Wehrle Drive, one immediately across from Wilson Greatbatch's office driveway, the other is immediately across from Research Parkway.

Mr. Metzger explained that the plan is for leased spaces and will be built out over time, possibly six (6) phases. It will be market driven. They will start at the west end of the property and work east. Each building will be 50' deep, there will be varying lengths from 140'-280'. There will be vehicle doors on the business side of the structure, the building walls on the inside of the structure will be set up to accommodate each user. The front of the buildings, which would face the spine road and is where the doors are is where people will enter and exit with their trucks. Any product will be kept inside the building. The back of the buildings would face out to Wehrle Drive. There may be variation of materials on the backs and different colors. This is not a window-driven business, the clientele would park his personal vehicle at the site and pick up his equipment and go to a job site. There is not a lot of activity throughout the day. The end units are usually bigger and would provide opportunity for a larger office. There will be landscaping installed. The closest point on the building to the right-of-way is 80', there is existing vegetation that will be incorporated to the buffering the applicant plans on installing. A berm, plantings and fencing are all possibilities. They do not want the same view over the duration of this project, they want to break it up with varying types of aesthetic means.

Mr. Metzger said a Long EAF was submitted and comments from the Executive Committee on that document have been incorporated into a revised EAF, which has been submitted.

Chairman Sackett noted the landscaping and the building proposal and said the Board is willing to work with the applicant to add variation to the landscaping and remove the appearance of the long house. The

building is 35' high, thus the Planning Board had a concern in terms of the view scape; how will the applicant buffer that?

Mr. Pazda referred to the drawing and wanted to know what the little space is in front of the building. Mr. Metzger said that is depicting a concrete pad in front of each building. Mr. Pazda asked if there will be septic systems in front of each building, there are two shown on the plan. All vegetation would have to be eliminated in order to put the septic systems in. Mr. Metzger said that because of how the tenants use the facility, a septic may not be needed for each individual building. The applicant is not anticipating a large need for septic. There will be sanitary management on site. The applicant is investigating tying into public sewers. If the systems are needed they may not have to be as wide as depicted, they may be half as wide. Mr. Metzger clarified that there would probably not be a septic system for each building, there would be one or more larger systems that would be built and expanded as needed in a common area as opposed to trying to do a bunch of smaller systems. The plan shows what the maximum build-out could be.

Mr. Todaro asked for details on security for the project. The buildings themselves would each be secure. Two access points and some fencing here and there would serve as security.

Mr. Dale asked if blasting will be used in the construction of this project. Mr. Metzger said there will be no basements and utilities will be limited. They haven't explored the soils yet, but they think they will be workable. He does not anticipate blasting at this point.

Mrs. Salvati asked about lighting. Mr. Metzger said they would only need security lighting and would likely be on the interior of the project, there may be some low level lighting on the opposite side as well. The applicant will submit a lighting plan.

Mr. Shear asked if there will be outside storage of equipment. Mr. Metzger said it would be available however no details have been worked out yet on that issue. There will be limitations in each lease agreement. Mr. Shear voiced his concern noting there is 40' between buildings, he assumed that that area will be used for storage. His other concern is regarding the six (6) phases, if heavy equipment is brought in to prepare the site for 16 or 17 buildings, most of that will probably be done at one time which provides a lot of open area to the east for storing outside equipment where no buildings have been put up and consequently no landscaping or vegetation. There is a huge area that, prior to building buildings, will be available for storage of outside equipment.

Mr. Metzger said it is his intent to properly shield the 40' areas between buildings from view on Wehrle Drive. They are not going to clear-cut and create the building pad for the entire project, it will be built in phases. Mr. Shear asked if the applicant is willing to stipulate limitations when the time comes. Mr. Metzger said yes.

Mr. Dale referred to the EAF page 8 question D (2) (o) that talks about the project having the potential to produce odors for more than one (1) hour a day. The form indicates the answer is no, but these are leased buildings, how will you ensure that the people who lease the buildings comply with this. Mr. Metzger said there are some uses that would only be allowed through the granting of a Special Exception Use Permit through the Town Board. The lease agreements will make it clear that any uses that are not allowed within that zoning classification will not be allowed, and those that are and need a special step will need to obtain that special permission from the Town. Mr. Dale said the concern would also hold true for the storage of petroleum, industrial pesticides and hazardous waste. Mr. Metzger agreed and said all this information would be communicated to the lessees.

Mr. Dale asked where the 35% poorly drained portion of the property is, as indicated on the EAF. Mr. Metzger is not sure where those soils are located. Mr. Dale asked if the pond area will be used for stormwater. Mr. Metzger said yes, they have to comply with local and state stormwater regulations. Mr. Dale is concerned that the property is on a principle aquifer. The cross contamination between the septic system and the stormwater system all sitting above the aquifer is scary to Mr. Dale. Mr. Metzger said by the time the effluent gets to the aquifer it is naturally treated. They will have to comply with the Green Infrastructure measures. Mr. Dale asked about the building drains. Mr. Metzger said the Town Engineer advised him that there have been some changes to the regulations, therefore there will be no floor drains in these buildings. There are separation distances criteria that need to be followed as well.

Mr. Pazda hopes that the applicant will step up the architectural element, perhaps show every other building looking different or maybe some dormers. Mr. Metzger said yes they can provide a rendering showing an updated plan, once they get past the environmental review.

Erwin Rakoczy, of 4850 Ransom Road, said if he was Wilson Greatbatch he would be upset about this project because that building is an eyesore. He also referred to the trucks that would be at the site, he said they leak, not only where they sit but as they drive down the road. How will Wehrle Drive and Ransom Road stand up to that traffic? He does not think this is the concept of an industrial park. He has no problem with the development he has a problem with the way it was put together.

Jeff Luchterhand, of 4220 Shisler Road, said there could be an ecological disaster. He referred to the plan and pointed to the lower end of it and said that is the run-off from the Lancaster landfill, it is very close to the applicant's pond, he thinks there is 10 yards difference. If there is a backhoe operator that breaks through that pond, there will be deep problems. This needs to be addressed, it is borderline dangerous. The applicant has never mentioned the east side of the property. The pond on the site plan looks significantly larger than the pond that is there now. Mr. Luchterhand wondered what the plans are for the existing pond. It is very steep from the east side of the property to the pond. He agreed that the building is not aesthetically pleasing. The possibility of trucks running all hours of the night concerns him. He thinks the height of the building at 35' should be looked at.

Shawn Reis, of 4210 Shisler Road, obtained his permanent Certificate of Occupancy this month. He said the majority of the vegetation on this property is gone. His house looks out onto the pond, he will see the left two buildings of the proposal from his bathroom window, the other two will be seen from his bedroom window, everything else he is going to see from his dining room window. The buildings shown on the plan will have to go closer to Wehrle Drive because the pond is so steep, they will not be able to excavate there. Families walk up and down Tillman, Shisler and Bergtold Roads, he is concerned for their safety with the increased traffic from the proposal. He will see all of the traffic from his house. His house has been built for two (2) years and this is not what he wants to see.

Mindy Robins, of 4210 Shisler Road, said they are also concerned about lights, it will disrupt her backyard. She asked that if there has to be lights, please make sure they are not shining in the back of the buildings. They picked this area because it was quiet with a lot of nature around them, now it looks like there will be nothing, it's very unfortunate.

John Noble, of 4085 Clardon Drive, said he and his wife recently bought a lot on Shisler Road and they plan to build in home in the upcoming year. He shares the concerns that the previous residents voiced. He is also concerned with the 35' high buildings, the tree lines, the fence lines and the storage of what could be in there. He is not allowed to put a boat or any other thing in his driveway, it has to be stored inside some sort of shed. He would hate to see cranes and other items that go beyond the tree line.

Mr. Metzger said there will be no breaching of the landfill nearby. He said the limits of the pond are shown to be large because they are showing the limits of the water that they anticipate at the highest times of moisture during the year. The pond grows in the Spring beyond the limits of what is seen out there today. Mr. Metzger noted that the homes that are adjacent to the project, including the most recently built home, are in the Industrial Zone as well. He would suspect that the most recently constructed home needed a variance from the Zoning Board of Appeals to grant them the ability to build a single-family home in an Industrial Zone.

Chairman Sackett asked if the applicant plans on buffering, with landscaping, the view scape from the homes even though they received a variance. Mr. Metzger said he will look into that. Chairman Sackett noted that as part of the environmental review the DEC will investigate the landfill and any issues with it regarding this project.

#### **ACTION:**

Motion by Timothy Pazda, seconded by Richard Bigler, pursuant to Article 8 of the Environmental Conservation Law, to **recommend** to the Clarence Town Board to seek Lead Agency status and commence a coordinated review among involved agencies on the proposed Michael Development Industrial Business Park. This Unlisted Action involves the development of an Industrial Business Park in the Industrial Business Park Zone.

Steve Dale	Aye	Gregory Todaro	Aye
Richard Bigler	Aye	Timothy Pazda	Aye
Wendy Salvati	Aye	Paul Shear	Aye
Robert Sackett	Aye		

MOTION CARRIED.

#### **Item 3**

Lou Visone  
Residential Single Family

Requests a Master Plan Amendment to consider a Rezoning to allow for Multiple Family Housing at 4880 Ransom Road.

#### **DISCUSSION:**

Jim Callahan provided the background on the project noting that it is located on the west side of Ransom Road, south of Main Street. It is an existing single-family use located in the Residential Single Family Zoning classification. The applicant is seeking a Master Plan 2015 amendment to allow for a change in zone to Traditional Neighborhood District. As a Master Plan 2015 amendment the final action will be by the Town Board.

Michael Metzger, of Metzger Civil Engineering, is present along with Lou Visone. They are asking for an extension of the Traditional Neighborhood District zoning which is immediately adjacent to the property. They are proposing four (4) four-plex units on the property for a total of 16 units in a little over three (3) acres. Mr. Metzger said they think this plan fits perfectly with what the vision of Town, at the time the Comprehensive Plan was created, intended for this area. They think an influx of new people living in the area would be a plus to the existing businesses. Mr. Metzger referred to the Comprehensive Plan in which there is a display that highlights the hamlets and this piece of property falls within the limits of that display that is identified as being part of the Clarence Hollow Hamlet. He

then referred to the Future Land Use Map which identifies uses the Town would like to see for this area. Immediately adjacent to the project site, to the north, are the mixed-use businesses along Main Street. This piece of property is identified as residential use on the Future Land Use Map. Mr. Metzger said there is no floodplain on the property. There is already a crossing over the tributary to Ransom Creek that the applicant would like to utilize, if they can't they would put in a larger crossing. They would need to obtain DEC permits for that. They would also work with the Town Engineer regarding the flows of the creek. This site drains well.

Chairman Sackett noted that the review at this evening's meeting is for the rezoning, not for the project itself.

Donna Bowers said she grew up on the property in question. She said it currently has no fire protection, no fire truck is able to go over the bridge that exists. There is a pipe on the property that comes up out of the ground and in the Spring time it spews a wonderful, gorgeous orange liquid. There is a spring fed pond on the property, the level of which goes with the water table. She is curious as to what will be done with the pond. This is a pristine piece of property in the Hollow, well thought of, well loved all through the years. She does not see the projected site plan as fitting in with the growth of Clarence Hollow. Her mother's family settled Clarence Hollow, she has great history. There are two concrete walls on the property, they are the remains of the first sawmill of Clarence Hollow and also the first factory in Clarence Hollow. It is a great wildlife refuge. The pond at full level has a little trickle creek that goes into the feeder to Ransom Creek. She has been led to believe that a new bridge would have to be built to DEC specifications. Is there enough road frontage for a bridge? She has been speaking with people who own businesses along Main Street in the Hollow and they have been speaking of this horrible sewer stench, what is the capability of the sewer system in this portion of Town? Can you go into sixteen (16) luxury apartments? You've already got a stench issue, we don't want anything going into the creek. She looks at this and asks why in Clarence Hollow? She gets the feeling that unbounding greed is taking over for something called sensibility. She does not want to push this project into the Town of Newstead but in that Town they have a lot of large parcels of land for sale, she is sure they would love the taxes generated by this.

Barb Ernst has lived at 4765 Ransom Road for 15 years and said she could not oppose it more, it runs contrary to the beauty and the smallness and the atmosphere of the Hollow. She said luxury apartments is a puff word. What is called luxury apartments usually ends up being your average apartment. She asked the Board to consider long and hard whether to start this slippery slope of adding apartments where there is nothing else but beautiful old homes.

Richard Rockford, of 4780 Ransom Road, said he sees no compelling reason why there has to be a zoning change or why this would contribute any substantial benefit to the area. The neighborhood is sound and historic, they would be giving up a bucolic and historic property in exchange for something that seems to be absolutely too dense for the area and does not contribute enough. If a lot more people and a lot more houses were built around Main Street, some of the businesses would survive longer, but this is a drop in the bucket and not part of any Master Plan to bring in 100's of new residents but merely one man's way to take a property and find out how far he can push it for profitability. The other problem is a mechanical one. The access on to Ransom Road is narrow and well hidden by the bike path pedestrian bridge and the section of Ransom Road between Main Street and the proposed development is extremely small and extremely poorly engineered. In the winter people parking along the road infringe on the right-of-way. Delivery trucks to the corner deli are constantly crossing the center of the road when turning out of the deli property onto Main Street. He uses that intersection 2-4 times a day every day. He has done tremendous amounts maneuvering and awareness to avoid accidents there. He can

see no way of engineering anything that is reasonably safe for a larger number of cars at the funnel at the end of the property going on to Ransom Road. Ransom Road south of here is also under stress, he has owned a home since 1978 and now it is a screaming mass of large trucks and vehicles going too fast, police only seem to want to give you a ticket during daylight hours for going 8 miles over the limit. This project will do nothing to benefit the community whatsoever.

Dan Carroll lives in the house directly across the street from the proposal on Ransom Road. There will be an additional 32 vehicles with this development, the traffic in that area is congested enough as it is. Most of the area is residential, now you are going to take a larger area and switch it into commercial, this will lead to the spiral of potentially more situations doing the exact same thing. We have a community with families. Less families means less families down the road. If you have apartments you end up having people who move there for a year and move out. You don't create the community, you don't create the balance in the neighborhood. You are going to end up with a bunch of condos in the oldest established community in Erie County. There are a lot of homes the people care for and care about. You can't base any decision on something not being historic because as a homeowner you have to ask for your property to be designated. This property borders the bike path, people go down the path and they enjoy that section of the park to look at with the animals and the trees, they don't want to look at tons of parking and the back ends of condos. The property itself has a lot of green space in it, he understands that the plan says 40% is going to remain but that doesn't give you the same view from the bike path that is there now.

Thomas Sinica, of 4790 Ransom Road, said he figures the sewer system for the project will tie into the Main Street sewer. He noted that each of the four (4) apartment building is 7,250 square feet. The Hollow and Ransom Road are soon to support an additional 100 units from the Brothers of Mercy project for senior living. He asked if this is a traditional design fit, it might look nice from the bike path but does it fit the look of the Hollow? He thinks 16 units is too large for the Hollow to support. He asked that the Board support the historical integrity of the Hollow.

Terry Sinica, of 4790 Ransom Road, sent an e-mail to the Board voicing her concerns with the historic integrity of the community. She respects and supports that the Hollow can use improvement however this supports traditional neighborhood design. She would not consider traditional neighborhood design as complex housing, and she thinks the neighbors would agree. She asked the Board not to change the zoning in this neighborhood.

Ron Rakoczy, of 4850 Ransom Road, said he agreed with the issues stated by those residents who previously spoke. He noted that out of the 17 historically designated properties in Clarence, 12 of them are in the Hollow, so automatically the Hollow is the most historic area in Clarence. He referred to the 2015 Master Plan in which it says to promote the historic character of Clarence Hollow, it starts out that way, it stays that way and in 2025 it re-addresses the same thing in the draft of the Master Plan. Mr. Rakoczy said Clarence had two open regional meetings this year, in none of those sessions did any member talk about rezoning the Clarence Hollow, they specifically talked about maintaining the character of all the unique districts. He speaks for a number of people who couldn't make the meeting. He is totally against the proposal for all those reasons and mainly because it sets a precedent in the Hollow that he doesn't think they should follow. He will send his letter and petitions to the Supervisor.

Mr. Visone said he was born and raised in Clarence. Everybody who owns property north of him is zoned TND, they could knock down every structure there and build 8 units per acre. He thinks there was a mistake made in the Master Plan when the TND was not brought back to the bike path. He is not here over greed. He is trying to offer people who love Clarence a place to live. Most of his family

members live in Clarence, they love Clarence, he is not trying to ruin the integrity of anyone's house or any community. When he purchased the property it was in a state of distress, borderline demolition. They worked many weeks to clean up the property. Mr. Visone has seen the pipe that was referred to and he said it was part of the pump-well for the property and it is just iron coming out of the pipe. It's a nice community and he would like to add to that. He is not looking to knock down the house and put in an apartment lot, that is not his intention.

Mr. Metzger said Ransom Road is a County road so Erie County Department of Public Works will be involved if there is a coordinated review. Many of the questions and concerns will be addressed through the environmental review process. He addressed the community character concern and said when the Master Plan says maintain the character that doesn't mean do nothing. The plan discusses and provides input on architectural standards for consistency with the traditional neighborhood design, the applicant will work within these limitations.

Chairman Sackett said if a coordinated review is done, the comments heard tonight will be part of that review. He went on to explain that during the month of review the DEC and the Protection Committee will review and comment on the project. The issue before the Board tonight is not the project but should the property be rezoned. This project needs a thorough investigation before a decision is made. The Town Board will make the final decision.

Mr. Dale asked if there will be blasting at the project site. Mr. Metzger said there will be no blasting.

Mr. Pazda said the Board has to look at all the potential uses of the property if it is rezoned.

Chairman Sackett said if the property was rezoned to TND, the actual project would need the approval of the Town Board.

#### **ACTION:**

Motion by Timothy Pazda, seconded by Richard Bigler, pursuant to Article 8 of the Environmental Conservation Law, to **recommend** to the Clarence Town Board to seek Lead Agency status and commence a coordinated review among involved agencies on the proposed Master Plan Amendment and Rezoning at 4880 Ransom Road. This Type I Action involves a Master Plan 2015 amendment to allow for a rezoning from Residential Single Family to Traditional Neighborhood District to allow for the development of a Multiple Family Housing project.

Steve Dale	Aye	Gregory Todaro	Aye
Richard Bigler	Aye	Timothy Pazda	Aye
Wendy Salvati	Aye	Paul Shear	Aye
Robert Sackett	Aye		

MOTION CARRIED.

#### **Item 4**

Elliot Lasky/Roxberry Subdivision Phase 2  
Residential Single Family

Requests Preliminary Development Plan Review  
for a 19 lot subdivision.

**DISCUSSION:**

Mr. Callahan provided the background on the project noting that it is located north of Main Street and is an extension of Gentwood Drive in the Residential Single Family and Restricted Business Zones. The applicant is proposing a 19-lot subdivision as an extension of Gentwood Drive. The project was tabled in 2002 to allow the Town to pursue the Eastern Hills Corridor Plan. As no action has occurred related to the Corridor Plan the applicant is now seeking Development Plan approval of the previously approved 19-lot single family residential subdivision.

Leanne Voit, of Greenman-Pedersen, Inc., is representing Eliot Lasky and said the submitted plan is identical to the lot layout that was submitted and reviewed and received a Negative Declaration as part of the overall Roxberry Subdivision back in 1993 and 1994. They are requesting to proceed with Development Plan approval however they are not asking for a vote or any type of approval tonight. Ms. Voit is present to listen to anybody's questions or concerns and respond accordingly as best she can. They have received several resident letters today and are working their way through them, and would like to respond to them in a more formal way before the next meeting. In terms of utilities, as part of the original project, there is currently sanitary sewer that runs across the site. There is a trunk line that runs to Bryant and Stratton Way. There was some work done on the pump station related to this project. The capacity for this project was considered when sanitary sewer went through.

Chairman Sackett said the attorney for Mr. Lasky, Sean Hopkins, said he will address all comments and questions on this project in writing. It is noted that GPI is working with the Town Engineer and the County on the engineering aspects of the project.

Marilyn Rizuto, of Gentwood Drive, asked if homes will be built higher because at the last meeting they said no dynamite. The existing homes will take their run-off of water and drainage. It is already wet back there. She thought her property and the surrounding area was declared a wetlands. There will have more car and deer accidents and there will be more noise from the planes than they have now. She asked if there will be a buffer. She also voiced her concern with the traffic increase.

Tom Bardo, of 8248 Hirschwood Drive, said he is a Buffalo Firefighter, a Nationally Certified Fire Instructor, a NYS Licensed Journeyman Firefighter and volunteered at the Harris Hill Fire Company for a number of years. He said his big concern is safety. It is difficult to get a large truck around the turns in that area, especially at Ericson and Gentwood. Two vehicles, going in the opposite directions, will not fit down the street, one has to back up to let the other go through. Now they are proposing to put another blind curve into it, he does not understand. There will also be construction equipment going through the area roads to build the new homes. The entrance is narrow and curved and 19 units deep which he thinks violates Clarence's code which is 12. Mr. Bardo was at a previous meeting in which Mr. Lasky's lawyer said they waited to develop this project. He doesn't understand this because Mr. Lasky sued the Town. Deputy Town Attorney Steve said he didn't sue the Town but there was litigation. Mr. Bardo mentioned the sound buffer coming from the mall, there is a lot of noise coming from the mall parking lot. The noise consists of traffic and the constant dumping and slamming of the dumpsters that are pointed towards the neighborhood. The constant sounding of back-up alarms for the snow clearing machines all night long. The small area that is there now is their only buffer, if you take that away they can't have any peace. Another concern is the light buffer, the parking lot is lit, if the trees are taken down the whole neighborhood will be flooded with light. That area also acts as a buffer to keep the noise of the planes from hitting the ground and spreading out. They put buffers around air force bases all over to keep down the noise; to deflect up. He said the project would supply that area with water when the Gentwood feed dead-heads right there. They have had all kinds of pipe and water main

breaks, several a year down Hirschwood, how will the project be supplied with water when the existing water feed is suspect now. There has been no application to Erie County Water Authority. The traffic load will be compounded, which it is already suffering. The only entrance and exit points for that neighborhood is Westwood and Ericson, it is very difficult to exit these streets and unbearable during rush hour. If they can't legally stop this from going up he suggested feeding that area by Bryant and Stratton Way.

Arley Setker, of Ericson Drive, said it is difficult to get out of her driveway because people speed all the time. She lives in a knoll and you can't see if anyone is coming the other way when you are in that knoll. She said there are young children in the area and she is concerned for their safety. She suggested egressing to Main Street from Bryant and Stratton Way.

Mark Bochynski, of 4520 Gentwood Drive, has lived there with his family since 2003. He said he looks at what is moral, ethical and really civil. If this goes bad and it impacts him in a negative way he doesn't see how it is a legal discussion. He feels the same as the residents who previously spoke. He said that if any of the engineers are correct in both the 1997 studies and the recent studies where if the houses are elevated there is an aesthetic issue along with other issues then you add on the fact that there could be 8-10% run-off. He installed a new septic system in 2003, he called experts in to fix 5 or 6 cracks in his basement, he also waterproofed his home. He is next to a wetland conservancy so the ground gets wet. He is not sure why everything that can be developed needs to be developed. He is a one-income family and cannot continue to pay \$1,000's of dollars to improve his property. He wants to know if there is some sort of trust fund set up so that when this project goes south there is a number to call. Is Mr. Lasky going to respond to him? He is also concerned with the noise from the planes. He read the letter from Ms. Voit which said they will make every effort to maintain the tree line, Mr. Bochynski said that means it's coming down.

Frank Endres, of 8288 Hirschwood Drive, has lived in Clarence with his wife for 35 years. This project would adversely impact the quality of life for young families, retired and pre-retired population living in the ideally suited ranch houses on Gentwood, Hirschwood, Hedgewood and Ericson Drives. Walking, shopping, church attendance, voting and driving are convenient and ideal. He suggested curtailing the Roxberry Estates Phase II to twelve (12) – fourteen (14) homes along with preserving the natural buffer between the Eastern Hills Mall parking lot with its massive mounds of snow and snow removal equipment and glaring light towers that would border the new homes. He also suggested the creation of an egress and ingress from the cul-de-sac to Bryant and Stratton Way. Their 310 strong voters have replaced or added to the early (1993) historical opposition to Roxberry Estates "builders without boundaries" and preservation disinterest.

Mike Mesi, of 8300 Hirschwood Drive, is concern with the traffic increase. He referenced a previous meeting in which the traffic was a concern because of the proposed Kenyons on Main Street. According to the 2008 Institute Traffic Engineers Data the overall weekday trips mid-range average of 13.8 trips per dwelling for the proposed 19 homes would mean 248 additional trips per day on the involved streets. Think of what this increased traffic would mean to the safety of our children, joggers, dog-walkers and others on these quiet narrow streets. There are no sidewalks or street lights. If Gentwood is open to Roxberry, when the residents exit Roxberry and they need to go to Sheridan Drive or Harris Hill, the first street they are going to turn on is Hirschwood and what is now a quiet street will no longer exist. If it is a done deal, could the number of homes be reduced? Could Bryant and Stratton Way be the entrance to Roxberry? Where is the heavy equipment going to be brought in?

Tom Bardo said the original SEQRA was done in the late 1990's. The area has considerably changed. He referred to a slide on the presentation and said since the first phase was put in you can see the line of vegetation that is missing where they blasted all the way through, all the way off. The area's run-off has drastically changed since they blasted those pipes in. All the water that was back there has gone into the aquifer. He suggested another SEQRA done. Since the original SEQRA was done this area has been deemed a wetland, and since that was done it has been taken over by the nature conservancy.

Ms. Voit referenced the comment about adding run-off the adjacent properties. She said they cannot do that, by regulation they have to capture any additional run-off that they create on the site. It will go through their drainage system and be disposed of accordingly. The wetland studies that have been done show that the area of the proposed 19 lots is not a wetland area. She is aware of the wetland area to the north of the project site. Ms. Voit noted that they are exploring options for heavy construction traffic. All of the comments at this evenings meeting will be addressed in writing by the applicant and/or his representatives.

Theodore Brown, of 4497 Gentwood Drive, said it is a difficult turn to go back up Ericson from Gentwood Drive. He has lived in this area for 40 years. When they put the sewer line in they blasted and tore up his basement, he invited the Board members to visit his home and take a look at it. He has a basement that is half a basement because the person who built his house in 1956 didn't deem it necessary. The rock table in that area goes up and down, it is not uniform and perfectly flat. There is no way that those homes will be built without blasting. He would like to see rod driven. The people who live on or near the curve have no place to put their snow.

Mark Bochynski, of 4520 Gentwood Drive, said he runs 2 dehumidifiers 24 hours a day in his basement, 125 pints of water every day. There is a water issue. There is always unintended consequences even though the developer says they have to capture all run-off. He wants to know who he can call to ask where his trust fund is. Who will pay for the damages on his house, he has no more money.

#### **ACTION:**

Motion by Paul Shear, seconded by Steve Dale, to **table** the Development Plan approval request of the applicant to allow the Town Engineer to complete a thorough review of the submitted documents.

Steve Dale	Aye	Gregory Todaro	Aye
Richard Bigler	Aye	Timothy Pazda	Aye
Wendy Salvati	Aye	Paul Shear	Aye
Robert Sackett	Aye		

**MOTION CARRIED.**

Meeting adjourned at 9:50p.m.

Carolyn Delgato  
Senior Clerk Typist