

Town of Clarence
One Town Place, Clarence, NY 14031
Planning Board Minutes
Wednesday November 7, 2018

Work Session 6:00pm

Mandatory Training
Status of TEQR Coordinated Reviews
Review of Agenda Items
Miscellaneous

Agenda Items 7:00 pm

Approval of Minutes

Item 1

Paul Bliss
Residential Single Family

Requests Preliminary Concept Review of a proposed Open Space Design Subdivision located on the east side of Goodrich Road, north of Keller Road.

Item 2

Brothers of Mercy
Restricted Business

Requests an Action under the State Environmental Quality Review Act (SEQRA) and Concept Approval for a proposed relocation of Assisted Living Units and additional Memory Care Units at 4526 Ransom Road.

Item 3

Domenic Piestrak/Spaulding Green OSDS
Residential Single Family

Requests Amended Concept Plan Approval for Phases 7 and 8.

Chairman Robert Sackett called the meeting to order at 7:00 p.m. Jim Callahan led the pledge to the flag.

Planning Board Members present:

Chairman Robert Sackett
Timothy Pazda
Jeffrey Buckley

2nd Vice-Chairperson Wendy Salvati
Steven Dale
Jason Geasling

Planning Board Members absent: Richard Bigler, Gregory Todaro

Town Officials Present:

Director of Community Development James Callahan
Assistant Director of Community Development Jonathan Bleuer
Deputy Town Attorney Steven Bengart Councilman Robert Geiger

Other Interested Parties Present:

James & Kathleen Jackett Patrick & Nancy Higgins Any & Dave Russell Pam & John Eddy
 Terrence Morrissey Carol & John Glor Joseph L. Fricano Deborah Roberts Pauline Gebura
 John LaFalce John Gebura Mark Roberts Ben Adams Pat Adams Chuck Oakes Cheryl Oakes
 Ron Talboys Justin Modrzynski Lawrence Lia Ben Smith Lynn Lawrence Jean Bauman
 Garry Bauman Peter Eimer Joe Kedron Paul Zastempowski Ken Litfin

In the absence of Planning Board members Richard Bigler and Gregory Todaro, alternate Planning Board member Jason Geasling will have full voting privileges this evening.

Motion by Timothy Pazda, seconded by Steven Dale, to **approve** the minutes of the meeting held on October 17, 2018, as written.

Jason Geasling	Aye	Jeffrey Buckley	Aye	Steven Dale	Aye
Timothy Pazda	Aye	Wendy Salvati	Aye	Robert Sackett	Abstain

MOTION CARRIED.

Chairman Sackett explained the protocol for the meeting noting that Mr. Callahan will introduce each project. The applicant will be given an opportunity to add comments regarding the project. The Board will ask the applicant questions on the project. The audience will be invited to ask questions or provide comments on the project. The applicant will be asked to answer any questions the audience had. A Planning Department representative and/or Planning Board member may also answer questions if appropriate. The Board will then decide what action to take on the project.

Item 1

Paul Bliss
 Residential Single Family

Requests Preliminary Concept Review of a Proposed Open Space Design Subdivision located on the east side of Goodrich Road, north of Keller Road.

DISCUSSION:

Jim Callahan provided information on the project noting that it is located on the east side of Goodrich Road, north of Keller Road and west of Deerview Court. It consists of approximately 18 acres in the Residential Single Family Zone and within Clarence Sewer District #2. This represents the first time the Planning Board has seen this project. The Planning Board will act as Lead Agency on this project.

Peter Sorgi, of the Law Firm of Hopkins, Sorgi and Romanowski, is present on behalf of the applicant, along with Ken Zollitsch, of Greenman Pedersen Inc. Mr. Sorgi said they are not seeking an approval this evening they are requesting the Board recommend a coordinated review pursuant to SEQRA be started. The applicant will hold an informational meeting for any interested property owners on Thursday November 29, 2018 at 6:00pm at the Clarence Library, letters with a formal invitation to this meeting will be sent to property owners within 500' of the project.

Mr. Sorgi noted that the 50% of the site will be retained as greenspace. When this project was before the Town Board last month a private roadway was presented. The Town Board asked them to consider a public roadway, so the current plan reflects a public road.

Chairman Sackett explained that any comments received from the public at this meeting will be on the record and part of the coordinated review. He referenced the 60' right-of-way and asked what the setback is on the homes. Mr. Zollitsch said the front setback is 30' from the public right-of-way. Chairman Sackett asked if there is a plan for sidewalks. Mr. Sorgi said they don't believe there would be room for sidewalks. Chairman Sackett said in the interest of providing pedestrian access he asked the applicant to consider installing a sidewalk down Goodrich Road from Clarence Center so the residents of this community, as well as the residents down Goodrich Road, could use that sidewalk to access Clarence Center in lieu of the fact that sidewalks cannot be put through the development. Mr. Sorgi said they will consider this.

Mrs. Salvati noted that there was discussion on eliminating areas that fell alongside lots or behind lots where there are slivers of open space. The new plans shows lots 16-20 as adjusted, however the 25' buffer still exists between lot 16 and the existing lot on Deerview Court. The problem with this is that typically these areas get consumed by whomever buys the lot next to it. She suggested the applicant slide lots 1-15 over to close up that opening, unless there is a reason for it to remain as is. Mr. Sorgi said if they moved the lots over the home would be that much closer to the adjoining property owner. Mr. Zollitsch said they are aware that property owners encroach on open space but they felt that on a side yard it may not be as significant as in a backyard. They wanted to leave a buffer between the lot and the adjacent property owner such as the decent amount of space between Lot #1 and the adjacent property owner. If the open space is more substantial the adjacent property owner won't mow it down because it is a larger piece. The applicant will work with the Board during Development Plan stage to address the concerns of open space encroachment.

Mr. Dale asked if the applicant intends to monument the property lines to prevent encroachment into the open space. Mr. Sorgi said the property could be staked. The open space will be preserved by a deed restriction which will be filed with the Erie County Clerk's Office.

Mr. Geasling said the one thing with monumentation is that it's a little more substantial and easily visible but when you stake the property it's with rebar and it gets buried. The surveyor can find it with a magnet but no one else can find it. He asked the applicant to consider this.

John LaFalce, of 6460 Deerview Court, said he is not opposed to new development as long as it is done properly and safely. His main concern is for his family at the residence, he has two young children. The project presents an extreme safety hazard. He is also concerned with vehicle intrusion and buffers. There is no critical land buffer between the public road and his property line. He submitted a picture that shows how close the road will be to his house, the photo is on file. The road will be 24' from his house. Chairman Sackett said the applicant will be asked if they intend to put a buffer between the house and the road. Mr. LaFalce went on to say that his property has the most abutment on any property on the development. He referenced the access off of Goodrich Road which has a significant distance between the two lots with access off of Goodrich. He does not understand why the proposed road coming off Deerview is in harmony with the existing subdivision. He and his wife moved to this neighborhood about three years ago because it is an established neighborhood. They chose this lot because it was not a corner lot and is a safety issue for young children. This proposal is going to make his residence a corner lot. He is also concerned with setbacks, he referred to the Town Code §229-31 which states any side yards that abut a public or private street shall have the same minimum setbacks as the front yard setbacks. Mr. LaFalce said he does not see how any setbacks on this road against his property are in line with any side setbacks. A 30' path from a plow truck is going to inundate his high-efficiency furnace on the southern side of his home and could potentially clog his venting system. He went on to question whether this road is necessary to service the development on this side of Deerview Court. The 2

properties that are adjacent to Mr. LaFalces's property are residential zoned properties with 2 individual plots, he did not know this was changed. He is also concerned with drainage, especially on the southern side of his property.

Beth Smith, of 9578 Keller Road, is concerned with drainage. She asked what will happen to the drainage ditch that is back there, will it stay? Currently behind her house is very wet. She is concerned with where and how the property lines will actually be marked because when the developer was taking down trees they came onto her property. Will they build up the site with soil and dirt so that her backyard would be even wetter? Chairman Sackett said the law does not allow the developer to have storm water go from their property onto adjacent properties, the applicant will have to explain how they will do that. What is the spot next to lot #16, will it ever be built on? Chairman Sackett said that is open space and he will ask the applicant how they will preserve and monument it. Ms. Smith asked what will be between backyards of lots 16, 17 and 18 and the backyards of the existing homes on Keller.

John Gebura, of 6471 Deerview, has lived there for 23 years and said he is shocked that something as bizarre as this road would even be considered going into his established neighborhood. The new road will provide no benefit to his neighborhood and would change the existing character of the neighborhood, it will change the traffic and safety of the neighborhood and would be detrimental to property values in the neighborhood. Mr. Gebura said the previous owners of the LaFalce's house were promised by Kevin Curry of Patrick Development that there would only be one lot next to them, that's why he pushed the house to the southern border of that lot. After the promise was made Kevin Curry put in two lots. Eighteen years later it has become a road. Mr. Gebura is disappointed with this. Chairman Sackett said there is a Comprehensive Plan for the Town that talks about where they would like residential development. Mr. Curry does not speak for the Town, never has. Mr. Gebura does not want the road put in because he thinks it changes the character of the neighborhood. Chairman Sackett said this is vacant land that is zoned for the development being proposed. Mr. Gebura said his issue is not with the development going in there, it is with the development being extended into his neighborhood. Deerview Court consists of lots that consists of 1-2.6 acres each, the proposal is not consistent with this. Mr. Gebura went on to say that 15 years ago a developer submitted exorbitant plans for new housing units off Keller Road. The proposal included a road connection to Deerview Lane with high density lots inconsistent with the surrounding neighborhood, the Clarence Planning Board reigned in the excesses of that proposal thus ensuring that only something reasonable would receive approval, he asked that the same degree of review be applied in this situation. He does not understand why this proposal requires two access points, Deerview has only one, Shadow Woods has one and the development behind Deerview off of Keller has only one. Chairman Sackett said the present rule, which changed in 2005 says that when you have more than 12 lots, for safety reasons, two access points are required. There are pre-existing non-conforming developments regarding this rule. Mr. Gebura said there is unanimous opposition by the neighbors for this road coming into their neighborhood.

Terrence Morrissey, of 9230 Kristina, if the traffic is heavy on Keller that's going to be a shortcut to Goodrich and with two 90 degree turns there are children playing with no sidewalks, it is dangerous. He has lived here for 4 years and has had water half way up his property from the ditch/creek since he has lived here. He submitted photos of water on his property, they are on file. He has had the Town out to clean the ditch but they could not get to him this year. Looking north on Goodrich the water comes back to Kristina and to the right it goes to Big Sing's. There is a lot of surface water in the area. Mr. Morrissey said he does not see a retention pond. He wondered how many homes it takes in order that the surface water has to be retained. Chairman Sackett pointed out the proposed retention pond on the plan. Mr. Morrissey said there is pipe that runs under Goodrich Road on the east side that backs up and does not move the water fast enough. The first four houses on Kristina get flooded. Paul Englert of the Highway

Department is aware of this problem. Mr. Morrissey said the Town says the pipe comes underneath Goodrich from the east goes behind the houses on Kristina and takes a right then it goes behind the houses on Goodrich and goes into the pond at the seed company, that is where it is going to dump. Chairman Sackett assured Mr. Morrissey that during Development Plan stage the Town Engineer will review the engineering plans for storm water and needs to assure the Planning Board that no water will pass through this project onto neighboring lots, the drainage situation may even improve with this project. Mr. Morrissey said it is impossible for the drainage situation to get better. The project means a lot of surface water and it is going to go into that ditch and it is either going to flood their property or continue to flood his (Mr. Morrissey's) property until the ditches get deepened or they are dredged. Anything that hits the street will roll down and hit that creek, they cannot take anymore. Chairman Sackett said the applicant has to provide for a 100 year flood. The Town Engineer and regulatory agencies will review the plan.

Beth Smith asked to speak again. Chairman Sackett advised her that other people need the chance to talk prior to her speaking again, if she needs to talk twice he encouraged her to put it in writing and submit it to the Planning Office. Ms. Smith spoke anyway and asked why the proposal has to be for 32 houses, can't it be for 12 houses with a cul-de-sac and no road coming through.

Nancy and Patrick Higgins, of 6440 Goodrich Road, are very concerned with the traffic, they have very close calls backing out of their driveway every day because of the increased traffic from Shadow Woods. There are irresponsible young people that drive crazy cars into their driveway and it is terrifying. The traffic is ridiculous and to add 32 homes is ludicrous. Mr. Higgins referenced the suggestion of sidewalks being installed on Goodrich Road and said because the developer is not able to put sidewalks in their new development, the Board wants to encroach on the Goodrich Road people to put sidewalks in their front lawn. Chairman Sackett clarified that the sidewalk would be put in the right-of-way. Mr. Higgins asked who maintains the sidewalks. Chairman Sackett said the homeowners would maintain the sidewalks. Mr. Higgins said it sounds like a trade-off where the Town gets the developer to pay for the sidewalks so the Town will "rubber stamp" their project, and now the homeowners are responsible for shovel and maintain sidewalks. Mr. Higgins said if the developer wants to have sidewalks, let them have sidewalks, what does that involve with us? Mrs. Higgins referenced the water issue and said when Shadow Woods was going in behind her, they were told those were wetlands and wetlands would have problems, then they traded off building over there on the wetlands, then they had open space. The man that spoke previously was telling you of all that water because it was wetlands. She does not understand what the Town's view is on wetlands, there is a lot of water back there and everybody knew it when Shadow Woods was built, what is going to be different about this. Mr. Higgins agreed with the comment that the road will be a pass through street and it will be dangerous. Why can't it be made a circle and put it at one end or the other. Mr. Higgins referenced the comment about the requirement for two access points in a development and noted that the Kristina Circle project was well after 2005 and it has 63 houses. Encroachment on both ends is not fair, the developer needs to make adjustments for the safety of the neighborhood, if they have to eliminate a lot or two they need to do that. Mrs. Higgins said they were told they have all this great greenspace and now they are knocking down all the trees all around her, so the greenspace is not what it sounds like.

Jim Sauer, of 9612 Deerview Lane, thought that there was a minimum frontage of 100', he asked if this has been changed. Chairman Sackett said the Open Space Design has different requirements. Mr. Sauer asked what the frontages are on the proposed lots and what the square footage will be for the homes. Chairman Sackett said he will ask the applicant. Mr. Sauer said there is a stark difference between the size of the existing lots and the newly proposed lots. It will affect the property values of the existing homes and the neighborhood in general.

David Russell, of 6471 Goodrich Road, said he believes he will be behind the retention pond. He asked how far away the pond will be from his property line, will there be a wood line, will it be mowed and graded property to property? The new condos/townhouse on Goodrich have a detention pond on Goodrich facing the road, it is a turn-off looking at big rocks and a pond next to the house. He is also concerned with the water. His biggest concern is the distance between his property line and lot #26 and the pond. He suggested putting in less houses so there is less water and more direction to flow.

Pat and Ben Adams, of 6472 Deerview, have the longest lot line going back along the edge. Mrs. Adams asked if all the trees will be gone, how far back the backyard lot lines are coming to that actual property line that is hers. She thinks sidewalks should be installed in the Deerview Lane and Deerview Court cul-de-sacs for the safety of the children, because traffic is going to be flying through to come off Keller and cut through to Goodrich. Mr. Adams said the other alternative is to reduce the number of homes so another road won't be necessary. He is also concerned with the safety of the children as well as property values. The developer must have had this question before and should have numbers in front of them and if those numbers show a reduction he would put it back to them saying if he came to the developer with this project and told them he was going to reduce their property value and make it less safe for their children, is that something the developer would accept or would they speak up. Mrs. Adams said to take away the greenspace between her property line and the development would be devastating. She does not want the green space on the corner of the street she wants it where she can enjoy it on the property that she bought.

Mark Roberts, of 6477 Deerview Court, said obviously this is a legal proposal, it meets minimum lot sizes and road sizes. He questioned the 60' wide road and asked if it conforms to the lane size. Will there be a Stop sign at the proposed intersection? The proposed number of lots are not in conformance with the surrounding lots. What type of homes will be built there? If the number of lots is brought down, then no road would have to go through. The road will be a cut-through.

The resident who owns 9652 Deerview Lane wants to know where the developer got the lot size of 62' by 126'. The houses are being shoe-horned in for a maximum build. The resident said that area cannot take that amount of housing. People will encroach on the open space with jungle gyms and trampolines.

Chuck Oakes, of 9595 Keller Road, has similar concerns which include increased traffic, safety and water.

Jim Jackett lives on Keller Road and said the water comes up his driveway. The Town could fix the water problem by putting a drainage ditch or retention pond on the property that they own on the south side of Keller Road, that would take care of the water problem on Goodrich. He said there was a moratorium on building a long time ago because the roads had to be built, now you propose 32 houses in a condensed area. He asked if they are residential or patio homes. He questioned the house being 6' from the road and said that is ridiculous. It is clarified that the front yard setback is not 6', that's the measurement for the side yard setback. Mr. Jackett said you are dumping a lot of people on Goodrich Road and it is already a mess.

Ron Talboys, of 9470 Keller Road, asked if patio homes go in do they receive the 30% reduction in taxes, with this intensity the rest of the residents have to pick up the rest of the expense. Chairman Sackett explained that the tax reduction is a State consideration, not the Town's. The Town has no say about whether they get relief on the tax rolls because of their status. Mr. Talboys asked why the Town doesn't get excited about that because they are always asking for more money.

Chairman Sackett said the comments heard tonight will be sent with the proposal to the regulatory interested agencies to address the issues. In 30-45 days there will be another meeting to discuss the mitigations that the applicant will be proposing to address the issues. The site plan will also be discussed at that meeting. He went on to explain that the Planning Board has always wanted a maximum build out for the purpose of coordinated review. There will be no determination on the project this evening.

Mr. Sorgi said the purpose of this meeting was to listen and then to try and address the issues. He went on to explain that the purpose of the Open Space Design is so that open space is preserved. Instead of the lots extending to every inch of the land there is designated open space that will be preserved.

Mr. Zollitsch said 32 lots would not exceed the density that would have otherwise been allowed as-of-right with residential single family zoning. They have to provide the town with the density determination that states how many lots they would be able to put on this site based on the code. They then use the Open Space Overlay to maintain those 32 lots and preserve the 50% open space that is required. Mr. Zollitsch referred to the stormwater questions and said they are required by State Law and Town Law that the post development conditions cannot exceed the pre-development conditions. They cannot increase the rate of storm water run-off from storm events from their property after construction is completed, it needs to be the same if not better that it was in its current state. They are not allowed to discharge stormwater onto adjacent properties. The generic stormwater detention pond shown on the plan would be a wet pond, the outlet would be controlled so that any stormwater is discharged at a lower rate than what currently exists. The overall volume will increase because it is an impervious area but the rate of run-off will be controlled.

Chairman Sackett said the Town Board has the authority to approve an Open Space Design, not the Planning Board. The Planning Board will mitigate as many problems as possible and send the project back to the Town Board for their approval or disapproval. He went on to address the comment that was directed to him regarding sidewalks. Goodrich is a busy road and it would benefit the whole Town if there was better pedestrian access on Goodrich. He acknowledges the fact that it would produce an obligation of the homeowners. So if there is not going to be sidewalks in this development then can the whole Town benefit because Goodrich is a busy road and have safe pedestrian access at least to the center. It is not a requirement, it is simply a comment.

Mr. Callahan said it is not an as-of-right to do an Open Space Design and perhaps this should go back to the Town Board prior to being sent out for coordinated review to see if they want to consider an Open Space Design. Chairman Sackett thinks they should gather all the information so the Town Board will be able to review it.

Mr. Pazda explained that there will be more meetings so this is not the only opportunity for the residents to speak on this project. He went on to explain that the pond is in a representative location at this point, no engineering has been done on the project so the location may or may not remain as is. He commends the applicant for setting up an informational meeting for all the neighbors but he wants everyone to know that anything that is discussed at that meeting is off the record, it is not on the record until you are standing in front of the Board. Chairman Sackett said there can be written comment from that meeting submitted to the Town within the 30 day period.

Mrs. Salvati said the Town Engineer mentioned some things at the Executive Committee meeting that she thinks are worth mentioning. The applicant will have to look at downstream capacity and demonstrate that there is sanitary sewer capacity for this project, a preliminary drainage plan will be required. There must be a traffic analysis as part of the review.

ACTION:

Motion by Timothy Pazda, seconded by Jeffrey Buckley, in the interest of obtaining more information, pursuant to Article 8 of the Environmental Conservation Law, to **accept** the Part 1 Environmental Assessment Form as prepared and to seek Lead Agency status and commence a coordinated review among involved agencies on the proposed Bliss Open Space Design Subdivision located on the east side of Goodrich Road north of Keller Road. This Type I Action involves the development of a 32+/- lot single family home subdivision on 18.04 +/- acres in the Residential Single Family Zone and within Clarence Sewer District #2.

Jason Geasling	Aye	Jeffrey Buckley	Aye	Steven Dale	Aye
Timothy Pazda	Aye	Wendy Salvati	Aye	Robert Sackett	Aye

MOTION CARRIED.

Item 2

Brothers of Mercy
Restricted Business

Requests an Action under the State Environmental Quality Review Act (SEQRA) and Concept Approval for a proposed relocation of Assisted Living Units and additional Memory Care Units at 4526 Ransom Road.

DISCUSSION:

Jim Callahan provided the background on the project noting that it is located on the northwest corner of Ransom and Bergtold Roads. The Planning Board initially reviewed this proposal on August 29, 2018 and initiated coordinated review under the State Environmental Quality Review Act (SEQRA).

Kirk Burzinski with Wendel Architects and Engineers is present. Peter Eimer, CEO of Brothers of Mercy is also present along with another architect and Tom Reynolds, the Civil Engineer. Mr. Burzinski said documentation has been submitted and there is no real impact, the project is residential in scale, 2-stories at the maximum, it is setback off of Bergtold and Ransom Roads. The campus is 126 acres.

Mr. Callahan said with respect to involved agencies there were comments from DEC, SHPO, the Army Corp of Engineers and the County. He prepared a Part 2 and Part 3 environmental assessment form that lists all the comments and how they will be addressed in the process.

Chairman Sackett referenced the site plan and said one concern was the parking. 8% interior greenspace is required, this will come up in the Landscape review. He asked if the applicant would consider temporary parking, perhaps for 10 or 15 minutes, in front. The Board also discussed a dedicated space for an emergency medical team. Mr. Burzinski said Montabaur Heights has the need for the 15 minute parking. They are working on an alarm system that would reduce the number of emergency calls and they will look into the temporary space for this proposal. Mr. Pazda referred to the plan and asked if the circle is big enough for a car to pull off, unload and another car go around it. Mr. Burzinski said yes. The intent is that there will be a place to walk once someone is dropped off at the circle and it will be wide enough to accommodate a wheelchair. They have discussed the dedicated parking space for an emergency vehicle, perhaps one of the spaces in the island will be used. Everyone will be funneled through the front door. Mrs. Salvati referred to the receiving area in the back and said perhaps that would have enough space to park an ambulance. A representative said there may be a couple facility vehicles

that park there. Mr. Dale asked if that receiving area will be used for parking. The representative said nothing will be striped for parking but there may be a pick-up truck or service vehicles that would be back there. Mr. Dale asked what type of vehicles will be using the service area. A representative said there will be food deliveries, box trucks and potentially tractor trailers, there is maneuvering space for tractor trailers. There will also be a dumpster back there. Mr. Dale asked if the applicant is going to post the area noting that parking is restricted except for the maintenance truck. The representative said yes there will be a sign posted. It is clarified that the staff will be told to park in the lot across the road. Mrs. Salvati asked why there are pull-off areas on the east side of the memory care building and the west side of the assisted living building. Mr. Burzinski said there are doors back there primarily for egress and emergency doors and will be used for people moving in and moving out of the facility. It will be a controlled and secured door.

Mr. Pazda asked if there are exits at the ends of each quadrant of the assisted living facility, Mr. Burzinski said yes, they are emergency exits, there is no entry into that two-story building. Anyone coming to visit will come through the front door. There are covered links to provide walk ways between the structures.

Chairman Sackett asked about the materials of the building. Mr. Burzinski said it will have premium vinyl siding, trim around the windows, targeted areas for stone, good grade asphalt architectural shingles and windows that are either single-hung or fixed with awnings.

ACTION:

Motion by Wendy Salvati, seconded by Timothy Pazda, pursuant to Article 8 of the Environmental Conservation Law, to **approve** the Part 2 and 3 Environmental Assessment Form as prepared and to **issue** a Negative Declaration on the proposed Brothers of Mercy Assisted Living/Memory Care Development facility located at 4526 Ransom Road. This Type I Action involves the development of a 90,000+/- square foot facility relocating existing assisted living units and creating additional assisted living and memory care units on the Brothers of Mercy Campus. After thorough review of the submitted site plans, public comments and the Full Environmental Assessment Forms, including coordinated review among involved agencies, it is determined that the proposed action will not have a significant negative impact upon the environment.

Jason Geasling	Aye	Jeffrey Buckley	Aye	Steven Dale	Aye
Timothy Pazda	Aye	Wendy Salvati	Aye	Robert Sackett	Aye

MOTION CARRIED.

Motion by Wendy Salvati, seconded by Steven Dale, to **grant** Concept Plan Approval on the proposed Brothers of Mercy Assisted Living and Memory Care Facility as per the submitted site plans from Wendel dated October 23, 2018 and per the Elevations from Wendel dated October 23, 2018, with the following conditions:

1. Landscape Plan approval prior to Development Plan approval.
2. Open Space and Recreation Fees on the required Building Permits.
3. Identification of a dedicated space for an emergency vehicle parking area on the Development Plans.

Jason Geasling	Aye	Jeffrey Buckley	Aye	Steven Dale	Aye
Timothy Pazda	Aye	Wendy Salvati	Aye	Robert Sackett	Aye

MOTION CARRIED.

Motion by Wendy Salvati, seconded by Steven Dale, to **recommend** to the Clarence Town Board the issuance of a Special Exception Use Permit for the development of a 90,000 +/- square foot Assisted Living and Memory Care Facility as per the approved Concept Plans.

Jason Geasling	Aye	Jeffrey Buckley	Aye	Steven Dale	Aye
Timothy Pazda	Aye	Wendy Salvati	Aye	Robert Sackett	Aye

MOTION CARRIED.

Item 3

Dominic Piestrak/Spaulding Green OSDS
Residential Single Family

Requests Amended Concept Plan Approval for
Phases 7 and 8.

DISCUSSION:

Mr. Callahan provided the background on the project noting that it is located east of Goodrich Road and north of Greiner Road. It is an existing previously approved Open Space Design Subdivision of 380+/- units. The applicant is proposing an amendment reconfiguring Phases 7 and 8 of the approved design while maintaining the overall unit count.

Ken Zollitsch, of Greenman Pedersen Inc., is present along with Dominic Piestrak. The original approval for Phase 8 was the continuation of the parkway going up into Phase 7 and ending there. The lots were large at 130' wide and 200' deep. Due to the market the interest in these size lots is diminishing, so in Phase 8 they are proposing smaller lots at 75' wide, they have throttled down the parkway and they are going back down to a standard Town right-of-way. Phase 7 has not changed except they are pulled back the area to be developed so they will remain at the 380 total unit count. The applicant anticipates coming back before the Board for a density increase. The completion of these Phases will create the full loop so that all the roads within Spaulding Green are connected.

Mr. Pazda asked for the status of the bike paths. Mr. Piestrak said they are working with the DEC and have some wetland mitigations to deal with. He missed this summer but the goal is to have it by next summer. Chairman Sackett said if, in the future, the project that goes to Clarence Center is addressed the bike path will become more necessary to service that area as well.

Mr. Pazda suggested the bike path be a condition placed on the motion. He asked what recourse the Board has when Mr. Piestrak leaves the meeting today.

Mr. Dale referred to the first 3 lots in Phase 8 and asked how people who live in those houses exit from the development. Mr. Zollitsch said they will make sure that when the island ends that it is wide enough for a vehicle to turn around. Mr. Dale asked if the applicant considered stopping the island before you get into Phase 8. Mr. Zollitsch said they will take a look at that suggestion. Per the executive session with the Planning Board and the new Phase 8, they pulled the initial gap further back so it doesn't extend out. There was some concern about having it right at the curb. They will detail this at Development Plan. Mr. Dale said there are no other residential lots on the parkway.

ACTION:

Motion by Jeffrey Buckley, seconded by Timothy Pazda, pursuant to Article 8 of the Environmental Conservation Law, to **accept** the Part 1 Short Environmental Assessment Form as submitted and to **approve** the Part 2/3 Environmental Assessment Form as prepared and to **issue** a Negative Declaration on the proposed Spaulding Green Open Space Design Concept Amendment. This Unlisted Action involves an amendment to Phases 7 and 8 of the previously approved Concept Plan while maintaining the same overall unit count for the development. After thorough review of the submitted site plan, public comments and the completed Environmental Assessment Form, it is determined that the proposed action will not have a significant negative impact upon the environment.

Jason Geasling	Aye	Jeffrey Buckley	Aye	Steven Dale	Aye
Timothy Pazda	Aye	Wendy Salvati	Aye	Robert Sackett	Aye

MOTION CARRIED.

Motion by Jeffrey Buckley, seconded by Jason Geasling, to **approve** the proposed Concept Plan Amendments to the Spaulding Green Open Space Design Subdivision as per the submitted site plan from GPI dated October 23, 2018, with the following conditions:

1. Overall lot count for the entire development to remain at 380 units.
2. Future Phases are placed on hold until additional sewer capacity is approved and any unit counts over 380 will require a separate environmental review.
3. Open Space fees on future Building Permits.

ON THE QUESTION:

The applicant understands and accepts the conditions. Mr. Callahan noted that the Recreation Fees have been deleted from number 3 of the conditions due to the recreational trail. Mr. Buckley and Mr. Geasling have both agreed to this. Mr. Pazda said he will not be voting in favor of this at the Development Plan stage unless there is a condition that the bike path is to be completed.

Jason Geasling	Aye	Jeffrey Buckley	Aye	Steven Dale	Aye
Timothy Pazda	Aye	Wendy Salvati	Aye	Robert Sackett	Aye

MOTION CARRIED.

Motion by Jeffrey Buckley, seconded by Timothy Pazda, to **recommend** to the Town Board approval of the Amended Concept for the Spaulding Green Open Space Design Subdivision.

Jason Geasling	Aye	Jeffrey Buckley	Aye	Steven Dale	Aye
Timothy Pazda	Aye	Wendy Salvati	Aye	Robert Sackett	Aye

MOTION CARRIED.

Meeting adjourned at 9:00 p.m.

Carolyn Delgato
Senior Clerk Typist