

Town of Clarence
Planning Board Minutes
Wednesday December 12, 2012

Work Session 6:30 pm

Status of TEQR Coordinated Reviews
Review of Agenda Items
Miscellaneous
Sign Law Amendment Concepts

Agenda Items 7:30 pm

Approval of Minutes

Item 1

Ruth Dorr
Agricultural Floodzone

Requests Minor Subdivision approval to create three (3) additional residential building lots (total of 4 lots) at property located on the east side of Westphalinger Road, south of Tonawanda Creek Road.

Item 2

Roxberry Subdivision Phase 2
Residential Single Family

Requests Preliminary Concept Review of a proposed major subdivision at the extension of Helenwood Drive.

Chairman Al Schultz called the meeting to order at 7:30 p.m.

Councilman Peter DiCostanzo led the pledge to the flag.

Planning Board Members present:

Chairman Al Schultz
2nd Vice-Chairperson Wendy Salvati
George Van Nest
Paul Shear

Vice-Chairperson Robert Sackett
Timothy Pazda
Richard Bigler
Gregory Todaro

Town Officials Present:

Director of Community Development James Callahan
Assistant Director of Community Development Brad Packard
Councilman Peter DiCostanzo
Deputy Town Attorney Steve Bengart
Councilman Robert Geiger

Other Interested Parties Present:

Steve Dale
Eileen Ballard
Stan Levine

Motion by Paul Shear, seconded by Richard Bigler, to **approve** the minutes of the meeting held on November 21, 2012, as written.

Paul Shear	Aye	Richard Bigler	Aye
George Van Nest	Abstain	Timothy Pazda	Aye
Wendy Salvati	Aye	Robert Sackett	Aye
Al Schultz	Aye		

MOTION CARRIED.

Item 1

Ruth Dorr

Agricultural Floodzone

Requests Minor Subdivision approval to create three (3) additional residential building lots (total of 4 lots) at property located on the east side of Westphalinger Road, south of Tonawanda Creek Road.

DISCUSSION:

Jim Callahan provided the history on the project noting that it is an existing vacant parcel consisting of just over nine (9) acres on the east side of Westphalinger Road, south of Tonawanda Creek Road.

Richard Dorr is present representing his wife Ruth.

Mrs. Salvati said, since the property is in a floodzone, whoever purchases the land needs to be made aware that they are going to need a flood development plan from the Town Engineers Office.

ACTION:

Motion by Wendy Salvati, seconded by Richard Bigler, pursuant to Article 8 of the Environmental Conservation Law, to **issue** a Negative Declaration on the proposed Dorr Minor Subdivision. This Unlisted Action involves a property split creating three (3) new residential building lots (total of 4-lots) in the Agriculture Flood Zone. The proposed lots will meet minimum lot size requirements in this zone. After thorough review of the submitted survey and Environmental Assessment Form, it is determined that the proposed action will not have a significant negative impact upon the environment.

Paul Shear	Aye	Richard Bigler	Aye
George Van Nest	Aye	Timothy Pazda	Aye
Wendy Salvati	Aye	Robert Sackett	Aye
Al Schultz	Aye		

MOTION CARRIED.

Motion by George Van Nest, seconded by Wendy Salvati, to **approve** the Dorr Minor Subdivision located on the east side of Westphalinger Road, south of Tonawanda Creek Road, as per the submitted survey from McIntosh & McIntosh, P.C., with revision date 11/12/2012 and with the following conditions:

1. Review and approval by the Town of Clarence Building and Engineering Department related to any future building construction on the lots.
2. Review and approval by the Town of Clarence Highway Department related to future access drives/curb cuts for property development.
3. Review and approval by the Erie County Health Department related to any future on-site sanitary sewer facilities on the lots.
4. Future home construction on the lots subject to Open Space and Recreation fees.

Paul Shear	Aye	Richard Bigler	Aye
George Van Nest	Aye	Timothy Pazda	Aye
Wendy Salvati	Aye	Robert Sackett	Aye
Al Schultz	Aye		

MOTION CARRIED.

Item 2

Roxberry Subdivision Phase 2
Residential Single Family

Requests Preliminary Concept Review of a proposed major subdivision at the extension of Helenwood Drive.

DISCUSSION:

Jim Callahan provided the history on the project noting that it is located on the west side of Helenwood Drive, south of Sheridan Drive. It is existing vacant land located in the Residential Single Family zone. The applicant is seeking approval for a major subdivision and is present to introduce a new design on the proposal.

Sean Hopkins, of Hopkins & Sorgi, LLC, is present along with property owner Elliot Lasky and Leanne Voit of Greenman-Pedersen, Inc.

Mr. Hopkins said through discussions and input of previous Planning Board meetings, the applicant re-submitted a plan that included two (2) cul-de-sacs. This brings the site into compliance in terms of the length of the cul-de-sac. The change also results in the loss of one (1) lot; the total lot count is now ten (10). Mr. Hopkins said there will be no blasting at the site in connection with the infrastructure or the construction of the homes; there is a letter stating there will be no blasting dated December 6, 2012 on file. Mr. Hopkins is asking for the Board to authorize commencement of the required environmental review. Mrs. Salvati asked Mr. Hopkins how he confirmed there will be no blasting. Mr. Hopkins said you can tell the depth of the bedrock by looking at the topography of the property. The sewer will be shallow; there will be no blasting whatsoever.

Jean Smith is a neighbor of the project site and said she likes the original plan with one road. Chairman Schultz noted that the plan that shows one road would require an exception by the Town Board for the number of homes on the cul-de-sac.

Mr. Hopkins said the layout shown tonight doesn't necessarily mean the applicant prefers it; they are just doing exactly what they were asked to do.

Eileen Ballard of 4725 Helenwood Drive is concerned with the wetlands and asked how can anything go on wet lands.

Chairman Schultz said part of the environmental review is to involve the Army Corp of Engineers and the NYS DEC to figure out how to deal with the wetlands. Mr. Hopkins said there are some wetland areas on lots 2, 3, 4 and a 100' adjacent area. The property directly adjacent to the large wetland area is owned by the Western New York Land Conservancy. The applicant has worked with Earth Dimensions as well as the Western New York Land Conservancy, the Army Corp of Engineers and the NYS DEC and is proposing to impact the wetland areas on lots 2, 3 and 4 in an exchange to create wetland mitigation on the land owned by the Western New York Land Conservancy. There is a copy on file of a letter from Nancy Smith of the Western New York Land Conservancy endorsing this concept. Earth Dimensions has submitted information to both the DEC and the Army Corp of Engineers. All this information is available in the Planning and Zoning office for public viewing.

ACTION:

Motion by Robert Sackett, seconded by Timothy Pazda, to **accept** the Part 1 Environmental Assessment Form on the proposed Roxberry Subdivision Phase 2, as prepared by the project sponsor, as complete.

Paul Shear	Aye	Richard Bigler	Aye
George Van Nest	Aye	Timothy Pazda	Aye
Wendy Salvati	Aye	Robert Sackett	Aye
Al Schultz	Aye		

MOTION CARRIED.

ACTION:

Motion by Robert Sackett, seconded by Paul Shear, pursuant to Article 8 of the Environmental Conservation Law, to **initiate** coordinated review among involved agencies on the proposed Roxberry Subdivision Phase 2. This Unlisted Action involves the development of a residential subdivision on two public road courts consisting of 10 +/- sublots per the concept plan/preliminary plat as submitted by GPI dated 12/3/2012.

Paul Shear	Aye	Richard Bigler	Aye
George Van Nest	Aye	Timothy Pazda	Aye
Wendy Salvati	Aye	Robert Sackett	Aye
Al Schultz	Aye		

MOTION CARRIED.

Meeting adjourned at 7:51 p.m.

Carolyn Delgato
Senior Clerk Typist