

Town of Clarence
One Town Place, Clarence, NY 14031
Planning Board Minutes
Wednesday December 20, 2017

Work Session 6:00 pm
Status of TEQR Coordinated Reviews
Review of Agenda Items
Miscellaneous

Agenda Items 6:30 pm
Approval of Minutes

Item 1

Denise Siracuse Restricted Business and Agricultural Flood Zone	Requests a Subdivision to create two (2) additional lots located at the northeast corner of Transit Road and Wolcott Road.
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Item 2

Charles Kelkenberg/Kelkenberg Homes Agricultural Rural Residential	Requests a Subdivision to create three (3) new residential building lots at 7025 Goodrich Road.
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Item 3

Rosa Hocko Agricultural Rural Residential	Requests a Subdivision to create one (1) additional lot located on the north side of Miland Road, west of Berghorn Road.
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Chairman Robert Sackett called the meeting to order at 7:00 p.m. Councilman Paul Shear led the pledge to the flag.

Planning Board Members present:

Chairman Robert Sackett Gregory Todaro Jason Geasling	1 st Vice-Chair Richard Bigler Steven Dale	2 nd Vice-Chair Wendy Salvati Jeffrey Buckley
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Planning Board Members absent: Timothy Pazda

Town Officials Present:

Director of Community Development James Callahan
Assistant Director of Community Development Jonathan Bleuer
Councilman Paul Shear
Deputy Town Attorney Steven Bengart

Other Interested Parties Present: Susan Hocko Paul Frisicaro

In the absence of Planning Board member Timothy Pazda, alternate Planning Board member Jason Geasling will have full voting privileges at this evening's meeting.

Motion by Gregory Todaro, seconded by Wendy Salvati, to **approve** the minutes of the meeting held on November 8, 2017, as written.

Jason Geasling	Abstain	Jeffrey Buckley	Abstain
Steven Dale	Aye	Gregory Todaro	Aye
Wendy Salvati	Aye	Richard Bigler	Aye
Robert Sackett	Abstain		

MOTION CARRIED.

Motion by Gregory Todaro, seconded by Steven Dale, to **approve** the minutes of the meeting held on December 6, 2017, as amended on December 11, 2017.

Jason Geasling	Aye	Jeffrey Buckley	Aye
Steven Dale	Aye	Gregory Todaro	Aye
Wendy Salvati	Abstain	Richard Bigler	Aye
Robert Sackett	Aye		

MOTION CARRIED.

Chairman Sackett explained the protocol for the meeting noting that Mr. Callahan will introduce each project. Applicants will then be able to add to the presentation. The Board will then take the opportunity to ask the applicant questions. Next the audience may ask questions or bring up points. The appropriate person, depending on the issue, will answer the questions. The Board members will then take action as they see fit.

Item 1

Denise Siracuse	Requests a Subdivision to create two (2)
Restricted Business and Agricultural Flood Zone	additional lots located at the northeast corner of Transit Road and Wolcott Road.

DISCUSSION:

Jim Callahan provided the background on the project noting that it is located at the northeast corner of Transit Road and Wolcott Road and contains approximately 20.64+/- acres. The applicant is requesting to create two (2) new lots which will total three (3) lots on this property. Per the Subdivision Law the Planning Board will have final approval authority. Under the coordinated review no significant comments have been received.

Denise Siracuse is present. Mrs. Salvati referenced lot #1 and said it was mentioned that the adjoining neighbor may be interested in purchasing that lot. Ms. Siracuse said yes that is correct. Mrs. Salvati if the other two (2) lots will be used for commercial or residential development. Ms. Siracuse said probably commercial, the plan is to sell the first lot and have the other two (2) developed.

Mr. Callahan noted that the Town Engineer identified that he would like some access to the creek corridor and wondered if Ms. Siracuse would be willing to grant some easements to provide drainage. Ms. Siracuse said yes.

ACTION:

Motion by Wendy Salvati, seconded by Gregory Todaro, pursuant to Article 8 of the Environmental Conservation Law, to **accept** the Part 2 and 3 Environmental Assessment Form as prepared and to **issue** a Negative Declaration on the proposed Siracuse Minor Subdivision. This Unlisted Action involves a minor subdivision to create two (2) new lots (total of three (3) large lots) in the Restricted Business and Agriculture Flood Zone. After thorough review of the submitted survey and Short Environmental Assessment Form, including coordinated review among involved agencies, it is determined that the proposed minor subdivision will not have a significant negative impact upon the environment.

Jason Geasling	Aye	Jeffrey Buckley	Aye
Steven Dale	Aye	Gregory Todaro	Aye
Wendy Salvati	Aye	Richard Bigler	Aye
Robert Sackett	Aye		

MOTION CARRIED.

Motion by Wendy Salvati, seconded by Jeffrey Buckley, to **approve** the Siracuse Minor Subdivision located at the northeast corner of Transit Road and Wolcott Road as per the submitted surveys submitted from McIntosh & McIntosh dated November 11, 2016 with the following conditions:

1. Subject to review and approval by the Town of Clarence Building and Engineering Department on any future building permit applications.
2. Subject to NYSDOT approval on any future curb cuts onto Transit Road.
3. Subject to Erie County Health Department approval on any future on-site sanitary facility applications.
4. Subject to providing the Town of Clarence with an 80’ easement centered along Black Creek for lots 1, 2 and 3 and a 20’ easement along the north property line of lot 3 in favor of the Town of Clarence to ensure access to Black Creek for any future drainage concerns on all lots which easements shall be filed by the applicant in the Erie County Clerk’s Office. Such easements to be reviewed and approved by the Town Attorney’s Office prior to filing.
5. Subject to Open Space and Recreation Fees on any future building permits.

ON THE QUESTION:

Ms. Siracuse understands and agrees with the conditions.

Jason Geasling	Aye	Jeffrey Buckley	Aye
Steven Dale	Aye	Gregory Todaro	Aye
Wendy Salvati	Aye	Richard Bigler	Aye
Robert Sackett	Aye		

MOTION CARRIED.

Item 2

Charles Kelkenberg/Kelkenberg Homes
Agricultural Rural Residential

Requests a Subdivision to create three (3) new residential building lots at 7025 Goodrich Road.

DISCUSSION:

The applicant asked to be taken off the agenda. The project is in the middle of a coordinated review and more time is needed in order to complete the review. The applicant wishes to have more time to address concerns from the Department of Environmental Conservation. Neighboring properties will be notified again when this project is on a Planning Board agenda. The project will be on a future Planning Board agenda once the environmental review is completed.

Item 3

Rosa Hocko
Agricultural Rural Residential

Requests a Subdivision to create one (1) additional lot located on the north side to Miland Road, west of Berghorn.

DISCUSSION:

Mr. Callahan provided the background on the project noting that it is located on the north side of Miland Road, west of Berghorn. It is an existing vacant agricultural property. The applicant is seeking approval to create one (1) new lot. The Planning Board will have final review approval and authority on this action. An action under the State Environmental Quality Review Act (SEQRA) will be required prior to taking this action.

Susan Hocko is present. She is the daughter and Power of Attorney for Rosa Hocko.

Mrs. Salvati said she assumes the applicant is breaking off this property to build a house. Ms. Hocko said yes it is for a potential buyer to build a house.

Paul Frisacaro lives directly adjacent to the project property. His concern is with the trees on the western boundary of the project property that separate the property from his. The trees have been there forever and he hopes they won't be torn down and a fence put up, he wishes the trees to remain.

Ms. Hocko plans no land disturbance at this time. She agreed that the trees have been there a long time and she would like to see them remain as well. The trees are on her property and she will influence, as best she can, the new owner to keep the trees.

ACTION:

Motion by Wendy Salvati, seconded by Richard Bigler, pursuant to Article 8 of the Environmental Conservation Law, to **accept** the Part 1 Environmental Assessment Form as submitted and approved and the Part 2 and 3 Short Environmental Assessment Form as prepared and to **issue** a Negative Declaration on the proposed Hocko Minor Subdivision. This Unlisted Action involves a minor subdivision to create one (1) new lot in the Agriculture Rural Residential Zone. After thorough review of the submitted survey and Short Environmental Assessment Form, it is determined that the proposed minor subdivision will not have a significant negative impact upon the environment.

Jason Geasling	Aye	Jeffrey Buckley	Aye
Steven Dale	Aye	Gregory Todaro	Aye
Wendy Salvati	Aye	Richard Bigler	Aye
Robert Sackett	Aye		

MOTION CARRIED.

Motion by Wendy Salvati, seconded by Richard Bigler, to **approve** the Hocko Minor Subdivision located on the north side Miland Road west of Berghorn Road as per the submitted survey from Ottney & Miller dated November 20, 2017 with the following conditions:

1. Subject to review and approval by the Town of Clarence Building and Engineering Department on any future building permit applications.
2. Subject to Town Highway Department approval for any future curb cuts onto Miland Road.
3. Subject to Erie County Health Department approval on any future on-site sanitary facility applications.
4. Subject to the preparation and filing, in Erie County Clerk’s Office, of easements as required by the Town Engineering and Highway Departments on all lots and the parent parcel. Such easements to be reviewed and approved by the Town Attorney’s Office prior to filing.
5. As the property is located within the Clarence/Newstead Agricultural District #14, a Notice of Intent must be filed with the Commissioner of the NYS Department of Agriculture and Markets for any work contemplated on the subject parcel’
6. Subject to Open Space and Recreation Fees on any future building permits.

ON THE QUESTION:

Ms. Hocko understands and accepts the conditions.

Mrs. Salvati said if the applicant could make an attempt to preserve the trees that exist along the western property boundary if and when this parcel is sold.

Chairman Sackett said preserving the trees would be favorable. Ms. Hocko agreed.

Jason Geasling	Aye	Jeffrey Buckley	Aye
Steven Dale	Aye	Gregory Todaro	Aye
Wendy Salvati	Aye	Richard Bigler	Aye
Robert Sackett	Aye		

MOTION CARRIED.

Meeting adjourned at 6:50 p.m.

Carolyn Delgato
Senior Clerk Typist