

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

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

**Agenda Items 7:00 pm**

Approval of Minutes

**Item 1**

Jennifer Briandi  
Agricultural Rural Residential

Requests Minor Subdivision Approval to create one (1) new building lot at 10240 Lapp Road.

**Item 2**

Rosa Hocko  
Agricultural Rural Residential

Requests Minor Subdivision Approval to create two (2) new building lots on the north side of Miland Road, west of Berghorn Road.

**Item 3**

Theodore Hallac  
Traditional Neighborhood District

Requests a Fill Permit for 7149 Transit Road, under the Clearing, Filling and Grading Law.

**Item 4**

Cimato & Sons Inc./Woodland Hills Subdivision  
Residential Single Family

Requests Amended Concept Plan Approval on a proposed 77-lot residential development located on the south side of Greiner Road, east of Harris Hill Road.

Vice-Chairman Richard Bigler called the meeting to order at 7:00 p.m.

Councilman Paul Shear led the pledge to the flag.

Planning Board Members present:

1 <sup>st</sup> Vice-Chairman Richard Bigler	2 <sup>nd</sup> Vice-Chairperson Wendy Salvati
Timothy Pazda	Gregory Todaro
Steven Dale	Jeffrey Buckley
Jason Geasling	

Planning Board Members absent: Chairman Robert Sackett

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:

Mark Briandi	Susan Hocko	Carol Cornwall	Eugene Matveev
Margaret Kiesel	Molly Kiesel	Kathy Goodrich	Gerry Goodrich

In the absence of Planning Board Chairman Robert Sackett, 2<sup>nd</sup> Vice-Chairman Richard Bigler will preside over the meeting. Alternate Planning Board member Jason Geasling will have full voting privileges at this evening’s meeting.

Motion by Gregory Todaro, seconded by Steven Dale, to **approve** the minutes of the meeting held on January 10, 2018, as written.

Jason Geasling	Aye	Jeffrey Buckley	Aye
Steven Dale	Aye	Gregory Todaro	Aye
Timothy Pazda	Aye	Wendy Salvati	Abstain
Richard Bigler	Aye		

**MOTION CARRIED.**

Vice-Chairman Richard Bigler 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 provide comments and/or ask questions regarding the project. The appropriate person, depending on the issue, will answer the questions. The Board members will then take action as they see fit.

**Item 1**

Jennifer Briandi	Requests Minor Subdivision Approval to create
Agricultural Rural Residential	one (1) new building lot at 10240 Lapp Road.

**DISCUSSION:**

Mr. Callahan provided the history on the project noting that it is located on the north side of Lapp Road, west of the intersection with Strickler Road. It consists of a single family home on 3.075 acres. The Planning Board has final approval authority for this action. An Action under the State Environmental Quality Review Act (SEQRA) will be required prior to action on this split.

Gregory Todaro recused himself from this project as he lives nearby the project site. Mr. Todaro left the dais. He will file the appropriate paperwork in the Town Clerks office tomorrow.

Mark Briandi is present.

Mrs. Salvati said there is a concern with regards to the barn building on the proposed lot. She explained that it is an accessory structure and typically an accessory structure is not allowed on a lot without a principle structure (house). There will be a condition placed on the approval of this proposal which

states the applicant has a certain length of time to get a house going on the lot once the new lot is filed with the Erie County Clerk’s Office, the condition will give the applicant up to a year to build a house.

Mr. Briandi explained that by the time the soil testing is done and permits are obtained it could be winter and he does not want to build in the winter. He requested the condition be for a minimum of 2 years to build a house. Mr. Callahan identified that the condition could provide the applicant one (1) year to build and that condition can be renewable. It can be placed on the filing of the split with the Erie County Clerk’s Office. Mr. Briandi understands.

**ACTION:**

Motion by Steven Dale, and seconded by Timothy Pazda, pursuant to article 8 of the Environmental Conservation Law, to **accept** the Part 1 Short Environmental Assessment Form (SEAF) as submitted and to **approve** Part 2/3 as prepared and to **issue** a Negative Declaration on the proposed Briandi Minor Subdivision. This Unlisted Action involves a minor subdivision to create one (1) additional residential building lot in the Agricultural Rural Residential Zone. After thorough review of the submitted site plan and SEAF it is determined that the proposed action will not have a significant negative impact upon the environment.

Jason Geasling	Aye	Jeffery Buckley	Aye
Steven Dale	Aye	Gregory Todaro	Recuse
Timothy Pazda	Aye	Wendy Salvati	Aye
Richard Bigler	Aye		

MOTION CARRIED.

Motion by Steven Dale, seconded by Timothy Pazda, to **approve** the Briandi Minor Subdivision located at 10240 Lapp Road as per the submitted site plan/survey received in the Planning and Zoning Office on January 3, 2018, 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 approval by the Erie County Department of Public Works on any future curb cuts to access the new lot.
3. Subject to Erie County Health Department approval on any future on-site sanitary facility applications.
4. Subject to Open Space and Recreation Fees on any future building permits.
5. This approval becomes null and void without a principal use on the newly created lot after one (1) year from time of filing of this minor subdivision with the Erie County Clerk’s Office. The Planning and Zoning Department may extend the timeframe of this condition after review and consultation with the Planning Board Executive Committee.

**ON THE QUESTION:**

Mr. Briandi stated he agrees with and understands the conditions of the approval.

Jason Geasling	Aye	Jeffrey Buckley	Aye
Steven Dale	Aye	Gregory Todaro	Recuse
Timothy Pazda	Aye	Wendy Salvati	Aye
Richard Bigler	Aye		

MOTION CARRIED.

**Item 2**

Rosa Hocko  
Agricultural Rural Residential

Requests Minor Subdivision Approval to create two (2) new building lots on the north side of Miland Road, west of Berghorn Road.

**DISCUSSION:**

Jim Callahan provided history on the project noting that the property consists of approximately 101 acres in the Agriculture Rural Zone. The applicant is proposing a Minor Subdivision to create two (2) new lots which actually creates a total of three (3) new lots based upon a previous approval from last month. The Planning Board has final approval authority on this action which will require review under the State Environmental Quality Review Act (SEQRA).

Susan Hocko is present and stated this application is in reference to 10926 Miland Road. Mr. Todaro said there was a previous discussion concerning the preservation of the trees on the west side of the lot, he asked if the intent is to keep those trees as a border to the property. Ms. Hocko said the intent is to keep the trees on the western edge.

It is clarified that this motion is to seek Lead Agency. Mr. Callahan explained that anytime there is a minor subdivision that creates the maximum number of lots allowed under that minor action, it goes out for coordinated review to make sure all involved agencies have an opportunity to comment before taking final action. Ms. Hocko understands there will be no approval of her request at this meeting, she will work with the Town as needed.

Mr. Pazda said this is as much as Ms. Hocko can ever do with this property under the Minor Subdivision Law. If she wanted to do something with the parent parcel, a different set of standards would kick in. Ms. Hocko understands.

The proposed buyer, Eugene Matveev, stated his intent is to keep the trees.

**ACTION:**

Motion by Timothy Pazda, seconded by Wendy Salvati, pursuant to Article 8 of the Environmental Conservation Law to seek Lead Agency status and **commence** a review among involved agencies on the proposed Hocko Minor Subdivision. This Unlisted Action involves a minor subdivision to create a total of three (3) new building lots in the Agriculture Rural Residential Rural Zone along the north side of Miland Road west of Berghorn Road.

**ON THE QUESTION:**

Jason Geasling	Aye	Jeffrey Buckley	Aye
Steven Dale	Aye	Gregory Todaro	Aye

Timothy Pazda      Aye  
Richard Bigler      Aye

Wendy Salvati      Aye

MOTION CARRIED.

**Item 3**

Theodore Hallac  
Traditional Neighborhood District

Requests a Fill Permit for 7149 Transit Road,  
under the Clearing, Filling and Grading Law.

**DISCUSSION:**

Jim Callahan provided the history on the project noting that it is located at the south east corner of Transit Road and Lapp Road. It consists of approximately 3.5 acres and is in the Swormville Traditional Neighborhood District. The applicant is proposing to raise the overall grade of the property and has applied for a fill permit under the Clearing, Filling, Grading Local Law. The Town Board has referred this request to the Planning Board for review and comment. The Planning Board has the opportunity to recommend action to the Town Board on this matter.

Michael Metzger, of Metzger Civil Engineering, is present along with his client Ted Hallac. Mr. Metzger said they received comments from the Town Engineer and they are addressing them. They also received comments from the Department of Environmental Conservation, the State Historic Preservation Office, the Department of Transportation and the Town of Amherst.

Mrs. Salvati noted that the plan shows a temporary topsoil stockpile area. She asked how that effects the final finished grade that is stated on the plan. She assumes the intention is to stockpile it and then spreading it over the top of the mound that is being created. Mr. Metzger explained that the reason it is temporary is because they need to move it out of the way, when fill is replaced the topsoil is stripped and temporary stockpiled, once the fill is replaced the topsoil will be restored, spread out and seeded. Mrs. Salvati asked if the final finished grade shown on the plan is once everything is finished. Mr. Metzger said yes.

Mr. Bigler asked how much the elevations are above Transit Road. Mr. Hallac said it is even with Transit Road. Mr. Metzger referred to the plan which shows elevations on Transit Road at 586', they are proposing 587' for fill on the site, so it will only be slightly above Transit Road. There may be the need to bring in more fill in the future. Mr. Metzger said it will be seeded and will look like an open field when they are done with it. The intent would be for the future if a development project comes along the fill will be in place and settled, they will likely move some around depending on the configuration of the site. In the future there will be other fill generated on site from site work. They want to get to the point of a "shovel ready" site.

Mrs. Salvati said the applicant will be bringing in approximately 3500 cubic yards of fill to the site, this is a lot and it will be a lot of trucks. She asked about the neighbors across the street, they will probably have concerns once this gets going. Mr. Hallac said they were all notified and no one has showed up to the meeting, same as last time. No one had complained to Mr. Hallac. Mr. Todaro asked what time the trucks will be going through the area. Mr. Hallac said there are no planned times for truck loads. The area will be gated so he will have to be there to let someone in when they come with a truck load. The area will be locked at the end of the day. They can't dump if Mr. Hallac is not there and he will not be there after hours. It will be closely managed to minimize any problems that may arise. It is confirmed that all the neighbors were notified per the typical notification process.

Mr. Metzger understands that depending upon what it is, a future project at the site may have to go through site plan review.

Mark Briandi lives on 10240 Lapp Road and is concerned with traffic.

Mr. Hallac stated that if this project gets out of hand he will stop it. His main concern is to get the front part done. Vice-Chairman Bigler said the Town will monitor the project closely.

**ACTION:**

Motion by Wendy Salvati, seconded by Gregory Todaro, pursuant to Article 8 of the Environmental Conservation Law, to **recommend** to the Clarence Town Board, a Negative Declaration on the proposed Hallac Fill Permit located at 7149 Transit Road. This Unlisted Action involves the introduction of fill, in a controlled manner, to raise the grade of an existing vacant property. After thorough review of the submitted application and Short Environmental Assessment Form (SEAF), including coordinated review and significant comments from NYSDEC and The Town Engineering Department, it is determined that the proposed action will not have a significant impact on the environment. This determination is made based upon the required permits and oversight necessary to ensure a properly controlled fill operation in conformance with the Town Of Clarence Clearing, Filling and Grading Local Law.

Jason Geasling	Aye	Jeffrey Buckley	Aye
Steven Dale	Aye	Gregory Todaro	Aye
Timothy Pazda	Aye	Wendy Salvati	Aye
Richard Bigler	Aye		

**MOTION CARRIED.**

Motion by Wendy Salvati, seconded by Gregory Todaro, to **recommend** to the Clarence Town Board, approval of the proposed Hallac Fill Permit as per the submitted application and drawings from Metzger Civil Engineering dated September 25, 2017, with the following conditions:

1. Compliance with all requirements and concerns outlined in the memorandum dated January 9, 2018 from the Town of Clarence Town Engineer’s office.
2. PIP Permits as issued by the Town Engineer to control and oversee the operation.
3. All required information as fully described in section 79-5 of The Town Code of the Town of Clarence, including:
  - a. A final field check by a geologist, soil scientist, agronomist or dully licensed engineer of the State of New York or qualified representative of the Town to certify that the land has been fully restored according to the parameters under Chapter 79 of the Code of the Town of Clarence.
  - b. Preliminary copies of any contracts to perform such clearing, filling and grading, provided to the Town Engineering and Building Department which contract shall state that it is subject to Chapter 79 of the Code of the Town of Clarence, which shall be attached to and become part of such contract and permits.

- c. Documentation regarding permit status with the New York State Department of Environmental Conservation prior to the issuance of a Town permit. Any New York State Department of Environmental Conservation permit required must be in effect prior to the Town issuing a permit.
- d. Proof of liability insurance adequate to cover the intended work pursuant to the terms of the permit. The Town shall be named as an additional insured agent on the applicant's policy. The applicant shall, by separate instrument, agree to indemnify and hold harmless the Town of Clarence from any claims arising out of the intended activity.
- e. Completion date shall be provided and identified on all permits issued.
- f. There will be no topsoil allowed to be removed from any fill site without a topsoil excavation permit first being secured from the Town Board prior to start of the removal. Any excess piles must be hydro-seeded in order to prevent erosion.
- g. Operations shall be conducted only during daylight hours of 7:00 a.m. to 7:00 p.m. Monday through Saturday. The site must be secured during non-operating hours to prevent illegal dumping.
- h. The Planning Board recommends appropriate surveillance of the site on a twenty-four hour, seven-days-per-week basis, until the activity is completed. The applicant shall be required, as a condition of PIP permit, to sign the permit authorizing the Town, its employees or agents to enter onto the applicant's property and to conduct the appropriate surveillance. Any and all costs for this service will be estimated by the Town Engineer prior to the issuance of a permit, and the applicant will then be required to post a certified check to cover such estimate. Actual costs will be charged to the applicant, any surplus will be refunded to the applicant.
- i. The applicant shall be required to post a performance bond, money or other security acceptable to the Town, in an amount determined by the Town Board, and in a form acceptable to the Town Attorney, to be posted with the Town Clerk to guarantee the satisfactory completion or restoration of the applicant's property and any Town roads or other public property which might be damaged as a result of the activities of the applicant in clearing, filling and grading pursuant to the terms of Chapter 79 of the Code of the Town of Clarence. In the event that the applicant fails or refuses to make the necessary repairs, the Town Board shall forfeit the performance bond or money security deposit in order to underwrite the expense in making such repairs.
- j. All expenses incurred by the Town in connection with making the necessary repairs, including but not limited to any administrative and legal costs relating thereto, either not covered by the performance security or in excess of the performance security, shall be assessed against the land on which said clearing, filling and grading has occurred and shall be levied and collected in the same manner as provided in the General Municipal Law for the levy and collection of real property taxes.

**ON THE QUESTION:**

Mr. Buckley reiterated for the record that there will be surveillance and he wants to make sure the applicant is aware that the cost incurred for that surveillance will be passed on to the applicant. Surveillance of 24 hours, 7 days a week, is necessary to make sure there is no illegal dumping on the site. The Town will determine how it will be surveyed. It may involve experts visiting the site to see how the topsoil is being handled or to evaluate the nature of the fill. The bulk of the surveillance will be performed by the Engineering Department. Deputy Town Attorney Steve Bengart clarified that it could fall beyond the Town Engineer’s duties and then the expense would fall on Mr. Hallac. Mr. Hallac said he understands that but he is not going to put security at the site 24 hours, 7 days a week. Deputy Town Attorney Steve Bengart said it is not on the applicant to do that, it is on the Town to tell the applicant what they want. It will be worked out with the Town Engineer. Vice-Chairman Bigler said this is all explained in Chapter 79 of the Town Code.

Mr. Hallac said he understands and accepts the conditions. He went on to say that any other fill operation in Town will be required to follow the same conditions as he. Deputy Town Attorney Steve Bengart said that is correct. Mr. Hallac is concerned with the surveillance requirement, but noted that the details will be sorted later.

Jason Geasling	Aye	Jeffrey Buckley	Aye
Steven Dale	Aye	Gregory Todaro	Aye
Timothy Pazda	Aye	Wendy Salvati	Aye
Richard Bigler	Aye		

MOTION CARRIED.

**Item 4**

Cimato & Sons Inc./Woodland Hills Subdivision Requests Amended Concept Plan Approval on a Residential Single Family proposed 77-lot residential development located on the south side of Greiner Road, east of Harris Hill Road.

**DISCUSSION:**

Jim Callahan provided the history on the project noting it is located on the south side of Greiner Road, east of Harris Hill Road. The property is approximately 52 acres in the Residential Single Family Zone. The property was rezoned in 2003 and received a variance in 2005 to allow smaller lot sizes in the Residential Single Family Zone. It became part of the Clarence Sewer District #10 in 2010. An amended Concept Plan was introduced to the Town Board in 2015 and referred to the Planning Board for review and comment. A Wetland permit was issued and triggered the Concept Amendment. The project is in front of the Planning Board for recommendation. The Town Board will have final approval authority for this Amended Concept.

Ken Zollitsch, of Greenman Pedersen, Inc., is present along with Corey Auerback of Barclay Damon. A recent wetland delineation triggered the amended plan, in order to avoid wetlands, the applicant removed and shifted some lots. Another reason for the amendment is that there was a fire chief and access concern with the original loop road, which only had one (1) means of access with far too many lots off of that. So they removed the cul-de-sac that was across from the main intersection and brought the loop road back on it, and now there are two (2) points of ingress/egress across the development there.



They have moved lots from where the wetlands are to the island that was part of the loop road. There will be common area there and a proposed berm at the back of those lots, they front on one (1) street, they are not double sided lots. The berm will be for privacy. They removed some lots along Greiner Road in order to meet the Town Code which requires 200' of greenspace along Greiner Road. There are still 77 lots being proposed, storm water facilities are proposed to be in the same place as the original plan. The original plan advanced through the Engineering stages so the applicant has a good understanding of the infrastructure and the engineering in the area.

Mrs. Salvati asked about the preservation of the natural vegetation along the back of the properties that back up to the homes along Meadowbrook Road. She wants to make sure the plan includes a 20' buffer that shows along the back of those lots to make sure all the existing vegetation remains undisturbed. She went on to say the drainage should be in front of that buffer area. Mr. Zollitsch said lots 1 through 10, due to site topography, does not have rear yard drainage, but there will be a buffer there. Meadowbrook is at a higher elevation than these lots. There is rear yard drainage proposed for the rest of the subdivision. The applicant will work with the Town Engineers Department to see if they can push the rear yard drainage lines as close to the easement as possible without significantly encumbering the proposed lots. Mrs. Salvati said this was a concern of the neighbors at the time the original Concept was discussed, it was also a concern of the Planning Board that there would be a buffer and the Town Engineer was aware that the drainage would be moved forward so it is going to be a condition of the approval tonight, should the Board decide to approve it, that there will be a minimum of a 20' undisturbed buffer along the backs of those properties.

Mr. Dale asked the applicant to provide details of the berm such as how high it will be and what it will be covered with. Mr. Zollitsch said they are in initial discussions about this because it is only at Concept approval. The thought is that there is a 35' area between the back of the lots and the public right-of-way, and it won't be encumbered by infrastructure or water lines. They estimate bringing the berm up to 4' with mobile slopes and the expectation is that there would be some plantings on it. It would be maintained.

Mrs. Salvati said it is the desire of the Board that the common area out along Greiner Road stay natural. Mr. Zollitsch said that is the expectation of the applicant.

Mr. Geasling question lot #62 and the Federal Wetlands that are shown on the plan, he asked for details. Mr. Zollitsch said there is a wetland that will be left as is, the lots would deed restricted so no disturbance can occur on them. Lots #62 and #63 are larger to help accommodate the additional section that can't be used. Mr. Geasling asked what will keep them from creating into it. Mr. Zollitsch said there will be deed restrictions and they are required to install monuments that state "Federal Wetlands-Do Not Disturb". This is enforceable and watched by the Army Corp of Engineers. Deputy Town Attorney Steve Bengart asked if the Army Corp needs to approve the language of the deed restriction or will it go through his office. Mr. Zollitsch said it will likely go through the Corp but he can copy the Town on it as well.

Carol Conwall, of Meadowbrook Road, asked if wetlands grow. It's not a good idea if they grow, and the lots with wetlands on it are sold to people who don't know anything about that. She asked when the traffic study was done and depending on the year of the study how many more subdivision developments or private construction have taken place or are proposed since the Woodland Hills traffic study was done. She asked if the study takes the Town as a whole or is it segmented because the growth and traffic in this Town is becoming a mess. She questioned the water table. Where she lives on Meadowbrook the development is higher than she is. This land has been undisturbed since the 1940's when it was last

farmed. Even though there is natural vegetation there now there are water issues in her and her neighbor's yard. How will this be addressed and what type of guarantee will she have that her property will not be affected by the drainage being put in and the vegetation being destroyed. Due to the retention ponds the Canadian Geese are not migrating and are overpopulating. The Town has to go through the issues of shooting the geese or oiling the eggs because of the overpopulation. She asked if there has been consideration given, with the development of major subdivisions like this, as to how it destroys the hunting grounds for the Red Tail Hawks, the Fox and other predatory animals that roam over large areas of space and help maintain the vermin population.

Jim Gale, of 5060 Meadowbrook Road, is concerned with the berm and the drainage. Since the area has been cleared, which started in the 1990's, his and his neighbor's yards have been a mess and flooding. Vice-Chairman Bigler noted that none of the run-off from the proposed project can go onto the neighbor's property. Mr. Gale said he is happy with the proposal of drainage in front of the berm. Mr. Pazda clarified that the berm is going behind the houses in the center of the development, between the backyard and the street. There is no berm proposed for the rear yard of the lots that are closest to Meadowbrook. There is rear-yard drainage back there proposed and the Board is conditioning that it be 20' undisturbed to the property lines and the rear-yard drainage can start after that. Mr. Gale asked what the common area is where the road comes in on the plan, it is clarified that it is a lot. He went on to ask about the stand of trees that are a foot in diameter and 20' away from his property, he wondered if they will remain. He also asked if the sewers will affect Meadowbrook Road.

Kathy Goodrich, of 4727 Harris Hill Road, has lived there for over 20 years and is concerned with the immense burst of traffic. The speed limit on Harris Hill Road goes down to 35 when you cross over Sheridan Drive but how many people know that? That is their neighborhood and they don't have sidewalks. She referred to the 77 proposed lots and said how many of them will travel down Harris Hill Road to go to work. There will be 150-200 cars added to traffic because of this development. She asked if the applicant owns any property that goes to Sheridan Drive, this connection would make more sense, otherwise there will be hundreds of cars driving by her house. The loss of wildlife and the other things Ms. Cornwall spoke of are huge factors. Ms. Goodrich went on to say that all the on-going developments will generate a lot of traffic which will travel down Harris Hill Road, this is a huge concern for her neighborhood.

Mr. Zollitsch said with regards to the wetlands issue, they do change over time in terms of growing and retracting. What keeps them from growing in areas such as lots #62 and #63, is that these lots will have lawns and will be maintained and graded and likely higher than the wetlands area. So that wetland area won't be able to grow because those people will have active maintained lawns.

With regards to the scope of the traffic study and the date it was completed, Mr. Zollitsch said he cannot comment. Mr. Callahan said a Negative Declaration was issued on this project in 2004, so a traffic study was most likely done in 2004. These traffic studies project out and are cumulative. In the interim there have been numerous traffic studies done throughout the Town including Harris Hill Commons, Eastgate Plaza, Transit Point and Creekwood Meadows to name a few. All these studies have identified, although we all know the traffic is growing, the roads are acceptable in terms of volume going forward. The County did not give the Town any comments in terms of needing any type of mitigation for this project.

With regards to water being displaced to the neighbor's property, Mr. Zollitsch said they are required by law not to discharge any water on to adjoining properties. They have to keep all water on their property and discharge it at a controlled rate. The drainage plan will work efficiently to discharge water from the project site.

Mr. Zollitsch said as with any development, they will be displacing natural wildlife, however there is 5-6 acres of common area proposed with 4-5 acres of that to remain natural.

With regards to the stand of trees that was requested to remain, Mr. Zollitsch said without knowing what lot it abuts, he cannot comment. This is something that will be handled at Development Plan Approval. They will look into keeping the trees if they can, he cannot guarantee it though. Cimato & Sons, Inc. are not building on these lots, they are selling them. So it is up to the home builder and their customer on how they want to build on the lot. Mr. Geasling asked if the applicant will be changing grade, will there be daylight or walk-out basements? Mr. Zollitsch said there are some steeper sloped areas where filling and cutting will take place, but they are not raising the roads up 6'-8' to accommodate walk-out basements. This development will be close to existing grade.

Mr. Zollitsch said they went through a long process with the County in conjunction with the Harris Hill Commons project to extend the Sanitary Sewer District for the two (2) projects. The Meadowbrook subdivision is not included in the Sanitary Sewer District for Erie County, at this point there are no provisions for extending sewers to the Meadowbrook area, what they have today is what they will have when the project is complete.

Mr. Zollitsch said there is no way to connect to Sheridan Drive, as the applicant does not own property off Sheridan Drive.

Mr. Dale asked if the applicant will bring fill into this project. Mr. Zollitsch said no, they would like it to balance out on the site.

Mr. Todaro asked if the applicant will be using lighting that is similar to what is in the neighborhood. Mr. Zollitsch said they are public streets so it will be public lighting, he doesn't know if the Town has certain standards for lighting but he assured that the applicant will be in discussions with the Town in terms of the lighting plan.

#### **ACTION:**

Motion by Wendy Salvati, seconded by Timothy Pazda, to **recommend** to the Clarence Town Board, Amended Concept Plan approval on the proposed Woodland Hills Subdivision as per the submitted drawings from Greenman Pedersen, Inc. received in the Planning and Zoning Office on January 29, 2018, subject to the following conditions:

1. Development Plan drawings to identify rear yard drainage for lots along the eastern border of the property to be setback from the property line no less than 20' to maintain undisturbed vegetation along this property line to buffer lots along Meadowbrook Road.
2. Subject to Open Space and Recreation Fees.
3. Subject to a 30' easement on the Final Plat along the Greiner Road frontage for a future recreational trail connection.
4. Subject to Landscape Committee review and approval of a final Landscape Plan to include two (2) trees per lot and trees/vegetation on/along the berm at lots 19 through 28.

5. Shardale Road to be brought up to Town Standards including the required approval of the Town Highway Superintendent.
6. The common area along Greiner Road is to be kept in a natural condition and the area on the west side of the proposed entry road allowed to come back to a natural state after the wetland mitigation activities are completed.
7. The conditions of all common areas controlled and maintained in accordance with deed restrictions and covenants and restrictions outlined in a Homeowners Association Agreement as approved by the Town Attorney's Office.

**ON THE QUESTION:**

Mr. Buckley noted that the word "undisturbed" was used by several Board members with reference to condition #1 and asked if the condition should be amended to include this verbiage. The condition is amended to include the word "undisturbed", Mrs. Salvati and Mr. Pazda both agree to the change.

Mr. Zollitsch said he understands and agrees with the conditions.

Jason Geasling	Aye	Jeffrey Buckley	Aye
Steven Dale	Aye	Gregory Todaro	Aye
Timothy Pazda	Aye	Wendy Salvati	Aye
Richard Bigler	Aye		

MOTION CARRIED.

Meeting adjourned at 8:10 p.m.

Carolyn Delgato  
Senior Clerk Typist