

Town of Clarence
One Town Place, Clarence, NY 14031
Planning Board Minutes
Wednesday August 29, 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

Brothers of Mercy
Restricted Business

Requests Preliminary Concept Review of a proposed relocation and expansion of Assisted Living units and new Memory Care units at the existing facility at 10570 Bergtold Road/4526 Ransom Road.

Item 2

Jeffrey Collins
Agricultural Rural Residential

Requests Preliminary Concept Review of a proposed Open Development Area on the south side of Keller Road, east of Strickler Road.

Item 3

Arthur Fuerst
Residential Single Family

Requests Minor Subdivision Approval to create one (1) new building lot at 9705 Clarence Center Road.

Item 4

Eliner Trapper
Agricultural Rural Residential

Requests Minor Subdivision Approval to separate principal dwelling units on an existing agricultural property at 6505 Strickler Road.

Item 5

Michael McHugh
Agricultural Rural Residential

Requests Major Subdivision Approval to create two (2) new residential building lots at 10335 Clarence Center Road.

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

1st Vice-Chairman Richard Bigler

2nd Vice-Chairperson Wendy Salvati
Gregory Todaro

Timothy Pazda
Jason Geasling

Planning Board Members absent: Steven Dale Jeffrey Buckley

Town Officials Present:

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

Other Interested Parties Present:

Robert Roland	Paul DiGiacomo	Joe Procopio	Dave Augustine
Lynn Leising	Tom Reynolds	Shelby Collins	Mathew Collins
Jeff Schwartz	Bob Dickinson	Alan Deacon	Cheryl Hereth
Aubrey Fan	Nancy Bergum	Caleb Fuerst	Jack Catanzaro
James Hereth	Douglas Klotzbach		

In the absence of Planning Board members Steven Dale and Jeffrey Buckley, alternate Planning Board member Jason Geasling will have full voting privileges this evening.

Motion by Gregory Todaro, seconded by Richard Bigler, to **approve** the minutes of the meeting held on August 1, 2018, as written.

Jason Geasling	Aye	Gregory Todaro	Aye	Timothy Pazda	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. 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

Brothers of Mercy
Restricted Business

Requests Preliminary Concept Review of a proposed relocation and expansion of Assisted Living units and new Memory Care units at the existing facility at 10570 Bergtold Road/4526 Ransom Road.

DISCUSSION:

Mr. Callahan provided the background on the project noting that it is located at the northwest corner of Bergtold Road and Ransom Road. The senior housing, assisted living and rehab center occupies approximately 92 acres in the Restricted Business zoning classification. The applicant is proposing to

relocate existing assisted living units to a new facility on the campus and to construct new memory care units as well.

Kirk Burzynski and Tom Reynolds, with Wendel Architects and Engineers, are present along with Peter Eimer, CEO of Brothers of Mercy. Mr. Burzynski said the project is in the center of the site, part of the building will be two-story and the other portion of the building will be one-story. It is roughly 90,000 square feet of space. They are transferring 70 beds from the existing Sacred Heart facility and adding 26 new beds. It will have minimal impact on the surroundings because it is in the center of the site. They are working with the Army Corp of Engineers and they do not have an issue with regards to the wetlands. An archeological study was done and they found nothing. They feel this will be good for the community.

Chairman Sackett said the project was referred to the Planning Board by the Town Board. The Planning Board will consider commencing coordinated review this evening which means they will send it to the proper agencies including the Army Corp of Engineers, Department of Environmental Conservation, etc. Neither concept nor site plan approval will be considered this evening. There was discussion at the Town Board level about emergency medical services. There is a heavy demand from Montabaur Heights, which is on the land, for these services. There was a request that the applicant put some facilities on site, Chairman Sackett asked if there is a plan for this. Mr. Burzynski said they have discussed it but have not come up with a definitive plan. The new facility will have medical services which includes nurses. Much of the care can be handled on site. Chairman Sackett asked if there will be a relationship with the administration of Montabaur Heights and the new facility relative to calling for emergency, medical and shared services. Mr. Eimer said the new building is medical assisted living, so he thinks there will not be as many 911 calls, if a resident needs to go to the hospital of course that is a 911 call. Montabaur is independent living and each resident has the option to call 911 individually.

Chairman Sackett asked for details on the waste water plan. Mr. Burzynski said waste water is currently treated on site, they have their own plan. The applicant has had meetings and are in current discussions with the DEC, there are plans to improve the existing facility simultaneously with the new assisted living so that prior to the completion of the new assisted living the treatment plan would be upgraded and would be able to handle all the necessary waste.

Mr. Pazda asked what the plan is for the old building and if this is the final build-out for the property long term. Mr. Burzynski said they are discussing potential uses for the existing Sacred Heart building. Possibilities include outpatient clinics but nothing has been determined yet. Mr. Burzynski believes this is the end of the major build-out of the property. Montabaur has been previously approved for an expansion.

Mrs. Salvati asked for details on traffic generation. Mr. Burzynski said there is the ability to connect, there is a ring road around the facility. Transferring the 70 beds will not generate a big increase in traffic. Most of the residents do not drive. Staff and visitors that will make up the traffic, and the staff is the same as what is currently there. Traffic increase will be negligible.

Nancy Bergum, of 4535 Ransom Road, has lived here for 34 years and has seen a huge increase in traffic and noise. It is like living across from a stadium with the lights from Montabaur Heights. There are firetruck drills, fire emergencies, ambulances all times of the day and night which has hugely increased in the past several months since Montabaur has been there. Semi's and deliveries have increased to multiple times a day, the ambulances have also increased to multiple times a day. She understands that this is the nature of the facility. The snowplow/truck crashing, the lawn mowing and all the increase

noise makes it so she cannot keep her windows open in the front of her house. The driveway across from her house is supposed to be one-way going in only but it doesn't always happen that way. Her concern is traffic and noise. She said there will be increased traffic because the number of beds is increasing, and while the residents don't drive the increased staff members do. She asked what the usage of the Sacred Heart building will be and what impact that use will have on lighting, traffic, employees, deliveries. She referred to the slight increase in Montabaur Heights and said Brothers of Mercy has not done anything little since she has lived there. Ms. Bergum also complained of the garbage that she gets on her lawn from the Brothers of Mercy facility, she fills a kitchen garbage bag when she gathers it. They have made improvements in their dumpsters and have come over to her house to clean up the garbage that blew over to her lawn.

Robert Roland, of 10380 Bergtold Road, asked for clarification on the plan. Chairman Sackett said the black lines on the plan indicate the area for the expansion being discussed this evening. Mr. Roland said there is a substantial number of wildlife that live in that wooded area, this includes deer, a flock of 16 wild turkeys, a pileated woodpecker and foxes. He enjoys the quality of the wildlife and hopes that the wooded area be left intact as much as possible. The Tillman reserve is across the street and there is a turkey walk-way across Bergtold Road. He asked if there are any other entrances to the facility off Bergtold Road.

Mr. Burzynski referred to the lighting and said it will be shielded and dark sky compliant for this project. He does not think there will be any impact on the neighbors especially since the project is in the center of the property. With reference to the forested area, they will do their best to impact that area as little as possible, there is no desire to take down any more than they have to. The area to the left of the project will all remain wooded. At this point, there will be no additional entrances off either of the streets. He agreed to stipulate on the landscape plan the area to be left wild.

Chairman Sackett asked for details on truck traffic and deliveries to the site. Mr. Eimer said this proposed building is just a replacement for the other building so there won't be any more deliveries than there is now, because it is the same operation. His office is on Ransom and he agreed that it is a busy road all day long. It is not only the Brothers traffic but other trucks as well, he has to close his windows to his office, too. Chairman Sackett asked if there are any further curb cuts anticipated on Ransom Road. Mr. Eimer said not at this point in time. Mr. Todaro asked if the deliveries are synchronized with the facility. Mr. Eimer said yes, for example if the vendor has deliveries for 2 buildings on the campus the delivery will be in one trip. Mrs. Salvati asked the applicant to confirm that what he is proposing to do is not going to need anything beyond the means of egress and ingress from Bergtold and Ransom Roads. Mr. Burzynski said that is correct, they plan to tie into the existing curb cuts.

Mr. Todaro asked what the immediate plans are for the building that they are moving out of. Mr. Eimer said it is possible that their accounting department would utilize some of the building. They would like to have geriatric primary care on the campus, this might be an ideal place for that. Mr. Todaro asked if the building was not in use then perhaps it won't need to be plowed, this would cut down on the noise for the neighbors. Mr. Eimer said the curb cut in front of Sacred Heart is not used anymore, everyone comes in the back way.

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 prepared and to seek Lead Agency status and commence a review among involved agencies on the proposed Brothers of Mercy

Assisted Living and Memory Care Units project. The proposed project is located on the Brothers of Mercy Campus at the northwest corner of Ransom and Bergtold Roads in the Town of Clarence. This Type I Action involves construction of a 90,000 +/- square foot facility for assisted living and memory care units.

Jason Geasling	Aye	Gregory Todaro	Aye	Timothy Pazda	Aye
Wendy Salvati	Aye	Richard Bigler	Aye	Robert Sackett	Aye

MOTION CARRIED.

Item 2

Jeffrey Collins
Agricultural Rural Residential

Requests Preliminary Concept Review of a proposed Open Development Area on the south side of Keller Road, east of Strickler Road.

DISCUSSION:

Mr. Callahan provided the background on the project noting that it is located on the south side of Keller Road, east of Strickler Road. It consists of approximately 45 acres of vacant land. The applicant is proposing an Open Development Area.

Ken Zollitsch, of Greenman Pedersen, Inc., is present along with Jeff Collins, applicant for the property. Mr. Zollitsch said they are proposing an 8-lot Open Development Area located on the south side of Keller Road. It would be a private drive and private infrastructure proposed throughout the site. The individual lots will all be served by septic systems, there would be no public sewer connection. A Wetland survey has been done by Wilson Environmental so the wetlands on the plan are surveyed locations. They have done their best to make this a low impact development.

Jason Geasling recused himself from this project and left the dais. He will file the appropriate paperwork with the Town Clerk’s office.

Mr. Zollitsch said they are keeping the wetland impact to under a half an acre by snaking the proposed drive around the small sections of the wetlands. All the lots are five (5) acres, minimum, in size. The applicant met with the Town Engineer and the Planning Board Executive Committee. The Town Engineer had issues with storm water and drainage, however there applicant has alternatives and options to address those issues. The Town Engineer reiterated to the applicant that they cannot increase any storm water run-off onto adjacent properties, they must keep the flow rates the same as they are today. Mr. Zollitsch went on to say that the Executive Board had concerns with lot #8 located along Keller Road, the applicant has made some modifications to the original plan. One option is to shift the proposed curb cut of the private drive further west, this helps reduce the length of the proposed driveway. There are 5 or 6 properties in the vicinity of this project where the homeowners have a driveway that is over 500’ in length. Another concern of the Board was the removal of some foliage and the potential of seeing the homes. The applicant has proposed a series of berms with plantings along them to counteract the view along Keller Road.

Chairman Sackett said the Executive Board asked if the applicant could provide another drawing where they still proposed eight (8) lots but without a lot on the Keller Road frontage. Mr. Zollitsch said he looked at that and it is possible. They looked at lot #5 on the west side of the property, which could be split into two (2) lots. But they need the five (5) acre lots for the septic system in order for it not to be a

subdivision under New York State Law. They would have to run 20' strips of land going up to the front of the property towards Keller Road, so as it is technically possible to move lot #8 and still provide five (5) acres for all lots, the applicant did not feel it was an optimum solution because then you would end up with small sections of property running by other people's land that really cannot be used for anything. Chairman Sackett said, in his opinion, if there is a way to keep lot #8 off Keller Road that is desirable for the general public. The applicant needs to look at all options for the sake of the Town. Chairman Sackett suggested the applicant submit the optional diagram for the Planning Board to review. Mr. Zollitsch said they will work with the Planning Board as they move forward with the proposal.

Mr. Pazda said in his opinion the proposal may not be legal. He said going back to the 200' rule, he will be looking for a legal review to see if the proposal is legal. He strongly suggested this be looked at.

Chairman Sackett clarified that this is not an as-of-right use and may violate the Subdivision Law.

Mr. Bigler said the other driveways in the area are long but they are perpendicular to the road, not parallel. This is a big problem and he thinks it will be a big road block with lot #8 and the driveway. He suggested the applicant look into changing the plan. Ms. Salvati concurred with Mr. Bigler and went on to suggest the applicant review the provisions in the Subdivision Law that speak to the preservation of environmental features. The Board wants to see limits of disturbance.

Mr. Zollitsch said they are not looking to clear-cut the site and have 40 acres of manicured lawn. They will work with the Board on this matter.

Jack Catanzaro, of 10515 Keller Road, wants to understand the process. He moved out of Spaulding Lake 12 years ago to get this kind of quality of life. Long driveways, privacy, nice neighbors. This proposal seems like a square peg in a round hole when you look at most of what is on Keller Road. He has two (2) teenage sons and an elderly parent in a wheelchair, who all love the quality of life on Keller Road. They like the wildlife, the peace and quiet, the schools, the ball diamonds, etc. He is concerned with the loss of wildlife, noise during construction, traffic on the road, etc.

Mr. Callahan said the first step is an environmental review. Comments and opinions will be received from involved regulatory agencies, which includes the NYS DEC, the Army Corps of Engineers, and the Department of Health. The second step would be Concept Plan approval on an Open Development, this is a private drive so it would be privately paid for, and there is no public access to it. There would be no public involvement in terms of monetary assistance. The final step is Development Plan approval, this is when all detailed engineering would be finalized. The Town Engineer would review and approve the plans to ensure they meet code. Final approval would be with the Town Board, after recommendation of the Planning Board. This is not an as-of-right use. The time frame is a minimum of 30 days on the comment period for the environmental review, however it usually goes 45 days in order to set-up a meeting. This project would not be back before the Planning Board until, potentially, the middle of October for the first step.

Mr. Zollitsch feels the project is within the character of the neighborhood because it is low impact. It is advantageous because they are not proposing another four (4) frontage lots on Keller Road. There will be one (1) main point of access for these eight (8) lots. The area will only be cleared for the infrastructure, the homes and the septic systems. Chairman Sackett said the limits of disturbance will be an important feature in the diagram relative to the character. He went on to say that any further questions can be submitted for the record within the 30 day comment period and they will be addressed during the coordinated review.

Mr. Catanzaro asked how far the road is from his property line. Chairman Sackett said it appears to be 87'.

ACTION:

Motion by Richard Bigler, seconded by Timothy Pazda, 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 Jeff Collins Open Development Area. This Unlisted Action involves the development of an 8 Lot Open Development Area on vacant land in the Agricultural Rural Residential Zone located on the south side of Keller Road east of Strickler Road in the Town of Clarence.

Jason Geasling	Recuse	Gregory Todaro	Aye	Timothy Pazda	Aye
Wendy Salvati	Aye	Richard Bigler	Aye	Robert Sackett	Aye

MOTION CARRIED.

Jason Geasling returns to the dais.

Item 3

Arthur Fuerst
Residential Single Family

Requests Minor Subdivision Approval to create one (1) new building lot at 9705 Clarence Center Road.

DISCUSSION:

Mr. Callahan provided the background on the project noting that it is located on the south side of Clarence Center Road, east of Creekview Drive and contains approximately 2.7 acres.

Caleb Fuerst is present representing his father Arthur Fuerst, and referred to the plan and said where the circle came out on the east side there would be a second driveway, a shared driveway. Currently, there is no plan for the lot. His parents are in the process of selling the house and want to split the lot for extra.

Chairman Sackett said the new lot being created has 125' frontage and does not involve any additional curb cuts. Mr. Fuerst agreed. Chairman Sackett went on to say that any development of the lot is not what is before the Board this evening.

ACTION:

Motion by Wendy Salvati, seconded by Gregory Todaro, pursuant to Article 8 of the Environmental Conservation Law, to **accept** the submitted Part 1 Short Environmental Assessment Form and to **approve** the Part 2/3 Short Environmental Assessment Form as prepared and to **issue** a Negative Declaration on the proposed Fuerst Minor Subdivision located at 9705 Clarence Center Road in the Town of Clarence. This Unlisted Action involves approval of a minor subdivision to create one new building lot in the Residential Single Family Zone. After thorough review of the submitted site plan and Short Environmental Assessment Form it is determined that the proposed action will not have a significant negative impact upon the environment.

ON THE QUESTION:

Chairman Sackett said they have to take the above action prior to addressing the actual subdivision, by law.

Jason Geasling	Aye	Gregory Todaro	Aye	Timothy Pazda	Aye
Wendy Salvati	Aye	Richard Bigler	Aye	Robert Sackett	Aye

MOTION CARRIED.

Motion by Gregory Todaro, seconded by Timothy Pazda, to **approve** the minor subdivision at 9705 Clarence Center Road as per the submitted drawing from Arthur Fuerst and received in the Planning and Zoning Office on August 7, 2018, with the following conditions:

1. No additional curb cuts allowed to access the new lot.
2. Subject to an easement and cross access agreement for ingress, egress and maintenance of the existing driveway to access the current and proposed lot. Such easement and cross access agreement is to be reviewed and approved by the Town Attorney’s Office prior to filing with the County Clerk’s Office. A copy of the stamped “FILED” Agreement shall be provided to the Town Attorney’s office after recording.
3. Subject to review and approval by the Town Building and Engineering Department on any future construction on the property.
4. Subject to review and approval by Erie County and Clarence Sewer District #2 for connections to the public sewers within Clarence Sewer District #2.
5. Subject to review and approval by the Clarence Highway Department for any required drainage easements on the property.
6. Any proposed front yard setback that differs from the established setback line off of Clarence Center Road will be subject to approval by the Zoning Board of Appeals.
7. Subject to Open Space and Recreation Fees on Building Permits for any new home construction.

ON THE QUESTION:

The applicant understands and accepts the conditions.

Jason Geasling	Aye	Gregory Todaro	Aye	Timothy Pazda	Aye
Wendy Salvati	Aye	Richard Bigler	Aye	Robert Sackett	Aye

MOTION CARRIED.

Item 4

Eliner Trapper
Agricultural Rural Residential

Requests Minor Subdivision Approval to separate principal dwelling units on an existing agricultural property at 6505 Strickler Road.

DISCUSSION:

Jim Callahan provided the background on the project noting that it is located on the east side of Strickler Road, south of Croop Road and consists of approximately 38 acres. The applicant is seeking approval to split an existing two (2) family unit from the parent parcel.

Lynn Leising and Eliner Trapper are present. Ms. Leising said they do not want a subdivision they just want to sell the house. Chairman Sackett clarified that if a lot is created, it is called a subdivision. Ms. Leising asked what size the parcel has to be if Ms. Trapper wants to sell of the house from the parent parcel. Mr. Callahan said the minimum lot size in this area is 150' frontage and 387' deep. Ms. Leising asked if the property is surveyed and then she decides not to sell it will the piece of property come off the whole existing farm. Chairman Sackett explained that the creation of the lot is what is being looked at tonight, there will be some conditions which will include filing with Erie County. If the applicant does not complete the process, the lot is not created. Deputy Town Attorney Steve Bengart said the applicant has two (2) years from the date of approval to file with the County. The property can be surveyed now but she can wait up to two (2) years to file it with the County to complete the process.

Shelby Collins, of 10320 Keller Road, is concerned that there would be a big subdivision going in. She now understands that it is the creation of one (1) new lot. She and her husband just moved to the area in July. She would like to be notified if there is a subdivision proposed in the future, Chairman Sackett assured her she will be notified. She hopes that when land like this is available for development that it doesn't happen behind closed doors. Chairman Sackett said proposals are very open and residents within 500' of the project will be notified. There is also a posting in the Clarence Bee, for those who are not within 500'.

Al Deacon, owns a horse farm south of the project, his yard floods often and he is concerned with water issues related to the project.

Chairman Sackett explained that there is no new development being looked at this evening, only the creation of a new lot. The access for the new lot would be off Strickler Road.

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 to approve the Part 2/3 Short Environmental Assessment Form as prepared and to **issue** a Negative Declaration on the proposed Trapper Minor Subdivision. This Unlisted Action involves a minor subdivision to split an existing 2-family residence off the parent farm parcel. After thorough review of the submitted site plan and Short Environmental Assessment Form it is determined that the proposed action will not have a significant impact upon the environment.

ON THE QUESTION:

Chairman Sackett said they have to take the above action prior to addressing the actual subdivision, by law.

Jason Geasling	Aye	Gregory Todaro	Aye	Timothy Pazda	Aye
Wendy Salvati	Aye	Richard Bigler	Aye	Robert Sackett	Aye

MOTION CARRIED.

Motion by Wendy Salvati, seconded by Richard Bigler, to **approve** the minor subdivision at 6505 Strickler Road as per the submitted drawing from Eliner Trapper and received in the Planning and Zoning Office on August 3, 2018, with the following conditions:

1. Subject to review and approval by the Clarence Highway Department for any required public drainage easements on the property.
2. Subject to Erie County Health Department approval on any required upgrades to the on-site sanitary facilities.

ON THE QUESTION:

The applicant understands and accepts the conditions.

Mrs. Salvati said this action will bring an existing non-conformity of two (2) principal uses on one (1) property into conformance.

Jason Geasling	Aye	Gregory Todaro	Aye	Timothy Pazda	Aye
Wendy Salvati	Aye	Richard Bigler	Aye	Robert Sackett	Aye

MOTION CARRIED.

Item 5

Michael McHugh
Agricultural Rural Residential

Requests Major Subdivision Approval to create two (2) new residential building lots at 10335 Clarence Center Road.

DISCUSSION:

Jim Callahan provided the background on the project noting that it is located on the south side of Clarence Center Road, east of Strickler Road and consists of approximately 25 acres. The applicant is proposing to create two (2) additional residential building lots which will constitute the full extent of lots split allowed for this property.

Douglas Klotzbach with K2 Architecture is present and explained that the applicant wants to sell the main house that he built which is on 3.71 acres. He wants to build a house next to his daughter, who resides at 10305 Clarence Center Road. The five (5) acres to the east is for the applicant's other daughter. Mr. Klotzbach and the applicant are both aware that this is the final subdivision allowed for this property.

Mr. Pazda asked if the driveway and circle depicted on the plan are representations of what the applicant wants to build. Mr. Klotzbach said the applicant is not sure but wants to do something like what the plan

shows. That access would go over to his daughter's property. Mr. Pazda asked why the applicant wants the circle, Mr. Klotzbach said the applicant likes the circle.

Mr. Todaro asked if the road lines up with the setbacks of the other homes in the area. Mr. Klotzbach does not know where the applicant will put the house. The plan is not to specific dimensions, it is only representative and is subject to further approval by the Building Department, Mr. Klotzbach understands.

Mr. Bigler noted that the neighbor across the street had concerns with water issues in the area. In a previous meeting the applicant said he is willing to do something about the water issues, Mr. Bigler asked if Mr. Klotzbach can address this issue. Chairman Sackett said the applicant indicated he would allow the County to put a clean-out on his property if needed, to clean out the drainage pipe. Mr. Klotzbach said the applicant believes this will take care of the water issue and he is willing to take the steps to address the water issue.

Aubrey Fan, of 10380 Clarence Center Road, moved here with her husband four (4) years ago. They like the rural feel with access to all the things needed in a small town. Their road has a horse farm and open parcels which give the rural feel that they like. She does not think that dividing this parcel into 5 acre lots with skinny frontage is in keeping with the character of the area. She also has concerns with wildlife and disruption of habitat. She understands that this is Mr. McHugh's property and he can do what he wants with it but she wonders if the town, seeing so many people here raising the same issue, has any civics works ideas. If the town is heading towards suburbanizing, will there be a sidewalk put in there, will there be road repairs, or is the town looking to preserve the rural nature of the community? Will some sort of checks and balances, or control over development and preservation of open space be implemented such that everyone in the town will able benefit? Chairman Sackett said there are safeguards, the subdivisions that the applicant is proposing has to be five (5) acres, when Ms. Fan refers to the other communities and subdivisions, those lots are generally not five (5) acres. There is a required frontage and the applicant meets that requirement. Mr. Callahan stated that the minimum frontage in this zone is 150', this is not typical suburban development. Chairman Sackett said the code does respect the character, if Ms. Fan has comments relative to the code she can submit them to the Planning office.

Mr. Pazda said many people had the same concerns that Ms. Fan spoke of and in 2005 the code was re-written to reflect their concerns. Codes are living, breathing documents and if Ms. Fan does not like the code she can submit her suggestions in writing to the Planning Office. The Boards follow the code. Mr. Todaro said the Town recently went through a major review for the Town's Comprehensive Plan 2030, which addresses many of Ms. Fan's concerns. The document is on file. It should be able to be found on the Town website or a copy could be requested through the Planning & Zoning office.

Cheryl Harris, of 10290 Clarence Center Road, Ms. Harris lives across the street from the property in question. I appreciate what the Board is doing and the meeting has been very educational. We were concerned hearing about the splitting and division of the property however are happy to know that it is planned within the family, it helps the neighborhood feel. Ms. Harris would like clarification as to which parcel is being sold and which parcel is being left for the McHugh family. Answer: the sale of the property is not the purview of the Board. They are reviewing the approval of the parcels.

Any questions of the Board. Mr. Klotzbach stated to address the neighbors' concerns, Mr. McHugh does not have any desire to randomly cut down the woods on the property, and he would like to live on the property with the woods. The only parcel being sold at this time is the parcel closer to Strickler Road.

ACTION: A motion by Tim Pazda was made pursuant to Article 8 of the Environmental Conservation Law to accept Part 1 EAF has submitted and to approve parts 2 & 3 EAF has prepared and to issue a negative declaration on the proposed McHugh major subdivision located at 10335 Clarence Center Road. This unlisted action involves a subdivision of land to create two additional lots in conformance with the Towns subdivision law. After thorough review of the submitted site plan and EAF it was determined that the proposed action would not have a significant impact upon the environment. Motion was seconded by Wendy Salvati.

ON THE QUESTION:

Jason Geasling	Aye	Gregory Todaro	Aye	Timothy Pazda	Aye
Wendy Salvati	Aye	Richard Bigler	Aye	Robert Sackett	Aye

ACTION: Now for the subdivision. I will also move to approve the McHugh major subdivision as per the submitted drawings from K2 Architect dated August 15, 2018 with the following conditions:

1. Subject to an easement and cross access agreement for ingress and egress and maintenance of the common driveways to access the new lots. Such easement and cross access agreement is to be reviewed and approved by the Towns attorney office prior to filing with the County Clerk’s office. A copy of the scanned file agreement shall be provided to the Towns Attorney office after recording.
2. Such that the Erie County Department of PW approval for the additional perp cut to access Clarence Center Road and for any required drainage improvement.
3. Subject to Erie County Health Department approval for any future onsite sanitary facilities for the newly created lots.
4. Subject to Town of Clarence Building and Engineering Department review and approval on any future permits for structures on the newly created lots.
5. Subject to approval by the Clarence Highway Department for any required public drainage easements on the property.
6. Subject to open space and recreation fees on the future building permits on the new lots. Seconded.

Before we discuss, do you understand all of these requirements and do you accept them. Answered yes.

On The Question:

Question was raised, the present subdivision law, perhaps the applicant can be encouraged to undertake necessary drainage issues. Answered: We covered that in #2 and #5 of the conditions.

Jason Geasling	Aye	Gregory Todaro	Aye	Timothy Pazda	Aye
Wendy Salvati	Aye	Richard Bigler	Aye	Robert Sackett	Aye

MOTION CARRIED.

Comment on the Record: Tim Pazda wanted the following on the record. Per our conversation in the work session, I wish to voice my objection to your wish to end our membership in the Planning Federation. The sessions offered are far more relevant to our local issues but the Town has effectively restricted our participation in these seminars due to travel costs. Keep in mind historically, we participated in the New York State Association of Towns seminar in New York City but we opted to

end that practice due to the exorbitant cost of that seminar. So, we began attending the New York Planning Federation events because they were less expensive. So I would like it on the record that I think it is a foolish decision. Thank you.

Duly noted. Any other comments for the record.

Richard Bigler stated I actually supported the decision and I would like to be on record as such.

A Motion was made to adjourn and it was seconded.

Meeting adjourned at 8:30 p.m.

Carolyn Delgato
Senior Clerk Typist