

Clarence Planning Board Minutes Wednesday February 1, 2006

Work Session (6:30 PM)

- Roll Call
- Minutes
- Sign review
- Update on pending items
- Committee reports
- Zoning reports
- Miscellaneous
- Agenda Items

Agenda Items (7:30 PM)

Patricia Powers, Chairperson, called the meeting to order at 7:30 PM. Councilman Scott Bylewski led the pledge to the flag.

Planning Board Members Present:

Patricia Powers	Wendy Salvati
George Van Nest	Jeff Grenzebach
Phil Sgamma	Gerald Drinkard
Tim Pazda	

Other Town Officials Present:

Councilman Scott Bylewski
James Callahan, Director of Community Development
James Hartz, Asst. Director of Community Development
David Donohue, Town Attorney

Other Interested Parties Present:

Dan & Patti Gamin	Edwin Adamczak
John Griswold	Timothy Ronald
Helen Turyk	Betty Murtaugh
Steve Murtaugh	Gary Wright
Tom Hanifin	Bill Kicman
Sery J. Marasco	Kathy Pirro
John Pirro	Lucy Dickinson
Philip Phoel	Joan Phoel
Frank Teall	Terry Dickinson
Dennis & Linda Costanzo	Marge Chase
Tom Steffan	Gisele Feal
Walter Wells	Dominic & Pat Commisso
Arthur J. Lovell	Dominic Piestrak
Rob Pidanick	Donald Wilson

Patricia Powers explains the procedure of the Planning Board meeting, advising the audience that anyone who has comments will have an opportunity to voice them at a designated time during the meeting.

Item 1

Spaulding Green
Residential Single Family

Requests Preliminary Concept Review for an
open space subdivision design on Goodrich Road.

DISCUSSION:

Jim Callahan provides the history of this project. The property is located on the east side of Goodrich Road, north of Greiner Road and south of Clarence Center Road. Property consists of over 400 acres, zoned Residential Single-Family and a small portion of Agricultural Rural-Residential. The Master Plan identifies the area in a Residential classification. The proposed project was introduced to the Town Board on December 7, 2005 and referred to the Planning Board with a significant number of concerns, one of which the applicants are to prepare an Open Space Design Plan. This represents the introduction of the project to the Planning Board.

Dominic Piestrak is present. Mr. Piestrak questions the Open Space Design that is on display and asks why there is only one plan on display. He submitted another plan would like the Planning Board to consider that as well. He explains that under the direction of the Town Board he was to submit an alternative Open Space Design, the alternative is what is on display. Jim Callahan advises for the purposes of this meeting this was the only plan that could be put on display. Mr. Piestrak has to send the plan electronically to the Planning and Zoning Department in order for it to be displayed. The plan submitted with the 25 percent open space is in the file.

The other plan, which is not on display, involves more Single-Family Residential homes rather than patio homes. Mr. Piestrak made this a part of town were it is appropriate for higher-end Single-Family Residents, will actually increase the tax revenue and still create 30 percent open space.

Wendy Salvati reads the minutes from the Town Board meeting. The minutes indicate that Mr. Piestrak was to submit an alternative Open Space Design plan before being placed on the Planning Board agenda. He has done this and the plan is on display.

Patricia Powers indicates that perhaps there is a miscommunication because the Planning Board understood that they were to review the alternative plan.

Jim Callahan advises that, ultimately, the Town Board would have the decision making to determine whether an Open Space Design goes forward or a Conventional or an Incentive. What the applicant initially presented was an Incentive design that showed 25 percent Open Space and a reduced lot size to 100 feet by 150 feet. The Town Board, as they have with all applicants, asked for an Open Space Design so that we can determine if that is a preferred alternative. It is up to the Planning Board to go through various alternatives and make a determination and a recommendation back to the Town Board. Ultimately the Town Board has the ability to decide which design moves forward.

Patricia Powers asks if the Planning Board could move forward by asking questions and voicing their concerns on the alternative plan and then do the same thing with original plan.

Jim Callahan advises that the Planning Board needs to have the documentation showing the yield is accurate on the alternative plan.

Jim Callahan states the other issue to consider in the Incentive Design is there is no waiver of the lot coverage and setback requirements in the Zoning Law. So those incentive lots become much smaller in terms of the amount of house that can be placed on them.

Mr. Piestrak advises that he held a preliminary scoping session with some of the town residents prior to the moratorium and discussed the possibilities of this piece of land. At that time, the feeling was to preserve trees along Goodrich Road. The original plan that was designed prior to the current zoning ordinances was creating a park area. Mr. Piestrak would like to create walking trails with points of interest such as marshes and wetland preserves, this would be in conjunction with the Town Park. His plan also includes putting in lakes where there is open space rather than a field.

Mr. Piestrak thinks it is important to have higher-end residential lots. He listens to the Town Board talk about the problems with the school system. He expects to build houses that pay their own way and contribute to the tax base for the town as well. He is not adverse to patio homes, but he thinks the market is being saturated with them. He thinks patio homes on 50 feet by 100 feet lots introduce the problem of building homes that may or may not be patio homes. He does not think the town has the capability of telling every builder what he has to build, as far as market. He wants to build homes that are equivalent to what he has built in the town before. The proposed four-plexes would allow Mr. Piestrak to make an affordable area where people currently live in the town, can remain in town and buy a nice house in Florida for retirement and still keep the house here. He is not interested in selling to families that have four or five children. The plan on display is not his number one choice.

Mr. Piestrak thinks the definition of a patio home may differ from person to person. He has been told by Town Board members that a house for \$300,000 “pays its own way” in taxes. The houses that he is currently building in the area are half a million and up. He wants to build an area that both he and the Town are proud of. He thinks by the Town directing everyone to be Open Development, it is creating a market were it is forcing the developers to build what is not in their best interest, nor the Town’s best interest. He prefers not to be a part of this. This is why he considers the plan on display a forced alternative plan that is in no one’s best interest. He does not think anyone is trying to circumvent.

Mr. Piestrak feels bad that he had to spend the money on a plan that he is not pleased with, and he hopes the Planning Board and the Town Board are not pleased with it either.

Gerald Drinkard states that when the plan was created, it was created without a yield or a square footage calculation that is in compliance with the zoning code. It could be said that this is an open development rendering proposed OR this is a traditional development plan and it fits the zoning code, as well. Without the yield and calculations the plans are just pictures. Mr. Piestrak advises he used a reputable firm in town, they know the zoning laws, he trusts that the codes will be double and triple checked. He has a problem with the fundamental idea that he is almost forced to do a project that is against his personal feeling as a business person and what he has traditionally done in the past. It boils down to the smaller lots of 50 feet by 100 feet. Mr. Piestrak wants to know if the Planning Board is going to tell him what type of house to build on that lot. He would say that the Planning Board is not going to tell him what type of house to build on that lot, so that leaves it up to his discretion of what a patio home is. What is the Planning Board’s feeling if he wants to sell a patio home to a family with twenty children? He would assume that the Planning Board can not tell him that

he can not do that. So isn't this a way to do a smaller lot in town? Mr. Piestrak thinks the Open Space is a great concept, he has been 100 percent in favor of it even when he proposed a project eighteen months ago that the Town Board turned down. This is a similar concept. He feels he is getting "short changed" on something that he feels is right. If we are interested in the best thing for the taxpayers in the town and creating the town as a better place, in his opinion, his first alternative is in the best interest of the town.

Patricia Powers states that if it is Mr. Piestrak's pleasure the Planning Board can review the project that was originally presented; Ms. Powers marked it as Incentive.

Mr. Piestrak states that he has been at Town Board meetings where people have said they need walkable parks. What Mr. Piestrak tried to do is use unique features that people within the community could also enjoy. He envisioned a neighborhood park. The original plan had no cul-de-sacs because the Town Board said they are too hard to plow. He looks at the alternative plan and sees six cul-de-sacs. The original plan showed a park that runs through it, primarily with single-family homes. It had a lot of open space, which could be used as the bike path; this would be a continuation of the existing park system. It would be a nature trail. Mr. Piestrak did a project in another town that he would like to pattern this one after; the school intends to use it as an education area with the different type of wetland growth, a truly educational park.

Mr. Piestrak also envisioned, across from Town Hall, a parkway that would be inviting but the houses would not be visible from the street, very much like he's done at Spaulding Lake. At the same time, around the cemetery use an area that had four-plexes and attempt to be affordable as far as a resident. He knows there are people in town that, when they retire, they opt to buy a place in Florida. If these people have to buy a house in Florida for \$400,000 and a house here for \$400,000 it doesn't make sense. He tries to deliver a project that is similar to Swallow Creek, which is just north of this project. At Swallow Creek people have an affordable option.

Mr. Piestrak states that when you flood the market with patio homes, the builders are going to think they are losing their share in the market, they are struggling therefore they reduce their price and change direction because there is a limited amount of buyers. So now you look at a 50 foot by 100 foot lot and, again, get into the definition of patio homes. Mr. Piestrak prefers not to do this.

Timothy Pazda asks Mr. Piestrak who is forcing him to build patio homes? Mr. Piestrak replies, "The Town Board makes the final decision, don't they?" He can look at the plan that is currently in front of the Planning Board and see numerous ways that he can circumvent ways that he thinks is in the best interest of the town, he prefers not to do that. He has put money up and says, in good faith, that he can develop a subdivision that he and the town are proud of. The Town Board will make the final decision and he wonders, "Based on what?" He would rather deal with a person who will talk about the project and obtain an understanding of what he wants to do.

Patricia Powers asks for confirmation that Mr. Piestrak feels strongly that the original plan fits the current Zoning Laws and the Master Plan. Mr. Piestrak advises it does.

Patricia Powers asks if Mr. Piestrak considered the extension of Roll Rd. in either design. This was an item that was brought up at the Town Board level. Mr. Piestrak thought this item had been discounted. In the darker section of the plan is a 28 acre state wetland preserve, he has done whatever he can to avoid it. It would be a shame to run a highway through it. People on Kraus Road probably do not want Roll Road to end in their neighborhood.

Patricia Powers asks if the wetlands have been delineated in both plans. Mr. Piestrak advises they have been.

Gerald Drinkard asks if there was an attempt to preserve the nine-hole golf course on Greiner Road. The Master Plan states clearly about golf courses and that is a perfect area for a golf course. When Mr. Piestrak acquired the land, at one time he said he would give it to the Town for a golf course. He indicates the Town has a feeling that 170 homes are too much. When you build a golf course you spend between ten to fifteen million dollars. As a business person he can not cover his debt when he competes with everyone else to build his share of 170 houses. He expressed this feeling to the Town and was told that is the chance he takes. So he redesigned the subdivision. There is 30 percent open space which is almost enough to do a golf course.

Timothy Pazda asks Mr. Piestrak if he owns or has options on all that is depicted on the plan. Mr. Piestrak does not have an option but has a verbal agreement on the piece in the center with Dr. Griswold. Mr. Piestrak is trading the front part of the land where it touches Goodrich Road to Dr. Griswold for the center piece.

Timothy Pazda states this is one of the first projects since the moratorium has ended. It is incumbent upon the Planning Board to review this project correctly. He asks Mr. Piestrak to understand and bear with the Planning Board as they review the project. Mr. Piestrak advises that he is a "little hard, right now, in understanding anyone's point of view". When the Hollow had sewer problems and the Town did not have money to put a sewer in, he was a part of putting a cross town sewer in that helped to solve the problems. Then the Town called a moratorium and Mr. Piestrak thought that was in bad faith. Now he has been stuck with buying land, having an investment of about ten million dollars. His original plan to create an area that is beneficial to the Town has been ignored. He was forced to spend the money to create this alternate plan by people, in his opinion, who have no conception of development, other than street knowledge and formal knowledge.

Patricia Powers asks Jim Callahan if the four-plexes require a rezoning on either plan. Jim Callahan advises in terms of the current residential zone the minimum lot size is 50 feet by 100 feet, so in terms of the current law four-plexes are not allowed.

Wendy Salvati asks for clarification, she thinks the correct dimensions are 150 feet by 100 feet not 50 feet by 100 feet. Jim Callahan states that on an Open Space Design the minimum lot size is 50 feet by 100 feet. Mr. Piestrak is asking the Planning Board to look at the Incentive plan which would allow a lot size of 100 feet by 150 feet. Wendy Salvati states that the land would need to be rezoned in order to achieve the acceptance of four-plexes.

Frank Teall of 9810 Greiner Road speaks to the Planning Board. Mr. Teall asks if this plan is set in stone. His concern is the road that dumps out on to Greiner Road. Timothy Pazda advises this plan is preliminary.

Councilman Scott Bylewski addresses the Planning Board regarding the extension of Roll Road. One issue that has been discussed is not necessarily having Roll Road run from Goodrich Road to Kraus Road but to have the intersections line-up. Councilman Bylewski understands that there may be engineering difficulties. This was discussed at the Town Board level.

Steve Murtaugh of 5109 Willow Brook addresses the Planning Board. Mr. Murtaugh is a member of the Clarence Conservation Advisory Council, which deals with environmental conservation within the town. He is also the project manager for the Town Arboretum Project, which is located across Goodrich Road just west of the development in question. Mr. Murtaugh is encouraged to hear that the trees along Goodrich Road will be preserved. This area enhances the Arboretum Project. Viewing the Arboretum from the east there are almost three hundred mature trees, two ponds, two foot bridges, four thousand feet of paved eight foot wide paths. The entire green space has been graded. He believes the Arboretum Project and Mr. Piestrak's project can compliment each other. Mr. Murtaugh asks two things of Mr. Piestrak:

1. To preserve the trees on the west side along Goodrich Road.
2. There is one pond on this property that is fed by springs, the springs lie to the east of the Town Hall property. If the springs' flows are disturbed it would be disastrous to the ponds. The springs need to be preserved.

The Arboretum is a very unique experiment. The people of this town are putting over three quarters of a million dollars into this 18 acre project. There have been no other communities uncovered in the country that have put an arboretum in the geographic and population center of a town.

John Pirro of 5290 Goodrich Road speaks to the Planning Board. Mr. Pirro asks if the homes are going to be hooked up to the sewer system. Mr. Piestrak replies, "Yes." Mr. Pirro asks how that will affect Town Hall and the rest of Goodrich Road. Mr. Pirro has been told several times that his area would have curbs and sewer systems installed. Patricia Powers believes that area is part of the Heise-Brookhaven sewer project, so the sewers will be available in this area. Mr. Pirro asks if that includes the Town Hall and Goodrich Road? Phil Sgamma advises it includes the Town Hall and the Library; it does not include Goodrich Road.

Mr. Pirro asks Mr. Piestrak if he lives in Clarence. Mr. Piestrak advises he will be moving the area.

Gary Wright of 5400 Old Goodrich Road speaks to the Planning Board. Mr. Wright has a major problem with the Heise-Brookhaven sewer. It has depleted the sub-surface water, drained his pond, drained the Town Park pond, destabilized the soil where his house is, his house is cracked and his neighbor's house has structural damage as well. This public improvement project has done nothing for the people of this town. Mr. Wright would like to see a stop to all certificates of occupancy, building starts and building permits until the damage is corrected from the Heise-Brookhaven project.

Arthur Lovell of 5276 Mayfield Court speaks to the Planning Board. Mr. Lovell asks if there is going to be an extension of Green Valley Drive. Timothy Pazda asks what the dotted line signifies on the plan. Mr. Piestrak advises it is the church.

Mr. Piestrak looks forward to dealing with the people who are building the Arboretum. The pond on the site plan is only representative. Mr. Piestrak wants to look at open space and dig something that is attractive. He is not interested in knocking down trees. He is perplexed with the idea of continuing Roll Road because the Arboretum and the Town people said the trees were worth saving. If a road is put through it Mr. Piestrak does not think the trees can be saved. He also wonders were the road is going to go. By changing that intersection he feels it will only further complicated the issue. He is willing to talk about it. Mr. Piestrak would like the project to go to the Municipal Review Committee. He guarantees that the sewer problems will be taken care of.

Patricia Powers makes sure that Mr. Piestrak understands that this project will require the re-opening of SEQR on the Heise-Brookhaven project. Mr. Piestrak understands and indicates that early in the proposal when the impact statement was done this area was designated as an area that a supplemental impact statement would have to be done in conjunction with the Heise-Brookhaven sewer. He expressed his concern about being held up for eighteen months to two years on a project where there was an understanding; he feels it was unfair to hold him up.

Mr. Piestrak is confused as to who is going to make the decision on this property beyond the current zoning laws.

Phil Sgamma states that there is no zoning in this area for multiple family. Mr. Piestrak says he will take it out of the proposal. This will hold up the project if Mr. Piestrak insists on keeping it as is. The Planning Board has no authorization to let the project go forward like this. If Mr. Piestrak wants to try for a zoning change that will hold up the project as well. Wendy Salvati clarifies that the Planning Board has no authorization to approve the project as multi-family.

Patricia Powers advises that the project will have be TABLED this evening pending further information. The information that the Planning Board is seeking on Mr. Piestrak’s preferred plan is a complete breakdown as to how Mr. Piestrak arrived at the density, a street grid. A written statement indicating how this project meets the Master Plan with specifics on sewer is also being required.

Wendy Salvati indicates that it appears that there are lots in the 100 foot buffer area, this needs to be addressed.

Patricia Powers advises when this project is referred out for further study by the Municipal Review Committee, the Traffic Safety Advisory and the Fire Advisory it will also be referred to the Conservation Committee for their input. Mr. Piestrak needs to forward the information the Planning Board is requesting as soon as possible so it can be reviewed and the project can be put on the next available Planning Board Agenda.

George Van Nest indicates the Department of Environmental Conservation needs exact concurrence with the wetland delineation; this is what the Planning Board is looking for from Mr. Piestrak. Mr. Piestrak advises the only DEC wetland is the 100 foot buffer along the creek and the large wetland adjacent to the gas line. Mr. Piestrak tries to preserve the wetlands.

ACTION:

Motion by Jeffrey Grenzebach, seconded by Wendy Salvati, to TABLE the project to provide the applicant with time to prepare the information the Planning Board is seeking.

Patricia Powers	AYE	George Van Nest	AYE
Phil Sgamma	AYE	Gerald Drinkard	AYE
Timothy Pazda	AYE	Jeffrey Grenzebach	AYE
Wendy Weber-Salvati	AYE		

MOTION CARRIED.

Item 2

The Shadow Woods
(Formerly The Hamlet)
Residential Single Family

Requests Preliminary Concept Review for an
open space subdivision design at 6460 Goodrich
Road.

DISCUSSION:

Jim Callahan provides the background on the project. The project is located on the west side of Goodrich Road, north of the Pine Breeze subdivision. It consists of approximately fifty-two acres, zoned Residential Single Family. The Master Plan identifies the area as a Residential Classification. The project was introduced to the Town Board on December 7, 2005 and referred to the Planning Board. The project was introduced to the Planning Board on January 11, 2006 and was tabled pending clarification of issues and additional data.

Sean Hopkins, on behalf of the project sponsor, is present and speaks to the Planning Board. He introduces William Schutt, project engineer, and project sponsor representatives Gerry Szymanski, David Chiarolanza and Carmen Cimato, all are present.

Mr. Hopkins advises that the Planning Board Executive Committee has met with him and has provided additional feedback; these meetings were held on January 17, 2006 and January 24, 2006. It was Mr. Hopkins understanding that the project would not be placed on the Planning Board agenda this evening, pending a receipt from the Town Attorney's Office. The reason he is advising the board of this information is because there are some neighbors who have expressed their concern about not being notified. Previously the projects sponsors advised they would make an effort to keep the adjacent property owners notified.

There was a question regarding the density calculations. Mr. Schutt prepared the calculations in October of 2005 and they were submitted with the Request of Action form. Mr. Schutt followed the provisions set forth in section 4.3.b.6 of the Zoning Code. There was a question with respect to the trees and how the vegetation on this project should be treated in terms of the density calculation. The Zoning Code states "mature woodlots" should be subtracted from the developable acreage. Mr. Hopkins retained the services of Donald Wilson of Wilson Environmental Technologies. Mr. Wilson looked at the site and provided the Planning Board Executive Committee with his opinion. The vegetation is less than thirty years old and does not constitute "mature woodlots". The term "mature woodlots" is not defined in either the Zoning Code or the Subdivision Law. When there is an ambiguity to the Zoning Code Regulations preference must be shown to the property owner. Mr. Hopkins submitted a letter requesting the Town's density determination and is currently awaiting a response.

Another question that has been raised is in reference to the proposal of an off-site storm water facility directly north of the project site. Mr. Hopkins advises he has the permission from the property owner to have shared facilities and will provide documentation to the Town Attorney's office whenever the town deems it appropriate for their review. If the project was to have the facility on-site, Mr. Hopkins believes it would be problematic from a neighbor perspective.

William Schutt has done research on downstream sanitary sewer capacity. This property has been within the Clarence Sewer District Two and has paid Clarence District Two taxes and interceptor charges for more than twenty years. The Clarence Sewer District flows were addressed and accounted for in the municipal agreement between the Town of Amherst and the Town of Clarence that was

executed about fourteen years ago. Currently the existing flows are below those projected for the Clarence Two agreement and subsequently there exists downstream sanitary sewer capacity for this project. Phil Sgamma neither disputes nor agrees with this, there is some question on capacity and it is currently being addressed by the Town Board. As a project developer, permission needs to be asked for capacity for Sewer District Two or wherever. Mr. Schutt advises he is well aware of this.

Phil Sgamma wants the applicant to understand that there is a capacity issue and the subject needs to be completely clarified. Mr. Schutt advises that the receiving pipe into Amherst is not currently at capacity.

Patricia Powers advises she has received a letter this evening from Susan Tomassi of 9276 Via Cimato Drive and reads it into the record:

“Dear Planning Board Members,

My name is Susan Tomassi and I live at 9276 Via Cimato Drive. I am unable to attend tonight’s meeting concerning the new subdivision “The Shadow Woods” formally “The Hamlet”. I would hope that there would be some positive feedback from this community about the new development. I want to let this Planning Board know that I am very thankful for the development that I live in now and look forward to letting more people move into this town. I am really happy that the developer has decided to leave a barrier between the old development and the new one. They seem to be working with the people to make everyone happy. I hope that as a community we can all work together and open the door to others that wish to move into future developments. Thank you for taking the time to read this and hopefully consider the things that I have said. Thank You, Susan Tomassi”

Patricia Powers advises if the formal opinion on the off-site detention says that this is proper and can move forward it would require a permanent easement. It would also require that the pond be determined as large enough to hold it. Ms. Powers is not sure if an independent engineer or the town engineer would handle this. Mr. Hopkins advises he can clarify who would handle this situation. Mr. Schutt’s firm is a New York State licensed engineering firm. They would prepare a drainage report that would take into account the existing condition and the flows from the development of the project site. The report would be submitted to the Town’s Engineering Department for review.

Mr. Schutt points out that the calculations must be formulated in accordance with the guidelines issued by the Department of Environmental Conservation. This report will be forwarded to the Planning Board as soon as it is complete.

Phil Sgamma asks if the Town’s Conservation Committee is looking into the definition of “mature woodlands”. Patricia Powers advises they are doing more than that. Two members of the Conservation Committee walked the land, took photographs and did a narrative, which is not transcribed yet. The Planning Board will be happy to share this information with the applicant. Peter Wolfe, Chairperson of the Conservation Committee, was one of the members involved. The other member involved was Todd Norris, who has a Forestry Degree from Clarkson University. Mr. Norris provided a list of trees that he found at the project site.

Mr. Hopkins asks if the site investigation was specifically that portion of the site or was the entire site investigated. Wendy Salvati understands that they specifically walked the portion of the site that has been discussed. Mr. Hopkins asks for a copy of the report from the Conservation Committee, Patricia Powers advises a report will be forwarded to him.

Patricia Powers explains that there is a discrepancy between the numbers of lots that the applicant said should be there, which is eighty-seven and some preliminary work by the Planning Board. One of the calculations that may have not been included in the applicant's calculations is the 100 foot green space between the wetlands and the rear property line. If this is the case it would alter the calculations.

Mr. Hopkins indicates the definition in the Zoning Code says to subtract wetlands not the buffer area. Wendy Salvati advises it is the understanding of the Planning Board that the buffer area would be considered unusable or unbuildable land as defined by the Department of Environmental Conservation. Mr. Hopkins and Mr. Schutt advise that is not necessarily correct. You can have lots extend in to this area. This plan has been shared with the Department of Environmental Conservation and they prefer that the building itself does not protrude into that area, but the rear of the lots certainly can.

Patricia Powers speaks to the density issue and states that the calculation she has is thirty-nine. The Planning Board needs to see a street grid of how the applicant arrived at the density presented. Mr. Hopkins advises he will stand by his calculations and requests something in writing explaining the comments. George Van Nest advises this request can be met once the Planning Board receives all the information. Mr. Hopkins asks what further information is needed. George Van Nest advises that a Department of Environmental Conservation approval of wetland delineations to show exactly where the state designated wetlands are and where the one hundred foot buffer would fall. Mr. Hopkins and Mr. Schutt advise they have this information. The Planning Board will review this document.

Gerald Drinkard asks if the calculations include the literal square footage of the wetlands. Mr. Hopkins replies, "Yes."

Wendy Salvati states that the Planning Board is awaiting further information from the Conservation Committee and will provide the applicant with the findings in terms of the density calculations.

Patricia Powers advises when this project is referred to the Municipal Review Committee, Traffic Safety and Fire Advisory it will be referred with a specific number of lots. Based on the preliminary information provided by the Conservation Committee, the Planning Board would ask the applicant to consider a redesign of the project to help maintain the succession of the woodlots. The applicant has identified the woodlot section of the property.

Mr. Schutt advises that the final determination, with respect to the storm water detention, has a great effect on the plan.

Patricia Powers asks which direction does the applicant plan to have the lots drain; will they drain towards the south or more towards the center? Mr. Schutt advises there is a natural ridge that runs across the property. Patricia Powers asks if the people on Pinyon Court will have a drainage problem. Mr. Schutt advises, "No, the land falls away from them."

ACTION:

Motion by Gerald Drinkard, seconded by Timothy Pazda, to TABLE the project to allow the applicant time to reconsider the information presented this evening and to afford the Planning Board time to provide the information they promised to the applicant.

Patricia Powers	AYE	George Van Nest	AYE
Phil Sgamma	AYE	Gerald Drinkard	AYE
Timothy Pazda	AYE	Jeffrey Grenzebach	AYE
Wendy Weber-Salvati	AYE		

MOTION CARRIED.

Item 3

Cimato Enterprises
Residential Single Family

Requests Preliminary Concept Review for an open space subdivision design at Greiner and Shimerville.

DISCUSSION:

Jim Callahan provides the background on the project. The project is located on the north side of Greiner Road, south side of Roll Road between Shimerville and Thompson Roads. It consists of approximately 120 acres, zoned Residential Single-Family. The Master Plan identifies the area in a Residential classification. The project was introduced to the Town Board on December 7, 2005 and referred to the Planning Board. This represents the introduction of the project to the Planning Board.

Timothy Pazda advises that, in the form of a disclosure, he will be recusing himself from any discussion and voting regarding this agenda item due to the fact that the project abuts Mr. Pazda's property. Patricia Powers states that Mr. Pazda has filed his transactional disclosure with the Town Clerk's office.

Sean Hopkins is present and speaks to the Planning Board on behalf of the project sponsor, Anthony Cimato. Rob Pidanick from Greenman-Pederson Inc., representing the project engineer for the petitioner, is also present.

Mr. Hopkins advises that the Open Space Design is preferred over the Incentive Design. The plan currently shows 166 lots, 67 of them will be patio homes with minimum lot size of 50 feet by 100 feet, as well as 99 typical residential lots. Fifty percent or sixty acres of this lot would be preserved as permanent open space. Suitable buffers are provided for adjoining neighbors. The wetland delineation has been prepared for this project site in connection with the Heise-Brookhaven sewage project. The proposal is for an impact of less than one half of an acre. The only impact that is proposed is for the extension of the roadway. This project was envisioned as part of the Heise-Brookhaven Sewage Works Corporation. The project sponsor has enough taps to access the existing sewer system. The sponsor is indicating he would like to use a portion of his allocated taps. Mr. Hopkins realizes documentation is required to support this as he moves forward with the project.

Although development of this type was envisioned conceptually in the Environmental Impact Statement that was previously prepared by the Town of Clarence in connection with the project, the end of that environmental review resulted in a finding statement. The finding statement set forth various thresholds for future environmental review. A decision that the Town of Clarence will need to make is whether or not to issue a positive declaration and require the preparation of a supplemental impact statement.

There are various roadway connections shown on the plan including Country Club Drive, Roll Road and Greiner Road.

Mr. Hopkins indicates that the plans have not yet been shared with adjoining property owners but he will make the effort to reach out to those property owners.

Rob Pidanick will provide a narrative to support the density calculations. A letter will also be provided indicating the reasons the project is in accordance with the Zoning Code and the Master Plan 2015.

Gerald Drinkard indicates he would like to see walking connectivity between the cul-de-sacs. Wendy Salvati reads from the Subdivision Law Article IV section I-Streets, item h.: Cul-de-sac streets shall not be created to provide access to residential lots except in situations where, in the view of the Town Board, and with review and recommendation from the Planning Board, a through street cannot reasonably be provided due to the physical characteristics of the subdivision parcel and adjoining properties. Where a cul-de-sac street is authorized, either as a permanent dead-end street or as a temporary dead-end street pending completion of a through road network, not more than twelve single-family residential lots may gain access from either the initial development or extension of such cul-de-sac street.

Rob Pidanick indicates the cul-de-sacs on the proposal are to be private roads. Wendy Salvati does not think the code specifies whether the roads be public or private. The code indicates they would not be created unless you could not reasonably avoid them due to the characteristics of the property. Mr. Pidanick advises he will look into this issue.

David Donohue indicates that the applicant is taking the fifty percent very literally without taking any exclusions into consideration. Rob Pidanick advises the exclusions have been taken into consideration as set forth by the code and he will forward the calculations to the Planning Board.

Wendy Salvati advises there is a substantial amount of woodlands and questions if it should be considered mature woodlands. Mr. Hopkins advises it will have to be evaluated.

Rob Pidanick advises the road layout follows the layout of the sewer. The road will be within the width that has previously been cleared. It is the lots that may cut into the woodlands.

Phil Sgamma asks if the stream is a Department of Environmental Conservation stream or a drainage area. The stream is a branch of Gott Creek and the applicant has no further information on it at this time. Mr. Hopkins will look into this issue and advise the Planning Board.

George Van Nest asks when the wetland delineation was done. Mr. Hopkins advises the wetlands delineation was done in connection with the sewer project; the jurisdictional determination is approximately three to three and a half years old. The entire site was delineated. Mr. Hopkins will review the report and will forward his findings to the Town.

Walter Wells of 5483 Shimerville Road speaks to the Planning Board. He questions the density of housing that is proposed. Mr. Wells moved to the area in 1994 and since then the community has changed enormously. The air quality has changed; the builders knock down every tree in sight, as far as he knows they don't have to replace them. There have been numerous accidents at the corner of Shimerville Road and Roll Road because of the increased density of the population. This project is going to make it worse. He use to live in the city and moved because he did not like it, this proposal is for a city-type project.

Paul Santa Maria, a concerned Shadyside resident speaks to the Planning Board. Mr. Santa Maria voices his concerns:

1. What are the prices of the lots? Will the owners be willing to pay the same type of taxes that the current residents pay? The residents of Shadyside have been grouped into the same tax group as Spaulding Lake and Mr. Santa Maria is quite concerned.
2. Are sewers going to be eminent?
3. People move to Clarence NOT to live in a subdivision, but to live in a community that has respect, openness and the feeling of a nice small town.
4. He feels this project is an injustice to the Town of Clarence.
5. A representative from the project should talk to the Shadyside Committee.

Pat Powers advises since this is the first time this project is before the Planning Board it will probably be tabled this evening to allow the applicants time to provide the information requested. Ultimately, a project like this will be referred by the Planning Board to the Municipal Review Committee, Traffic Safety, Fire Advisory and Conservation Advisory Committees. Each one of these committees is responsible for a specific area. Nothing will happen on this project until the Planning Board receives the reports back from these committees.

Paul Santa Maria voices another concern which is the value of existing property. He appreciates the communication.

Phil Sgamma advises that all the committees that Patricia Powers previously mentioned have meetings that are open to the public.

Kay Adamczak of 5255 Shimerville Road speaks to the Planning Board. Voices her concern regarding this project having the potential to impact the current infrastructure that appear to be inadequate to handle current traffic patterns, let alone traffic patterns from 160 homes. Shimerville Road recently became a four-way stop; there have been numerous accidents on the corner. Because of the configurations of the properties there, any lining of the roads on Greiner Road and Shimerville Road will have a direct impact on the property owners on those corners. Ms. Adamczak would like assurance that this project will be in compliance with the Zoning Law and the Master Plan. Ms. Adamczak advises the neighbors want to be included in discussions and received current updated information regarding the project.

Linda Jenkin Costanzo of Brookfield Lane speaks to the Planning Board. Ms. Costanzo is a member of the Conservation Advisory Council. Ms. Costanzo asks if there are any plans for bike trails and hiking trails in this development. The proposed plan is not that far, yet, but is something the Planning Board always asks. Ms. Costanzo asks if there is any commercial land that will be in the development on Greiner Road. The applicant replies, "No." Ms. Costanzo is also concerned with the traffic. If this plan is going to fit in with the design of the Town there should be more green space along Greiner Road and near the Shimerville Road area.

Ms. Costanzo refers to the new houses being built right next to the historic barn. Rob Pidanic advises there is sixty acres of green space. Ms. Costanzo wants to know if there have been any soil tests done on the land. She also wants to know who will oversee this project. The sewers will be hooked up to the Heise-Brookhaven sewers. Ms. Costanzo wants to know if Sean Hopkins put the Heise-Brookhaven sewers in.

Daniel Gamin of 5287 Shadyside Drive speaks to the Planning Board. His concerns are as follows:

1. Volume of cars. There could be two to three cars per household making a total of approximately 480 additional vehicles in the area. Are the roads able to handle the additional cars? If not, what will be done to improve the roads?
2. Do our schools have the capacity to handle the additional children that will reside in this development? If not, what will be done?
3. Directly south of the site is an historic barn and outbuildings that date back to 1830. These buildings should be preserved. It appears there is a row of lots on the southern part of the subdivision that goes right up to where the barn is located. Mr. Gamin feels those lots should be removed from the plan and those lots should be open space. Are the new people going to want to look at a barn in their back yard? Or will they eventually destroy the barn?
4. Removal of trees and topsoil. To remove the trees and strip the topsoil from the entire site is unnecessary. There should be a provision made that the only topsoil to be removed should be the topsoil for the house, garage, driveways and sidewalks.
5. A couple of years ago the owner of the site was in front of the Town Board for a building permit. The Town Board asked him if he was planning on putting a roadway into Greiner Road. He stated, "No." The Town Board also asked if he was going to build more houses on this site. He answered, "No."

Mr. Gamin wants to be informed of every meeting regarding this project.

Steve Murtaugh of 5109 Willowbrook Drive speaks to the Planning Board. Mr. Murtaugh advises that the Department of Environmental Conservation has declared Gott Creek a Trout Stream. The original bridge design did not provide enough light or water circulation and had to be redesigned. This will need to be taken into consideration with this plan as well.

Mr. Murtaugh asks if there is a private road, will the Post Office deliver there? If this is true there would be 166 mailboxes that would need to be put somewhere and they could not be lined up on Greiner, Shimerville and Roll Roads. He also understands that the school buses will not go down a private road, where will all the children line up to wait for the bus? Mr. Murtaugh asks for confirmation on his questions regarding private roads.

Gisele Feal of 5483 Shimerville speaks to the Planning Board. Ms. Feal is not opposed to development but the size of this project scares her. She would like to see the barn at the site not only preserved but restored. The residents of Shimerville are still waiting for a sidewalk and a sewer system. In the summertime her property is infested with mosquitoes, she is concerned about the health of the people living around her. Ms. Feal is also concerned for the wildlife. If the traffic is intensified in the area there will be more wildlife accidents. She would also like to be kept informed of the progress of the project.

Ismet Hallac speaks to the Planning Board. He owns the barn that has been previously discussed and he assures everyone that as long as he lives the barn is not going anywhere. There is not another barn like it in the state of New York. Two years ago the roof was replaced. Clarence is a big town and to put tiny lots in a big town, it just does not fit. The area where the stream is should be left alone, when there is a lot of rain the stream overflows. There would be problems if a house was built

on this area. The other concern is crowding the barn with houses when you have so much other space. It is not proper to destroy something that belongs to the whole area.

Joe Myers of Roll Road speaks to the Planning Board. He refers to the Waterford development and states no one realizes the full impact of this development. Mr. Myers suggests "holding off" on this project to see what happens with Waterford, and then move forward.

Arnold Posner of Willow Brook Drive speaks to the Planning Board. Mr. Posner asks that in future meetings a wider area be shown on the site plans displayed.

Tom Steffan of 5127 Willow Brook West speaks to the Planning Board. Mr. Steffan expresses his concern for the impact this project will have on traffic and hopes that a good traffic study will be performed. He is also concerned for the safety of the bicyclists and the walkers on Greiner Road. Mr. Steffan states it is a very important tradition to preserve the barn as well.

Councilman Scott Bylewski speaks to the Planning Board. Besides the preservation of the town's rural character and the open space that is trying to be obtained as a result of the Master Plan 2015 and the Subdivision Law, he asks that the Planning Board consider the four following items, all from the Subdivision Law:

1. Article IV section 1.a.1. refers to any tree that is removed that is six inches in diameter above breast height, they should be replaced at a ratio of two to one.
2. Article IV section I.m. refers to adequate plan consideration and provision for pedestrian and/or bicyclists shall be made.
3. Article IV section G.2.b. states that the minimum 8 inches of topsoil must remain for portions of the site not covered by structures, sidewalks, parking areas, roadways or driveways.
4. Traffic is a big concern for Councilman Bylewski at this intersection as he was involved in a car accident at the corner of Shimerville and Griener Road this past fall. He asks the Planning Board consider the traffic implications at this intersection as well.

Gary Wright of 5400 Old Goodrich Road speaks to the Planning Board. The Heise-Brookhaven sewer runs through this project. There will be several houses built on top of it. The soil has been destabilized. The destabilized soil is likely to extend at least two miles from where the sewer is. He does not believe building permits should be issued for any project in this area. The problems from Heise-Brookhaven should be corrected before more building permits are issued. The Town needs to develop an adequate traffic plan.

Sean Hopkins states that the existing sewer line was installed by Heise-Brookhaven Sewage Works Corporation. This project is being proposed by Mr. Cimato, who did have a role in the sewer project along with the Town of Clarence and a wide assortment of governmental agencies.

Sean Hopkins advises the applicant has no control over the barn in question; it is actually located off the project site. The barn is an impact that this project will take into consideration as they move forward.

Regarding traffic, Mr. Hopkins advises this project will be subject to an Environmental Review, pursuant to the State Environmental Quality Review Act. He is confident that traffic will be addressed and will provide it to the Planning Board.

In terms of recreational issues, this will be discussed with the Planning Board and the other appropriate committees as the project moves forward.

Patricia Powers indicates that the applicant has agreed to provide a written statement as to how this project fits the Master Plan with specific reference to the sanitary sewers. The applicant will also provide the Planning Board with a street grid, this is a breakdown of the calculations, and how the yield was determined. Eventually a tree survey will be required. The Planning Board may want to explore if the delineation should be updated. Mr. Hopkins will provide the jurisdictional determination of the wetlands.

Patricia Powers advises when the applicant is referred to the Municipal Review Committee, Traffic Safety and Fire Advisory Committees, the project will also be referred to the Conservation Committee.

ACTION:

Motion by Gerald Drinkard, seconded by Phil Sgamma, to TABLE the project to allow the applicant time to provide the information the Planning Board has asked for.

ON THE QUESTION:

Wendy Salvati states that she knows Mr. Cimato viewed the video on Conservation Subdivision presented by the Planning Board and indicated that he would like to be able to do things accordingly. Wendy Salvati is pleased that Mr. Cimato has chosen to pursue this.

David Donohue asks for further explanation on the proposed private roads. Mr. Hopkins advises the only private roads proposed would be the four courts on the plan. David Donohue does not think that will be a problem for the busing and the postal delivery. Wendy Salvati asks if what Mr. Murtaugh was asking is correct. Mr. Hopkins advises there are certain school districts that will not travel down cul-de-sacs, he is not aware of any instances in which mail services are a problem. Phil Sgamma advises there are such situations, he lives on one.

Patricia Powers	AYE	George Van Nest	AYE
Phil Sgamma	AYE	Gerald Drinkard	AYE
Timothy Pazda	RECUSE	Jeffrey Grenzebach	AYE
Wendy Weber-Salvati	AYE		

MOTION CARRIED.

Patricia Powers asks what the best way to notify the adjoining neighbors is. Jim Callahan advises the best way to ensure notification is to keep in touch with the Planning and Zoning Office. Under Town Policy notification is sent for the first Planning Board meeting that the project is on. If there is a significant gap between the first and second meetings another notification may be sent.

Meeting adjourned 9:50 p.m.

Patricia Powers, Chairperson