

Clarence Planning Board Minutes

Wednesday, July 19, 2006

Work Session (6:30 PM)

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

Agenda Items (7:30 PM)

Item 1

John Kausner
Agricultural Rural-Residential

Requests Preliminary Concept Plan Review for a 3-lot Open Development Area at 4180 Ransom Road.

Item 2

Cesare Banach
Residential Single-Family

Requests Development Plan Review for a proposed office building/warehouse at 8500 Roll Road.

Item 3

Woodside Drive Ext./Greenman Pedersen
Residential Single-Family

Requests Preliminary Concept Plan Review for the extension of Woodside Drive.

Item 4

Steven and Joyce Bakowski Mini-Storage
Industrial Business Park

Requests Preliminary Concept Plan Review for the construction of a mini-storage facility on County Road, west of Goodrich Road.

Item 5

Dr. Bloom
Commercial

Requests Preliminary Concept Plan Review for a second office building at 9095 Main Street.

Item 6

Spaulding Green
Residential Single-Family

Requests Preliminary Concept Plan Review on a major subdivision design approximately 350 acres east of Goodrich Road.

Patricia Powers, Chairperson, called the meeting to order at 7:35 PM. Deputy Supervisor Anne Case led the pledge to the flag.

Planning Board Members Present:

Patricia Powers
Richard Bigler
Philip Sgamma
Timothy Pazda

Wendy Salvati
Jeffrey Grenzebach
Gerald Drinkard

Planning Board Members Absent:

George Van Nest

Other Town Officials Present:

James Hartz, Asst. Director of Community Development
Deputy Supervisor, Anne Case

Other Interested Parties Present:

Faye Jondle
John Lindemann
Bill Pfennig
Steve Bakowski
Don Swanson
Garret Meal
Gene Rogacki
Cesare Banach
Jamie L. Popp
Steven Kirk
Leanne Johnston
Leonard Deni
Akos Seres

Steve Murtaugh
Laura Pfennig
Joyce Bakowski
Jim Mahoney
Carol Minnick
Michael Metzger
Rob Pidanic
Debra L. Popp
John Jondle
William Tuyn
John Garas
Richard Hoekstra
Dominic Piestrak

Due to the absence of a Planning Board member, Richard Bigler will be participating in all discussions and voting on all agenda items.

Item 1

John Kausner
Agricultural Rural-Residential

Requests Preliminary Concept Plan Review for a
3-lot Open Development Area at 4180 Ransom
Road.

DISCUSSION:

Jim Hartz provides the history of the project. The project was referred to the Planning Board in January 2005; it was a 4-lot Open Development. At that time there was a question as to whether all lots needed to be a minimum of two (2) acres. There were also driveway separation issues. The applicant has since submitted a 3-lot Open Development plan. The acreage is located at the end of Jones Road and is zoned Agricultural Rural-Residential. The current site plan includes a 36' private right-of-way; there is one existing lot with a home and two (2) proposed lots to the rear of the property.

Michael Metzger, of Metzger Civil Engineering, is representing the applicant. Mr. Metzger expands on the history of the project. The original plan was for a 3-lot Open Development Area with a frontage lot of one and a half acres. The Planning Board referred the project to the Town Attorney to determine whether it should be classified as a 3-lot Open Development with a frontage lot or a 4-lot Open Development. The property is only one-quarter of an acre short for a 4-lot Open Development Area; the minimum lot size requirement for an Open Development Area is two (2) acres. Mr. Kausner made an attempt to acquire additional land to meet the requirement. Mr. Kausner decided to scale his request back to a 3-lot Open Development Area to comply with the requirements. All lots are now in excess of two (2) acres. The driveway has also been moved south and closer to the existing home. Rather than have the proposed driveway cut into the lot, once the driveway is past the existing home it swoops down. The neighbor to the south has a long deep lot that is undeveloped. The existing barn is in poor condition and Mr. Kausner is going to take it down.

Wendy Salvati points out that the site is heavily wooded and asks if Mr. Kausner intends to preserve as many of the trees as possible. Mr. Metzger said that Mr. Kausner is very interested in maintaining the trees. There are a couple openings in the wooded area and Mr. Kausner's intent is to place the homes in the open areas.

Patricia Powers explains that, at the appropriate time, the Planning Board will be looking for the checklist for Concept Approval and Development Plan Approval.

Mr. Metzger confirms that there are no Federal or State Wetlands on this parcel per the wetland biologist that was on site. He also confirms that the driveway has been moved farther south, has a 36' right-of-way and includes an 8' shoulder.

Patricia Powers explains that the Assessor's office said that the private drive must be named. She asks if Mr. Kausner is planning on having a Homeowner's Association. Mr. Metzger advises there will be the typical arrangements/agreements that follow along with the Open Development. This agreement will have to be reviewed by the Town Attorney's office prior to the project being placed on the Town Board agenda if the project moves forward. This would be at the Development Plan stage.

Tim Pazda asks for clarification on the driveway. Mr. Metzger refers to the concept plan and advises there is an easement that goes right to the south property line. Once the 26' wide common easement disappears and it is just the driveway for the back lot, that driveway is a standard size, which is 12' wide, therefore, it will be 7' from the property line. At this point the driveway is a single driveway for a single home. There is also a turn around shown on the plan, this is a requirement.

Tim Pazda voices his concern regarding the design of the driveway. Mr. Metzger explains that it is designed this way in order to preserve the integrity of the lot as opposed to splitting it.

Gerald Drinkard asks where the fire hydrants will be placed. Mr. Metzger indicates a hydrant could be placed on the second lot in the turn around area.

John Lindemann, of 4200 Ransom Road, wonders if a 45' minimum setback to the edge of the driveway now applies. If this does apply, Mr. Metzger said there is no problem complying with the requirement. Mr. Lindemann asks if the separation between the existing driveway to the south and the proposed driveway is 100'. Mr. Metzger advises, "Yes, it is."

Under the Open Development Area requirements, Article V (2) (C), there is a minimum setback of 45' from the existing home to the private drive. Mr. Metzger advises there is no problem complying with this requirement.

Mr. Lindemann explains that there is no sewer down Ransom Road so a septic system would have to be installed, thus additional trees would have to come down. Wendy Salvati indicates there is a lot of clear area on lot two (2), the back lot has some clear area as well, so when a septic system is installed it should not create the clearing of too many more trees. A sand filter is proposed and this type of system takes up less space.

Mr. Lindemann voices his concern with the drainage problem he has during the Spring and Fall seasons. There is serious "ponding" in the backyard adjacent to the property. He wonders if the development of this area will increase the "ponding". Patricia Powers advises that if the project moves forward a drainage plan would have to be approved by the Town Engineer's Department. The applicant can not displace water onto neighboring properties; he has to be able to take care of the water that is on their property.

Mr. Lindemann wonders why the character of Ransom Road is being ruined for the development of two (2) houses. If this project is approved he would like a tree buffer along his property line. Wendy Salvati advises Mr. Lindemann that he might not see the houses if they are put in the clear area, the trees will help block his view as well.

Laura Pfennig, owner of the property to the south, her house sits on the driveway which is eighteen feet (18') from the property line. Mrs. Pfennig advises there has been no survey done so she questions the accuracy of the plan on display. The trees previously mentioned that would act as a buffer are tall pine trees and are "trunked", the first branch of the tree starts at 15'-20' high, so the view of a house will not be buffered. Mrs. Pfennig said if a road is put next to her property, regardless of addressing and solving any drainage issues, the water will shed on to her property. Patricia Powers explains that Mr. Kausner has the right to develop the property. Mrs. Pfennig said he does not have the right to develop the property because he does not own it. She is against the project. Mrs. Pfennig wonders where the snow will go; it appears that the only place for the snow to go when plowed is on to her property.

Mrs. Pfennig called the Erie County Water Authority regarding the water pressure issue. She was advised that the pumps are turned down during the night time hours and are not fully turned on in the morning because that could cause a main line to break. She asked if this schedule could be changed and was advised it could not.

Mrs. Pfennig advises that the trees that will have to come down for the first section of the driveway are 4.5'- 5' wide. She also indicates that there was an underground gas tank along the south side of the existing driveway and wonders if it has been removed. She would like Mr. Kausner to clean up the mess and then walk away.

Phil Sgamma asks Mike Metzger if he thinks the applicant will walk away from the project due to the concerns of the neighbors. Mr. Metzger does not believe Mr. Kausner will walk away because Mr. Kausner wants to build his own home on the back lot. Mr. Metzger assures the Planning Board that he will work with the Town Engineer to address the drainage issues; Mr. Kausner has offered to build a pond on his property to help detain water if it will benefit the neighbors. However, if a pond is

put in it will come at the cost of removing some trees. Mr. Metzger said it is an absolute must to address the drainage problems and keep the water on site. There is a boundary survey available.

Wendy Salvati suggests, if there are significant trees along the property line, moving the driveway slightly north. This would save the trees and act as a buffer, as well.

There has been no preliminary Engineering Report at this point. Mr. Metzger advises there will be a drainage system put in to collect the water and make sure it does not cross the property line.

ACTION:

Motion by Patricia Powers, seconded by Wendy Salvati, to **refer** the project to the TEQR Committee, the Traffic Advisory Board and the Fire Advisory Board for further study.

ON THE QUESTION:

Phil Sgamma suggests encouraging the TEQR Committee to closely review the drainage issue. Patricia Powers said the Committee should also look into the possibility of an underground gas tank and the removal of the barn.

William Pfennig, of 4170 Ransom Road, advises there used to be a drainage ditch along the south property line, however the neighbors closed it up years ago, this was the only way for the land to drain. There are many dead trees on lot 1, near the south property line.

Mr. Lindemann asks if the barn is coming down why the driveway can't be moved north. Wendy Salvati reminds Mr. Lindemann of the previous response; the applicant did not want to split the property by designing the driveway in such a way.

Richard Bigler	Aye	Phil Sgamma	Aye
Tim Pazda	Aye	Jeff Grenzebach	Aye
Gerald Drinkard	Aye	Wendy Salvati	Aye
Patricia Powers	Aye		

MOTION CARRIED.

Item 2

Cesare Banach
Residential Single-Family

Requests Development Plan Review for a proposed office building/warehouse at 8500 Roll Road.

DISCUSSION:

Jim Hartz provides the history on the project. The project received Planning Board Concept Approval on March 15, 2006. The applicant also received a use variance from the Zoning Board of Appeals on May 10, 2005; this allows Mr. Banach to expand the Commercial use of the property in the Residential Single-Family Zone. The Town Board issued a Negative Declaration on March 8, 2006. The plan has been revised showing the office building towards the front of the property and the warehouse to the back.

Garret Meal, of Urban Engineers, advises he has addressed the requests of the Planning Board. He has met with the Landscape Committee, addressed the Engineers comments and addressed the Fire Advisory Board's comments.

It is confirmed that the size of the warehouse is 16,685 square feet. Mr. Meal explains the size of the warehouse was reduced to accommodate the site; parking was getting tight and there were drainage issues.

The Executive Planning Board Committee met with Mr. Theilman and discussed the decrease in the size of the warehouse building. With this decrease, nine (9) parking spaces on the eastern portion of the property can be eliminated and the area should remain a grass area. There is no need to landscape this area; it can be "banked" for future parking.

Patricia Powers refers to the Assessor's comment which indicates the address will not be 8500 unless the new building goes in the same location. The Assessor questions if the two (2) buildings are for the same use or do they need two (2) addresses? The applicant will need to clarify this with Mr. Folger of the Assessor's Office.

Tim Pazda asks about the emergency road. Mr. Meal explains that the hydrant in front of the building is located near the intersection of Harris Hill Road in order to accommodate fire protection of the rear building. This is temporary and will be removed in the event of the extension of Harris Hill Road. The applicant is looking at having the back building sprinklered.

Wendy Salvati suggests eliminating four (4) parking spaces; the four (4) spaces that are exactly perpendicular to another parking space.

Tim Pazda confirms that the applicant has provided for a stub road and the intention is to hook up to the proposed Harris Hill Road extension.

ACTION:

Motion by Jeff Grenzebach, seconded by Tim Pazda, to **recommend** Development Plan Approval subject to the following conditions:

- the Town Engineer's letter of July 14, 2006.
- the approved Landscape Plan.
- the address issue to be resolved with the Assessor's Office.
- the required laterals to be installed in such a way as to facilitate hook up to sewers in the future.
- provide a future connection to the parking area shown on the plan so it can be connected to any future extension of Harris Hill Road.
- meet the requirements of the Fire Advisory Board as follows:
 1. All 2-way driveways must be a minimum of 24' wide to accommodate the required fire apparatus (Fire Code 503.2.2).
 2. A waterline and hydrant system capable of providing adequate fire protection will be required on the site (Fire Code 508).
- the warehouse building has been reduced to 16, 685 square feet.
- the 12' unpaved road for fire emergencies is temporary.
- Commercial Open Space fees.

- installation of a Knox Box on both buildings.
- the elimination of the four (4) parking spaces that are perpendicular; located near the gateway of the rear building.

Richard Bigler	Aye	Phil Sgamma	Aye
Tim Pazda	Aye	Jeff Grenzebach	Aye
Gerald Drinkard	Aye	Wendy Salvati	Aye
Patricia Powers	Aye		

MOTION CARRIED.

Item 3

Woodside Drive Ext./Greenman Pedersen
Residential Single-Family

Requests Preliminary Concept Plan Review for
the extension of Woodside Drive.

DISCUSSION:

Jim Hartz provides the history on the project. The Town Board referred the project to the Planning Board on January 28, 2006 with the caveat that the Planning Board look at tree preservation.

Rob Pidanick, of Greenman Pedersen Inc., Leonard Deni, petitioner, John Garas and Leanne Johnston are present. Mr. Pidanick explains that the petitioner wants to develop fourteen (14) individual single family homes on approximately twenty-five (25) acres. The density of the proposed subdivision is minimal. The lots are unsewered and in excess of an acre. Due to the size of the lots many trees will be saved. Individual septic systems are proposed. The project sponsor is proposing to build his own home on lot #7.

Mr. Pidanick addresses the SEQR segmentation issue. The property is owned by Frank Deni, his son Leonard Deni is currently under contract to purchase twenty-five (25) acres to develop the subdivision as presented. It is possible that the wetland delineation will affect the lay out of the plan.

Mr. Pidanick explains the proposal is for a public road extension. There is a stub road in the proposal in case any future development occurs in that area, a connection would be available. Mr. Pidanick will submit a plan that will clarify the surrounding area.

Wendy Salvati questions why lots one (1) and two (2) are not as deep as lot three (3). Mr. Pidanick advises he will change the plan to reflect the extension of the two (2) lots so they are even with lot number three (#3).

There are no further plans for the stub road. Gerald Drinkard refers to page 23 of the Subdivision Code which indicates that no more than twelve (12) single family lots can be developed on a cul-de-sac. With more than twelve (12) lots, the Planning Board can not look at the proposal.

Gerald Drinkard questions the individual sewage disposal. Mr. Drinkard refers to page 19 of the Subdivision Code which indicates individual sewage disposal systems are on-lot systems, which means that the sewage is disposed of on the lot. Individual sewage disposal systems shall not be used in any development which has more than four (4) lots of less than five (5) acres in size. The Town Attorney is currently reviewing the interpretation of that section of the Subdivision Law.

Tim Pazda asks for clarification regarding the starting point for counting the lots, he asks if the counting starts from the initial development or from the extension. Gerald Drinkard explains that the stub is not a street; therefore, the cul-de-sac begins at Shimerville. The attorney for the project asks if the proposal was for a private road would this issue “go away?” Wendy Salvati refers to the definition of a street and explains it does not specify public or private. She suggests asking the Town Attorney for clarification on this part of the Subdivision Law.

Mr. Deni suggests, if it will help the situation, instead of a stub street, an emergency road be put in. Wendy Salvati points out that the issue is not the stub road; the issue is the code reads that the number of lots on a cul-de-sac can not exceed twelve (12). There are two (2) more lots than the code will allow.

Patricia Powers refers to the Town Highway Supervisor’s comments of June 28, 2006 which indicate that he has an adequate turn around now. He is not opposed to an extension with a cul-de-sac. It must be built to current road specs, drainage, curbs, etc.

Patricia Powers reads the comments from the Town Assessor’s Office of January 9, 2006:
“I am presuming that the ditch that goes through #3, 9 & 10 is critical, if so, should it be put on property lines? Would like to see the entire layout. Name the street and the stub.”

Patricia Powers advises the applicant that the Concept Approval and Development Plan Approval Checklist will be required as the project moves forward. The issue regarding a public or private street will be at the discretion of the Town Board. Mr. Pidanick explains that the Town Board expressed their preference to a public road.

Tim Pazda asks what the Town Board’s decision was on SEQR segmentation. Jim Hartz explains that the Town Board will look at this project, as they do with all projects, to determine if it is permissible or impermissible segmentation.

Richard Hoekstra, of 8840 Woodside Drive, takes issue with the stub road. Mr. Hoekstra said it will eventually end up at Greiner Road and it will turn his street into a raceway. He feels the stub road along with the plan that has been submitted are both unacceptable. The wetlands should have been shown on the plan.

John Jondle, of 8835 Woodside Drive, explains that four (4) years ago there was a similar plan for a road going to Greiner Road; he wonders what happened to that plan. Mr. Jondle is against the stub road.

Bob Duerr, of 8810 Woodside Drive, is concerned that they have eliminated the turn around. He is also concerned because it is really wet at the end of his lot. Mr. Duerr was told that the road could never be extended because the land could not percolate the septic systems.

Fay Jondle, of 8835 Woodside Drive, has lived in her home for forty (40) years with the intention of staying; however, she now intends to leave because of the difficulties that have transpired. In the spring the street is a raceway. There are small children on the street.

Mr. Pidanick explains that there are a number of issues that need to be looked at, including the number of lots. Earth Dimensions is currently doing a detailed wetland delineation. Mr. Pidanick

explains that the applicant’s intention is to live there; he has no intention of clear cutting trees. Wendy Salvati advises Mr. Pidanick that the Town adopted Chapter 131 of the Town Code which is the Landscape and Tree Conservation Law; Mr. Pidanick should become familiar with this law.

ACTION:

Motion by Jeff Grenzebach, seconded by Tim Pazda, to **table** agenda item # 3 to allow the applicant to address the questions and issues discussed.

ON THE QUESTION:

Phil Sgamma suggests bringing specific attention to the following sections under the Subdivision Law: Article IV (I) (h) page 23 and Article IV (F) (2) (b), page 19.

Richard Bigler	Aye	Phil Sgamma	Aye
Tim Pazda	Aye	Jeff Grenzebach	Aye
Gerald Drinkard	Aye	Wendy Salvati	Aye
Patricia Powers	Aye		

MOTION CARRIED.

Item 4

Steven and Joyce Bakowski Mini-Storage
Industrial Business Park

Requests Preliminary Concept Plan Review for
the construction of a mini-storage facility on
County Road, west of Goodrich Road.

DISCUSSION:

Jim Hartz provides the history on the project. This is the first project proposed in the newly created Lakeside Industrial Business Park. The Town Board referred the project to the Planning Board on June 8, 2005; the Planning Board tabled the project. Don Swanson, of Apex Consulting, is representing the applicant.

Mr. Swanson explains that this lot will be on the west side of Lakeside Industrial Parkway. It consists of seven (7) acres to be utilized as a mini-storage facility. The total building area is approximately 83,840 square feet. The first building to be constructed will be the one closest to Lakeside Industrial Parkway. This building will house the office for the entire complex and will be climate controlled. The proposed parking area will be to the east of this building.

Mr. Swanson refers to the Town Board decision of June 28, 2006 requiring a 100’ buffer along the westerly property line. Because this decision was made in the “eleventh hour” the plan on display shows the original plan with a bold dash line running north and south to reflect the 100’ buffer. The buffer line cuts through the last two (2) buildings of the original project. The final engineering plans will reflect a different configuration of buildings along the west end of the property. Wendy Salvati asks when the revised plan will be submitted because the Planning Board can not act on the plan that is in front of them, they need to see the actual plan the applicant is proposing. Mr. Swanson said he can submit the plan tomorrow.

Phil Sgamma asks if the 83, 840 square feet figure includes the two (2) buildings that are to be removed. Mr. Swanson advises the figure includes the two (2) buildings; therefore, the final square footage will change when the revised plan is completed.

Mrs. Bakowski said she was advised that a revised plan was not required for this evening's meeting.

Mr. Swanson voices his concern with being tabled this evening. He said this will be another 30 day delay and it sounds like the project will be referred to the TEQR Committee after that, he doesn't feel this is necessary because the whole industrial park has been through the TEQR process, he wonders why this project wouldn't just require the short EAF and the town can make the determination. Wendy Salvati explains that the project must go through the SEQR process and if approvals are needed a short form may not be enough. Mr. Swanson asks what approvals might be required. Wendy Salvati provides an example by saying the project might need SPEDES approval from the DEC.

Phil Sgamma explains that the Planning Board will meet again in two (2) weeks, so if this project is on that agenda it will not be a 30 day delay.

Patricia Powers advises the project will be tabled this evening, a proper site plan will be required at the next available meeting, at that point the Planning Board will make the proper referrals.

ACTION:

Motion by Patricia Powers, seconded by Wendy Salvati, to **table** agenda item #4 until the next Planning Board meeting **if and when** a proper site plan is presented.

ON THE QUESTION:

Tim Pazda asks if the structures will be built in stages or will they all be built at once. Mr. Swanson advises they will be built in stages.

Richard Bigler	Aye	Phil Sgamma	Aye
Tim Pazda	Aye	Jeff Grenzebach	Aye
Gerald Drinkard	Aye	Wendy Salvati	Aye
Patricia Powers	Aye		

MOTION CARRIED.

Item 5

Dr. Bloom
Commercial

Requests Preliminary Concept Plan Review for a second office building at 9095 Main Street.

DISCUSSION:

Jim Hartz provides the history on the project. The project was referred to the Planning Board by the Town Board on June 14, 2006 with the caveat that the Planning Board looks at all alternative buffering options. The site plan shows the existing building as well as the proposed building. The applicant is acquiring additional property to expand the parking area.

John Garas, of Garas, Hopkins and Sorgi LLC, is the attorney for the project sponsor. Akos Seres, representative for the architect, is also present. Mr. Garas explains that the original plan did not include the parallel parcel to the west of the site. If the project was to move forward at that point, without the additional parcel to the west, a number of variances would need to be obtained. Subsequently, the applicant has secured a contract to acquire the parallel parcel; this will enable the project to move forward without the necessity for any variances. With this acquired parcel the site has adequate parking spaces. A preliminary wetlands delineation has been done and there are no wetlands on the existing or new property.

Patricia Powers explains that there was some concern regarding the lighting on the previous portion of this project. The lighting was irritating the neighbors. Patricia Powers asks what is being done about the lighting. Another representative of the project explains that the lighting issues were addressed to the satisfaction of the neighbors.

It is confirmed by the representative that one (1) doctor, a specialist, would occupy the proposed building, there are no evening hours and the volume will be low with eight (8) to ten (10) patients a day.

Rich Bigler asks if there is a proper buffer on the east end of the property to block the headlights of the vehicles when they are leaving that area of the parking lot. Mr. Garas advises there will be landscaping done. He also advises the parking spaces are more than the offices will need, he designed it this way to comply with the code. After this building is developed, there will be no further development on this site. John Garas will discuss the lighting options and will work with the neighbors.

To the west of the site is a satellite retailer. Tim Pazda would like to see a view of the existing driveways and the driveways across the road. Mr. Pazda is concerned with the increasing amount of traffic in this area; his point is shared access and asks Mr. Garas to look into this as an option. Mr. Garas agrees.

Wendy Salvati refers to the Zoning Law Section 3.7 Commercial. She believes there are two (2) issues: 1.) Any commercial uses shall not be located adjacent to residential uses unless separated by a minimum forty-five foot (45') greenbelt. 2.) Parking may occur within the required side and rear yard development setbacks, but not the front yard setback area. A minimum of five feet (5') must be maintained between a commercial zoning district property line and forty-five feet (45') to a residential zoning district property line.

The parking in the back of the lot is existing and is paved. The new parking is forty-five feet (45') back. Wendy Salvati still questions the greenbelt area and with the proposal of a second building, when does it come into play.

Jim Hartz asks Mr. Garas if the applicant has considered moving the building to the rear of the parcel. Mr. Garas said moving the building may defeat the purpose of having the two (2) buildings together.

Mr. Garas asks for clarification on the greenbelt issue. Jim Hartz explains the greenbelt does not include a parking area.

Mr. Seres explains that there is an existing septic system between the two (2) buildings that will be utilized, moving the building to the back of the site would make it too remote from the existing building.

Dick Kellerman, lives opposite the existing building, there is parking behind his fence. Mr. Kellerman said when the first building went up there was supposed to be a ten foot (10') berm to buffer his property, the berm is approximately three (3) or four (4) feet. The berm was to be three feet (3') high with greenery on top of it, not the Forsythia that is there now. Mr. Kellerman had an existing fence at that time and any buffer/berm that was put in would have been on the other side of Mr. Kellerman's fence. The building is lit up at night. Mr. Garas will address the lighting issues on the new proposal; he was unaware that there were lighting concerns on the existing building. Patricia Powers asks Mr. Garas to relay a message to the applicant that the lighting on the existing building needs to be looked at to see if the issues can be resolved. Mr. Garas will relay the message. Mr. Kellerman would like to see the survey stakes so he and the applicant will know where the lot lines are.

Debbie Popp, of Barton Road, has discussed the lighting of the existing building with many people in the town. There is a pole light in the parking lot that is very bright and shines into her home. She also has parking behind her fence, it is noisy and the fumes are bad. There are headlights that shine in her bathroom window. She has asked Dr. Bloom to turn the lights off during the night hours. Her son sleeps in the family room because the lights shine into his bedroom. Ms. Popp has had to put tape over the fence because the light shines between the slats. There is a photo on file showing the view of the building; it was taken from Mr. Kellerman's deck. Ms. Popp lives in a split level. Ms. Popp provides written copies of her comments and concerns. During the first construction Ms. Popp has documentation from her daughter's pediatrician that she was suffering from borderline Mononucleosis, staff infections and asthma. Ms. Popp had to live with friends and family due to the construction. Then her pool filter broke, a representative from Gary Pools said the filter was filled with concrete, she believes this was from the rock dust of the construction. Patricia Powers will provide a copy of Ms. Popp's comments to the applicant. Mr. Popp thinks this project should be denied.

Jamie Popp, daughter of Debbie Popp, explains that she moved out of the house on Barton Road two (2) years ago due to the problems she was having with the lights from the existing building, she could not sleep at night. She has just moved back into the house. She was given the reason of vandalism for the lights staying on all night; she wants to know if there are any records of vandalism. Patricia Powers advised her to go to the police department for this information.

Mr. Garas explains that a representative of the project sponsor just informed him that Dr. Bloom is prepared to make some adjustments to the lighting on the existing building. The next time this applicant is on the agenda Mr. Garas advises there will be a proposal to shield the lighting or dim the lights.

ACTION:

Motion by Patricia Powers, seconded by Jeff Grenzebach, to **table** agenda item #5 to allow the applicant time to address the concerns that have been discussed this evening. When the applicant is ready he is to contact the Planning and Zoning Office to be placed on a Planning Board Agenda.

Richard Bigler	Aye
Tim Pazda	Aye
Gerald Drinkard	Aye
Patricia Powers	Aye

Phil Sgamma	Recuse
Jeff Grenzebach	Aye
Wendy Salvati	Aye

MOTION CARRIED.

Item 6

Spaulding Green
Residential Single-Family

Requests Preliminary Concept Plan Review on a major subdivision design approximately 350 acres east of Goodrich Road.

DISCUSSION:

Jim Hartz provides the history on the project. It was referred by the Town Board to the Planning Board on December 7, 2005. The project was before the Planning Board on February 1, 2006, many issues were discussed at this meeting including the density yield. The Planning and Zoning office calculated a yield of 262 units on 350 acres, a letter was sent to the developer stating the calculations. The developer responded with a letter indicating his yield at 405 units on 350 acres.

Dominic Piestrak and William Tuyn are present. Mr. Piestrak explains he has added land so the acreage is now 410. Mr. Piestrak also advises his yield has gone from 405 units to 380 units. The 60 acres of land that is being added is north of Ransom Creek.

There is a question as to where the figure of 115 acres came from; this figure is referred to in a memo, kept on file, dated 7/11/06 regarding the density yield. After further discussion Mr. Piestrak thinks that when the calculations were done in the computer the 115 acres was included because, according to the computer, it hadn't been separated out yet, however, in reality the 115 acres is split off from the parcel.

Jim Hartz explains the density calculations, the 377 figure, referred to in the memo of 7/11/06, included the project area boundaries, but did not include what has already been developed. Mr. Hartz explains the calculation further: the property boundaries are looked at, taking the minimum lot size and the sixty foot (60') right-of-ways, it was then plotted what the Planning & Zoning office felt was the maximum density yield, excluding certain areas per the code. The ultimate design of the project will come after the yield is established.

Gerald Drinkard explains his calculations and explains if he put in the addition 60 acres he feels the 380 unit figure is fair.

Tim Pazda wonders how or if the sixty (60) acre discrepancy factors into the yield. Jim Hartz explains it will not be a factor in terms of the yield that needs to be decided this evening, when it factors in is when the overall design is discussed.

Wendy Salvati agrees with the figure of 380 units. She feels the calculations are consistent with the other Open Space Development Design projects when it comes to figuring the density yield.

Patricia Powers asks Jim Hartz to forward a form to Mr. Piestrak so his administrators can complete it and show their calculations as to how they arrived at their figure, they should site the chapters they referenced in the Subdivision Law.

Patricia Powers explains that the project will be tabled with the 380 figure this evening to allow the Planning Board to review the design prior to referring the project to the TEQR Committee.

There is further discussion as to whether or not the project can be referred to the TEQR Committee this evening. Wendy Salvati does not think that a project can be sent to the TEQR Committee for SEQR review if it doesn't have some kind of a formalized plan. The TEQR Committee needs something to guide them in terms of assessing impacts.

Mr. Tuyn is prepared to speak to the SEQR issues now. There are environmental issues with this project that Mr. Tuyn has addressed, as an example he has maintained the entire Gott Creek corridor and has maintained the National Fuel Gas line that goes across the property to the south. The archeological studies are done, the wetland delineation is done, Mr. Tuyn said they have a lot of information to give to the TEQR Committee.

Tim Pazda wonders if the four-plex design can be forwarded on. Jim Hartz explains that the Town Board is looking at the Planning Board's recommendation on the Master Plan to include four-plexes in the Open Space Design. The Zoning Law amendment will be done before the applicant is through the SEQR review.

ACTION:

Motion by Wendy Salvati, seconded by Richard Bigler, to refer the project to the TEQR Committee, the Traffic Safety Board and the Fire Advisory Board to continue preliminary review of this project subject to the condition that there shall be fifty percent (50%) greenspace and a maximum of 380 units total.

ON THE QUESTION:

Phil Sgamma questions the review of the number of sewer taps. Patricia Powers explains the Town Engineer will take care of this issue. This will be part of the SEQR review. Jim Hartz advises there will be a SEQR sewer addendum that will be filled out as part of the environmental review process.

Tim Pazda clarifies that what is before the Board this evening is the **applicant's** proposal and the Planning Board has not begun to look at the design.

Richard Bigler	Aye	Phil Sgamma	Aye
Tim Pazda	Aye	Jeff Grenzebach	Aye
Gerald Drinkard	Aye	Wendy Salvati	Aye
Patricia Powers	Aye		

MOTION CARRIED.

Wendy Salvati suggests that, at such time that it is required or determined, a review by the Town's Conservation Advisory Committee may be helpful for this project.

Meeting adjourned at 10:33 p.m.

Patricia Powers, Chairperson