

Town of Clarence  
Planning Board Minutes  
Wednesday September 1, 2010

**Work Session 6:30 pm**

Roll Call  
Update on Pending Items  
Zoning Reports  
Committee Reports  
Miscellaneous

**Agenda Items 7:30 pm**

Approval of Minutes

**Item 1**

Waterford Village  
Planned Unit Residential Development (PURD)

Requests amendment to Development Plan for proposed Renaldo Circle land use in Waterford Village PURD.

**Item 2**

Woodmeadows Estates  
Agricultural Floodzone

Requests Concept Plan approval for a 4-lot Open Development Area at 8595 Tonawanda Creek Road.

Chairman Al Schultz called the meeting to order at 7:30 p.m.

Deputy Town Attorney David Donohue led the pledge to the flag.

Planning Board Members present:

Chairman Al Schultz  
Timothy Pazda  
Richard Bigler

Vice-Chairperson Wendy Salvati  
George Van Nest  
Gregory Todaro

Planning Board Members absent:

None

Town Officials Present:

Director of Community Development James Callahan  
Planner Brad Packard  
Deputy Town Attorney David Donohue

Other Interested Parties Present:

Jim Mahoney  
 Bob Reggentine  
 Kevin Curry

Jackie Konitzer  
 Sean Hopkins  
 Michael Metzger

Chairman Schultz explained that the Planning Board is technically a seven (7) member board; presently there are five (5) appointed members and one (1) alternate member. The alternate member, Gregory Todaro, will participate in all discussions and vote on all agenda items this evening.

Motion by George Van Nest, seconded by Gregory Todaro, to **approve** the minutes of the meeting held on Wednesday August 18, 2010, as written.

Gregory Todaro	Aye	Richard Bigler	Aye
George Van Nest	Aye	Timothy Pazda	Aye
Wendy Salvati	Abstain	Al Schultz	Aye

**MOTION CARRIED.**

Chairman Schultz explained that the Planning Board is a recommending body that may vote to refer agenda items to other committees such as the TEQR Committee, Fire Advisory and Traffic Safety for their study and comment. A project may be tabled pending further information. The Planning Board may vote to recommend an action to the Town Board with conditions. The Planning Board may also deny the project. The Town Board is the governing body and as such will have the final vote on all items. The procedure for agenda items starts with Jim Callahan introducing and providing a brief history of each project. The applicant will then have the opportunity to speak on the project. The Planning Board members will then have an opportunity to ask questions. The public will be offered the opportunity to speak on the subject; all commentary will be addressed to the Planning Board and will be limited to three (3) minutes. The applicant will then have the opportunity to respond to the public comment. A motion will be called for with a roll call vote.

**Item 1**

Waterford Village  
 Planned Unit Residential Development (PURD)

Requests amendments to Development Plan for proposed Renaldo Circle land use in Waterford Village PURD.

**DISCUSSION:**

Jim Callahan provided the history on the project. The property is located north of Roll Road between Shimerville Road and Thompson Road. It has a previously approved site plan for Waterford Estates and Commons consisting of a large traffic circle. The applicant is proposing an amendment to the previously approved site plan and development plan to allow a community center, a recreational amenity within the space inside that circle. As the proposal is a modification to the previously approved site plan, Planning Board recommendation is required for final approval by the Town Board.

Sean Hopkins is present on behalf of the applicant. Kevin Curry, the applicant, and Michael Metzger, the engineer on the project, are both present. Mr. Hopkins said they want to make the community center the focal point of the project. They have made a few changes to the plan since they last met

with the Planning Board Executive Committee. The handicap accessibility has been relocated from the rear of the building to the front. They also considered lowering the grade of the building but Mr. Curry said that was not the appearance he wanted the building to have. The landscaping has been modified around the perimeter of the traffic circle. Phil Sylvestri, architect, has prepared elevations for all four (4) sides of the building. The building is 2,000 square feet in size and will be owned and maintained by the HOA (Home Owners Association).

Mr. Pazda asked what input the HOA has at this point. Mr. Curry said the HOA has no input at this point. Mr. Curry has had discussions with current residents in the community and stake holders in the town and they thought Renaldo Circle was the perfect place to locate the community center.

Chairman Schultz asked the applicant to what extend has he engaged the people that currently live in the area. Mr. Curry said there are no close residents to the infrastructure of the circle; the closest is approximately 1,200 feet away. The community center would be built before any residents would build a house in the immediate vicinity.

Ms. Salvati said it makes sense to put the community center in the proposed location.

Robin Gilmartin, of 9041 Shannon, said this is the first she has heard about the proposal. She likes the proposal but wonders how it will affect the HOA fees. There were lots planned for a certain area and now parking spaces are proposed, she wondered what happens to the planned homes now. Ms. Gilmartin said there was a children's playground area planned and asked if that remains in the plan. She also asked what the time frame is for the project.

Mr. Hopkins said there were never plans to have lots front directly on the circle. There will be lots fronting on Wicklow Manor and Corrine Lane. The applicant would like to start the project during this construction season.

Mr. Curry said there was an early plan with a children's area to the south of the circle, the majority of this area is being dedicated to the Western New York Land Conservancy. The tennis court area indicated on the plan will be used as a playground area.

Mr. Pazda is concerned that the applicant does not have enough parking. Mr. Hopkins said they are showing 20 parking spaces and based on a 2,000 square foot building, that is more than enough parking per the code.

Mr. Curry referred to the elevations of the proposed building and said it is to residential scale; it is a single story structure.

Chairman Schultz is impressed with the work done on the traffic for this proposal.

Mr. Todaro said the traffic signals around the circle should be referred to the Highway Superintendent.

#### **ACTION:**

Motion by George Van Nest, seconded by Wendy Salvati, to **recommend** the Waterford Village Planned Unit Residential Development Site Plan and Development Plan be amended to allow the construction of a community center and recreational amenity within the Renaldo Circle Island per the

submitted design dated August 26, 2010 and titled Waterford Green School House, with the following conditions:

- Applicant is responsible for pavement marking and striping on public roads and all facilities on private land per approved design.
- Landscape Committee review and approval of the detailed landscaping for the project.
- Maintenance of the amenities within the circle must be the responsibility of a homeowners association as approved by the Town Attorney.
- Building permit required to ensure code compliance for public assembly and access as well as grading and drainage for the project.
- Road signs subject to Town Highway Superintendent approval.

**ON THE QUESTION:**

It is confirmed that the Homeowners Association Agreement has already been approved and is in place; it covers maintenance of all amenities.

Gregory Todaro	Aye	Richard Bigler	Aye
George Van Nest	Aye	Timothy Pazda	Aye
Wendy Salvati	Aye	Al Schultz	Aye

MOTION CARRIED.

**Item 2**

Woodmeadows Estates  
Agricultural Floodzone

Requests Concept Plan approval for a 4-lot Open Development Area at 8595 Tonawanda Creek Road.

**DISCUSSION:**

Jim Callahan provides the history of the project. It is located on the south side of Tonawanda Creek Road, west of Northfield Road. It is existing vacant land consisting of approximately 46 acres. The applicant is proposing a 4-lot Open Development Area per the submitted design. A Negative Declaration under the State Environmental Quality Review Act (SEQRA) was issued by the Town Board on August 25, 2010.

Timothy Pazda dismissed himself from the meeting.

Bob Reggentine is representing the developer, Jim Mahoney. The project entails four (4) lots, two (2) of which will be a little over two (2) acres each, the other two (2) are bigger in size because they want all the land utilized. The back portion of the property is wetland and 100 year floodplain; this portion is useless. A private road will be installed and there will be individual septic systems. All the environmental studies have been completed, there is no wetland nor archaeological concerns in the area in which house will be built. Drainage issues were brought up by some residents but the applicant has done enough studies that he does not think drainage will be an issue.

Ms. Salvati points out that the proposal is for 82'-83' of driveway separation, however the code calls for 100'. Mr. Reggentine performed a field check and the separation is 88'. He did not want to move the driveway because there are decorative walls and a gated community there. He wants to keep the

driveway in the center as shown on the plan. Another reason he does not want to move the driveway is because there is a drainage ditch that runs along the west property line. Mr. Reggentine understands that he needs a variance approval from the Town of Clarence Zoning Board of Appeals for the driveway separation. It is his understanding that the Planning Board could recommend an approval on this proposal with a condition to go before the Zoning Board of Appeals on this issue.

Chairman Schultz said the Planning Board could either push the issue to have the driveway moved 12' to the west or agree that it is best to keep the driveway at the center of the lot and recommend the variance.

Mr. Reggentine envisions sizable homes on the lots. Once the plan is fully engineered, it will be determined how pond will be used; it may resolve adjacent drainage problems. The two (2) buildings on the property will be demolished; the barn will remain with access out to the private road. There will not be a house built on the property where the barn is.

Jackie Konitzer lives adjacent to the project site and is concerned about a road being on top of her property. Chairman Schultz explained that the proposed driveway would be 20' wide. If the driveway is landscaped properly it should be less obtrusive than the driveway that is there now. Ms. Konitzer's other concern is the line of site when she is exiting her driveway; she wants to make sure she can see the oncoming curve and safely exit her driveway. She would like buffering that will not obstruct her view, for safety reasons.

#### **ACTION:**

Motion by Gregory Todaro, seconded by Wendy Salvati, to **recommend** the Town Board grant concept approval for a 4-Lot Open Development Area located east of 8595 Tonawanda Creek Road, with the following conditions:

1. Based upon the latest revised concept plan dated 7/30/10 and received 8/3/10 in the Planning and Zoning Office and based upon the full environmental review completed under SEQRA, including the wetland and archeological delineations and the completed and approved Environmental Assessment Form Parts 1, 2 and 3 including the Negative Declaration as issued by the Town Board.
2. Identifying private drive location to meet the required 100' setback to adjoining driveways. (The Planning Board is in agreement to recommend the variance to allow a driveway that does not satisfy the 100' setback requirement; the variance must be approved by a Super Majority Vote).
3. Public Water Extensions per approval of the Erie County Water Authority.
4. A public drainage easement on the major north/south ditch traversing the property and servicing the project will be required per approval of the Town Highway Superintendent and Town Engineer.
5. Final Development Plans must meet the requirements of SWPP and Erosion Control Local Laws as well as the Subdivision Law and any conditions of the Town Engineer and Highway Superintendent.

- 6. A Floodplain Development Permit will be required to ensure compliance with the Town Flood Damage Prevention Local Law.
- 7. Landscape Committee Approval on Entrance Gate and any buffering, if required.
- 8. A homeowner’s agreement, as approved by the Town Attorney will be required to ensure maintenance of all common property, including the common drive and pond.
- 9. Open Space and Recreation Fees.

**ON THE QUESTION:**

Chairman Schultz noted that the Planning Board is in agreement with the recommendation of a variance for the driveway.

Mr. Van Nest suggested condition number 7 read as follows: Landscape Committee Approval on Entrance Gate and any buffering with specific attention to line-of-sight and traffic safety issues for ingress and egress as well as maximum buffering for the neighbors.

Ms. Salvati clarifies that the Planning Board is speaking of the lot that measures 2.5 acres behind the Copperberg and Anderson residences. Condition number 7 is to ensure that neighbors do not have headlights in their backyard.

Mr. Todaro and Ms. Salvati agree to amend their motions and include the changes stated above. Mr. Reggentine is in agreement with all the conditions.

Gregory Todaro	Aye	Richard Bigler	Aye
George Van Nest	Aye	Timothy Pazda	Aye
Wendy Salvati	Aye	Al Schultz	Aye

MOTION CARRIED.

Meeting adjourned at 8:30 p.m.

Carolyn Delgato  
Senior Clerk Typist