

Town of Clarence
Planning Board Minutes
Wednesday September 19, 2007

Work Session 6:30 pm

Roll Call
Minutes

Update on Pending Items
Committee Reports

Zoning Reports
Miscellaneous

Agenda Items 7:30 pm

Item 1

Chris Carollo
Residential Single-Family

Requests Preliminary Concept Review for a 2-lot
Open Development Area at 8720 Clarence Center
Road

Item 2

Dan Furmanek
Traditional Neighborhood

Requests Preliminary Concept Review of a
proposed Open Space Design Subdivision at 8230
County Road.

Item 3

Sign Review

Discussion.

Item 4

Architectural/Design Standards

Discussion.

Chairperson Patricia Powers 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:

Patricia Powers, Chairperson
Timothy Pazda
Richard Bigler

Jeffrey Grenzebach
George Van Nest
Albert Schultz

Planning Board Members Absent:

Wendy Salvati

Gerald Drinkard

Other Town Officials Present:

James Callahan, Director of Community Development
David Donohue, Deputy Town Attorney

Other Interested Parties Present:

Dan Furmanek
Brad Davidzik

Jeffrey Palumbo
Chris Carollo

Due to the absence of two (2) Planning Board members Albert Schultz, the Planning Board alternate, will be participating in all discussions and voting on all agenda items.

Motion by Jeffrey Grenzebach, seconded by Timothy Pazda, to **approve** the minutes of the meeting held on September 5, 2007, with the following corrections:

-Page 143, second paragraph, the following shall be inserted just prior to the final sentence: Mr. Carollo asked the Planning Board members to contact the Sheriff if they see any material being brought to the site. Since no one has his permission, or any permit, any dumping would be illegal, and should be prosecuted.

Page 144, third last paragraph shall read: ...that a third party needs to find a discrepancy in the traffic study report that the DOT did not find regarding its own standards.

Patricia Powers	Aye	Jeffrey Grenzebach	Aye
Timothy Pazda	Aye	George Van Nest	Aye
Richard Bigler	Aye	Albert Schultz	Aye

MOTION CARRIED.

Item 1

Chris Carollo
Residential Single-Family

Requests Preliminary Concept Review for a 2-lot
Open Development Area at 8720 Clarence Center
Road

DISCUSSION:

Jim Callahan provides the history of the project. The property is located on the north side of Clarence Center Road, west of Shimerville Road and consists of approximately 4.5+ acres.

Chris Carollo is present.

Timothy Pazda asked Mr. Carollo if he is sure he has 100' of separation between his driveway edge and the neighbor's driveway edge at 8710 Clarence Center Road. Mr. Carollo said yes, he will make sure there is 100' between both driveways and this will be shown on the engineering drawing. Mr. Pazda asked if there will still be a 100' separation if the driveway at 8710 is taken to the edge of the property line. Mr. Carollo said, "Absolutely."

Mr. Carollo thinks the Town would frown upon someone positioning their driveway as a flanking or a maneuver as a defensive position and he hopes the Town Board and the Planning Board would recognize this.

Albert Schultz refers to the last Planning Board meeting in which Mr. Carollo stated if anyone witnesses any dumping on his property, it is illegal and he asked that they call the Sheriff. Mr. Schultz

visited the project site and observed that, beyond the building rubble, there was the start of a berm with an earthen dam between the Wickenhiser’s property and the Carollo’s property. While Mr. Schultz was at the site a Witnauer truck pulled in, it was a dirt dump truck. After the proper introductions, Mr. Schultz advised the driver of the truck that the owner of the property told the Town that no one had permission or approval to dump anything at this site and if someone does the Sheriff should be called to report illegal dumping. The driver put Mr. Schultz in contact with Mr. Witnauer who said he had an agreement with Mr. Carollo to dump fill on that lot to build a berm. Mr. Schultz did not stop the dumping; the berm would most likely be built anyway. He told Mr. Witnauer that if Mr. Carollo said he had a dumping permit he should ask to see it. Mr. Schultz checked with the Planning and Zoning Office and there was no permit issued to dump anything on the site. Mr. Carollo then went to the Town Engineer and received permission to dump up to 200 yards of fill. In Mr. Schultz’ opinion this is a comment on the applicant, not the project. Mr. Schultz cautions the Planning Board that what they hear tonight as a fact may not be a fact next week. He said it is clear that the applicant is willing to go around the people who have been working with him in trying to make this project viable, which is the Planning and Zoning Office and the Planning Board, and to work with someone to get what he wants. Mr. Schultz’ recommendation will be, if the project is moved forward, to be sure that the applicant is restricted from doing things that the Town thinks he should not do.

Mr. Carollo said he interpreted the regulation as though he was allowed to bring 200 cubic yards of soil in per area. He talked to the Planning and Zoning Office who told him he would need a permit if he exceeded 200 cubic yards. He originally planned to bring in only 200 cubic yards. When his progress was shut down he went to the Town Engineer’s office who told him he needs a fill permit if he will be dumping more than 200 cubic yards; he submitted the paperwork at 3:00 p.m. that Friday.

ACTION:

Motion by Patricia Powers, seconded by Jeffrey Grenzebach, that based on the information and the analysis provided on the submitted Short Form EAF, this proposed Unlisted Action will not result in any significant adverse environmental impacts; it is **recommended** that a Negative Declaration be issued.

Patricia Powers	Aye	Jeffrey Grenzebach	Aye
Timothy Pazda	Aye	George Van Nest	Aye
Richard Bigler	Aye	Albert Schultz	Aye

MOTION CARRIED.

ACTION:

Motion by Albert Schultz, seconded by Richard Bigler, to **recommend** Preliminary Concept Approval for a 2-lot Open Development Area at 8720 Clarence Center Road subject to the following conditions:

- 1.) No further site development including but not limited to dumping, filling, excavating and grading be done until the final development plan is authorized by the Town Board; Landscape Approval is required.
- 2.) Development Plan must verify that at least 100’ of separation between the entrance of 8720 Clarence Center Road and the proposed driveway to the west at 8710 Clarence Center Road; the measurement to be made edge to edge at the curb.

- 3.) There will be no pond on the site.
- 4.) Development Plan dimensions must verify a minimum of 2.0 acres per lot.
- 5.) All natural vegetation on the entire perimeter of the property is to remain in place.
- 6.) The tree line is to be maintained and protected during construction.
- 7.) Both homes will be subject to Open Space Fee(s).

Patricia Powers	Aye	Jeffrey Grenzebach	Aye
Timothy Pazda	Aye	George Van Nest	Aye
Richard Bigler	Aye	Albert Schultz	Aye

MOTION CARRIED.

Item 2

Dan Furmanek
Traditional Neighborhood

Requests Preliminary Concept Review of a
proposed Open Space Design Subdivision at 8230
County Road.

DISCUSSION:

Jim Callahan provides the background on the project. It is located on the north side of County Road, east of Stahley Road and consists of 19 plus acres in the Swormville Traditional Neighborhood District. The applicant was originally referred from the Town Board on December 20, 2006, tabled at the January 24, 2007 and August 15, 2007 Planning Board meeting.

Dan Furmanek said there was a miscommunication with Ryan Homes and he apologizes for it. His proposal is for patio homes of 2,400 square feet or less and is intended to be a little hamlet targeting the senior market.

Jeffrey Palumbo, of Damon and Morey, is representing Mr. Furmanek. The current plan shows 35 lots and was received in the Planning and Zoning Office on September 11, 2007. Mr. Palumbo said the intention is to have a private road. Patricia Powers said the main issue is connectivity to the north; she would like the applicant to consider this. One suggestion is to have a public road with a stub street for future connectivity to the north; the remainder of the proposal can be a private road.

Mr. Furmanek said he appreciates the suggestion but it becomes an expense issue; public roads are considerably more costly. The expense of sewers becomes an issue as well. He points out that there is no definite plan for a subdivision to the north. Mr. Furmanek is also concerned with the public road being used as a cut-through; his intention is for this project to be a safe haven for seniors.

Patricia Powers refers to the Town Board minutes from December 20, 2006 in which they identified issues to review including green space, connectivity and public versus private roads. Each time the project has been before the Planning Board connectivity is an issue that has been brought forward.

Mr. Furmanek said the connectivity would change the entire scope of the project and cost him far more than he can afford.

Mr. Palumbo said the applicant has had plenty of time to reflect on the connectivity issue and understands the Planning Board's position. The applicant does not have a clear direction from the

Town Board on the public vs. private road combined with the connectivity issue. Mr. Palumbo said he knows that the Town Board's preference is a private road. He is looking for a referral to the Town Board so that he and the applicant can discuss the issue of connectivity with them.

George Van Nest said the problem is the Traditional Neighborhood District (TND) location; the Planning Board will probably be constrained as to what they can do, so it may come down to the Planning Board making a recommendation to the Town Board and the applicant discussing the issue then.

Albert Schultz said both the Open Space Design (OSD) and the TND strongly speak to connectivity. Mr. Palumbo said there is no problem with walkability.

Patricia Powers asked if there is a mechanism, without the Planning Board denying the project, to get the applicant to the Town Board for the opinion the applicant is seeking.

Mr. Palumbo said he is in favor of the Planning Board making a recommendation to the Town Board.

Jim Callahan said if the Planning Board is not comfortable taking an action and if it is tabled, they should identify that the Planning Board is going to recommend connectivity to the north; the project could be taken back to the Town Board for interpretation. The Town Board's referral left the discussion for connectivity open; the Planning Board is looking for direction from the Town Board.

David Donohue asked the Planning Board to confirm that there are other issues that will need to be addressed with this project; it's just that the connectivity seems to be the road block at this point, along with the public vs. private road. The Planning Board members agree. Mr. Donohue's concern is if the plan changes it may create other issues.

Timothy Pazda points out that if the Planning Board denies the proposal the "meat" of the project will not be discussed.

The wetlands have been delineated and Mr. Furmanek will submit the information for the file. He also advises a tree survey will be completed and submitted.

Patricia Powers asked the applicant for a copy of the letter regarding sewer capacity. The project is in Sewer District #5. Mr. Furmanek said he has to create a site plan that is acceptable and forward it to the Erie County Sewer Authority in order to be granted capacity. He originally had a letter regarding capacity but it is now outdated.

Patricia Powers asked the applicant what the proposed amount of greenspace is. Mr. Furmanek said there is more than 50% greenspace; 9.04 acres. It is unknown if the pond is included in the greenspace calculation. When the project was first introduced it was for 41 lots, this number has been reduced to 35.

Mr. Furmanek confirms that the exception lot is exempt from the project; thus it is not in the greenspace equation. Patricia Powers requests the applicant take the exception lot off the plan, the applicant agrees.

Mr. Furmanek said the common area has an access located between two lots. He points out that a Homeowners Association will maintain the common area and the private street.

Mr. Pazda asked for clarification regarding the possibility of the applicant seeking condo status. Mr. Furmanek said no condo status will be sought. Mr. Pazda explains that there are other developments with public roads that exclusive.

ACTION:

Motion by Patricia Powers, seconded by Jeffrey Grenzebach, to **table** the request for preliminary Concept Review of a proposed Open Space Design Subdivision at 8230 County Road for the purpose of identifying a Planning Board recommendation of connectivity to the north and seek direction and clarification relative to the private vs. public road from the Town Board.

ON THE QUESTION:

David Donohue clarifies that the Planning Board is seeking the Town Board’s direction as to both connectivity to the north and the public vs. private road and what the Town Board prefers as far as public road vs. private road. The reason the item is being tabled is because the applicant is not willing to make any modifications or present any plan which includes connectivity, which is what the Planning Board prefers. The Planning Board is seeking direction from the Town Board on connectivity.

Mr. Pazda said it appears that perhaps the action should be a denial, Mr. Van Nest said it should be an interpretation because it is in a TND; it is a Town Board decision.

Patricia Powers	Aye	Jeffrey Grenzebach	Aye
Timothy Pazda	Aye	George Van Nest	Aye
Richard Bigler	Aye	Albert Schultz	Aye

MOTION CARRIED.

Item 3

Sign Review

Discussion.

DISCUSSION:

A sign for NAS Quick Sign Inc. is approved. It replaces an existing sign at the Main/Transit Plaza.

A sign for Leaps & Bounds Family Entertainment Center on Bryant and Stratton Way is approved. It is a new sign.

A sign for Eastern Hills Printing Co. is approved. It replaces an existing sign.

A sign for Michael Pisani is tabled.

A sign for Ron Grimm located at 8670 Main Street is approved. It is a pole sign and will be non-changeable and non-lighted

A common tenant sign for the Harris Hill Plaza near Roll Road is approved.

A sign for Appi Energy is approved.

A sign for Smart Center Cars is being held because there is an application before the Town Board for an addition to their building, once the application is reviewed action can be taken on the sign application.

Item 4

Architectural/Design Standards

Discussion.

DISCUSSION:

Patricia Powers advises the Planning Board members that they are to submit their draft copy with any comments and/or suggestions to Jim Callahan no later than Tuesday September 25, 2007. Mr. Callahan will then begin the next draft.

Miscellaneous:

Timothy Pazda suggests issuing a friendly challenge between the Planning Board and the Town Board in the Chili/Chowder making contest that will be held at the upcoming Bicentennial Committee Event on December 31, 2007. Patricia Powers said the Planning Board will make a decision on this challenge at the next Planning Board meeting.

The National Fuel paperwork that was distributed to Planning Board members at this meeting will apply to Mr. Furmanek's proposal when he appears before the Board again. The paperwork indicates that National Fuel is advising against homes being built too close together as there is not enough space left for the proper easements to run the utilities.

Meeting adjourned at 8:30 p.m.

Carolyn Delgato
Senior Clerk Typist