

PLANNING BOARD MINUTES

Wednesday May 21, 2003

AGENDA 7:30 P.M.

WORK SESSION: 6:30 P.M.

Roll call Miscellaneous

Minutes Agenda items

Sign review Communications

Update on pending items

Committee reports

ITEM I
Frank Chinnicci
PURD

REQUESTS AMENDED CONCEPT PLAN APPROVAL
FOR THE PLANNED UNIT RESIDENTIAL DEVELOPMENT
AT 5841 TRANSIT ROAD FOR 60 PATIO HOMES. (TRANSIT
VALLEY GARDENS)

ITEM II
Blase Caruana
Joe Castle
Agricultural

REQUESTS CONCEPT PLAN APPROVAL FOR A ONE
LOT OPEN DEVELOPMENT AREA AT 9870 GREINER
ROAD.

ITEM III
Dominic Piestrak
Residential A

REQUESTS AMENDED CONCEPT PLAN APPROVAL
FOR HIDDEN POND SUBDIVISION PHASE II, PART
III FOR 36 LOTS.

ITEM IV

MASTER PLAN UPDATE. (SET PUBLIC HEARING DATE FOR
PROPOSED AMENDMENTS)

ITEM V

ZONING LAW UPDATE

ATTENDING: Joseph Floss

Patricia Powers
Christine Schneegold
Reas Graber
Roy McCready
Frank Raquet
Henry Bourg

INTERESTED
PERSONS:

Councilman Scott Bylewski
Steve Fazekas

Blase Caruana
Joseph Castle
Dominic Piestrak
Nicholas Piestrak
Deputy Supervisor Anne Case
Frank Chinnicci
Sean Hopkins
Mark Butler
Lynn Jenk
Rich McNamara
James Callahan
James Hartz
Kathryn Tiffany

MINUTES

Motion by Henry Bourg, seconded by Patricia Powers to approve the minutes of the meeting held on May 7, 2003 with the correction on page 132 to read by the side of his house.

Christine Schneegold AYE
Reas Graber ABSTAINED was absent
Roy McCready AYE
Joseph Floss AYE
Patricia Powers AYE
Frank Raquet AYE
Henry Bourg AYE

MOTION CARRIED.

Reports were given by Frank Raquet regarding the Fire Safety Board meeting, and Reas Graber gave a report from the Traffic Safety meeting held on May 5, 2003. Henry Bourg gave a report from the IDA meeting. Roy McCready said the landscaping committee is caught up with their reviews at the present time.

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ITEM I
Frank Chinnicci
PURD

REQUESTS AMENDED CONCEPT PLAN APPROVAL FOR
THE PLANNED UNIT RESIDENTIAL DEVELOPMENT AT
5841 TRANSIT ROAD FOR 60 PATIO HOMES. (TRANSIT
VALLEY GARDENS)

DISCUSSION:

Jim Callahan gave a brief history of this project. The property is located on the east side of Transit Road, north of Highland Farms Drive behind the Transit Valley plaza. The property was re-zoned on May 13, 1998 from Agricultural to PURD for a sixty unit townhouse project, after a full environmental review including a negative declaration under SEQR, and a recommendation with conditions from the Planning Board. The Master Plan indicates that residential uses are acceptable land use as a buffer between the Residential A single family lots, and the Major Arterial zoning classification along Transit Road. The applicant is here to propose a change in the approved PURD design from townhouses to patio homes, and to commence the review process on that proposal. Attorney Sean Hopkins said "I would like to clarify some of the issues that have previously been raised, and how we have followed up on those. The project was basically approved in 1998 as a 60 unit PURD showing 15 or 16 buildings - 2, 3, or 4 units of residential buildings. What we are proposing now instead of that is 60 patio home lots. We think it is advantageous is because it is much more compatible with the character of the surrounding neighborhood of

upscale single family homes on typical subdivision sized lots. The conditions that we need to have modified in order for this project to move forward are two. The first one is in the previous approval there was a recommendation that the maximum size of each unit would be 1600 square feet. We are seeking relief from that condition to approximately 2000 square feet. The second condition is that we would like the ability to install an at grade patio with a maximum width of 15 feet. There is a 40 foot rear yard setback requirement. Frank Chinnicci met with Fire Chief Morris and he indicated that the layout that we have shown is acceptable in terms of emergency access. In addition Mr. Chinnicci met with the neighbors, about 15 neighbors came to the meeting. Most of which were in support of the project. In the event, the project is not approved in terms of the two requested modifications, we will simply go back to the approved plan from

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approximately five years ago. Mr. Chinnicci said they sent 37 letters to the neighbors whose properties are directly adjacent or across the street from the project. We received 9 responses, and members of 7 families made the total of 15 people attending the meeting. There was unanimous support for the change in structure types. We felt the neighbors were on board with splitting up the buildings into individual units. Sean Hopkins said they are more than willing to work with the board for the preservation of trees, where it is practical. Chairman Floss said that would be consistent with the condition set forth May 6, 1998 item 7 B that says tree re-planting would commence. I think that a tree re-planting plan ultimately would be requested and appropriately so. You do have an approved plan for 2,3,and 4 unit townhouses. This is truly a new plan. We are aware you could go back to the old plan. Some on this board might feel that the new plan is better than the previous plan. In the minutes from 1998 it did state that you would be subject to a \$450.00 recreation fee per lot. And also, because it is new, there is an open space fee of \$250.00 per lot which is applicable. Some of the conditions you are asking to be changed - the maximum of 2000 square feet single family unit instead of 1600 square feet in a combined unit. Does that change the footprint from the old plans? Mr. Chinnicci said not really, almost all of the additional square footage is achieved in the loft area which is under the roof of a single story structure. The footprint of the building is almost identical. Joe Floss said he didn't see the at grade patios as an issue. People will be sitting out in their lawn chairs regardless of whether they are on an impervious surface or the lawn. You indicated at the Executive Board meeting, the number of units may change once you get into the drainage plans and engineering. An engineering study will ultimately tell us what we can do. If engineering tells us that storm water detention or road configuration issues require us to modify the plan, in a way that will cost us lots, then that is what will happen. This is a general concept. Sean Hopkins said the lots shown are somewhat artificial because each patio home will be built on a common area. We are just showing those for the relative locations of where the patio homes will be. In terms of the side yard setbacks - we will agree to a minimum of ten feet between buildings. We would like to acknowledge that the recreation fee and the open space fee

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will be paid. Chairman Floss said the parking is an issue for me. If some one has a party, two cars park in the driveway, and the rest are in the street. The old plan had a u shape which allowed even single lane

traffic to convey around the entire parcel. I asked for your consideration for some sort of parking either in the plaza with an agreement with the owner or some kind of parking internally in this PURD. Also the Town Civil Engineer was present at that meeting and said that the 90 degree turns despite these being private roads would have to be re-designed. The individual structures will be owned by the homeowners, but the common area of land surrounding that will be landscaped and maintained by the Homeowner's Association. Christine Schneegold said "Pardon me if I am wrong, but doesn't a PURD allow just three units per acre? I come up with a density of 42. I have a problem with the density. I would like to see you remove some of the units, and have more space between the buildings." Sean Hopkins said "I don't have the zoning code with me, but I don't know if three is the maximum or three is recommended density. We may lose some lots for engineering issues, but if that number is too significant, we are simply going to go back to what is approved. We are certainly willing to give that consideration but, we are probably not going to go down to forty units. If forced down to that number, we will just go with what is currently approved." The anticipated starting price of the units will be \$200,000 dollars. There will not be any raised decks, only at grade patios. Henry Bourg asked if the garages are included in the 2000 square feet. No they are not included. They are attached garages. There was a discussion regarding concept plan approval and development plan approval in a PURD. PURD process is three steps, first concept, then development plan approval, and then site plan approval which is the final approval. For this project the applicant is proposing a change in the design. This is a whole new design for an already re-zoned PURD. The applicant is changing the design, so it will have to go through the whole PURD process again. Henry Bourg said there is a density of three units per acre, and I think we should stick to it. Chairman Floss read from the PURD code Article V-B section 30-28.15 D PURD area density. The overall residential density of a PURD district shall not exceed three (3) dwelling units per gross acre: However,

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the overall density may be revised upon approval of the Town Board - which the Town Board did do in 1998. So this is a brand new plan, and the Town board would have to pick their preference and either say we want single family homes, or not. Or revert back to your old plan." Frank Raquet asked if there would be a berm between the homes and the back side of the plaza. Mr. Chinnicci said it will probably have a berm. Frank said he found it hard to believe that Fire Chief Morris would find this turn on the plan acceptable for fire apparatus, it is very tight - especially if there were cars parked on the sides. Mr. Chinnicci said it is a 24 foot road. A standard Town road is only 28 feet wide. The turning radiuses are virtually identical, the cul-de-sac radiuses are in tolerance with the equipment that he has. Frank Raquet said he has concerns about the density. Roy McCready said he has concerns about the density. On the previous plan there were two detention ponds or a lake and a detention pond. Mr. Chinnicci said that was never part of an engineers design or study, it was simply a water feature in the center, and a detention pond in the northwest corner. Mr. Hopkins said there will not be a water feature - there might be a pool or a community center in the future. Roy said the lack of parking is another item that bothers him. Roy said that when they reach the point of berming, landscaping, and trees, the landscape committee will work with them.

Patricia Powers asked what sewer district they were in. They believe they are in Erie County Sewer District # 5. They are in negotiation with the Town of Amherst to arrange for certain mitigating steps in order for us to access that line. We have been in contact with the County, and we have letters back and forth from Chuck Alessi. Pat asked "Would these patio homes all connect to a central line that would go to Amherst?" Mr. Chinnicci said "Essentially yes." Chairman Floss asked if there were any questions from the audience. Steve Fazekas of 8085 Roseville Lane said he likes this concept better than the initial concept. He is concerned with the density. He has a water problem that drains off from that property right now, because the property is eight to ten feet higher from the middle of the property and the back. My concern is what will be done with the water that fills up my back yard and my neighbors? Also, how large are the lots, and how far back will the homes be? Chairman Floss said "Regardless of what plan

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they ultimately build, they will have to keep the water on their property. Mr. Chinnicci said "Part of the Engineering is to grade the site so all the water flows from the site to the detention area, where it is then controlled released to an outflow. So that this would alleviate this problem most definitely." Sean Hopkins said "In terms of the setbacks just to clarify - we are indicating that the rear yard setback would still be the minimum of forty feet that was previously imposed. We would just like to put at grade patios on the back." Chairman Floss said he was surprised that more neighbors were not here tonight. Christine Schneegold said "I believe the neighbors are certainly in favor of the new plan, but I don't think they understand the density issue." Mr. Chinnicci said he thought they did. The ones we spoke to we were very clear about it- sixty units in attached buildings or sixty units in detached. In many ways it is a fairly simple choice. We will build the sixty units if we cannot have this plan amended. We think the surrounding neighbors would be better off with this plan. The sixty units are the sixty units, and they are going to get built there." Christine Schneegold said "Well perhaps the sixty units in 1998 shouldn't have been approved." Sean Hopkins said "We weren't involved so that is certainly debatable I guess. But that is the approved project." Christine asked "Do you own Parcel A?" No, they said they didn't. Mark Butler of Heise Road said "I have a general concern about the proposed projects that I have seen brought forth to the Planning Board, the Town Board, and the MRC. It is disheartening to have developers come up here, and use ultimatums to try and force the excessive development of certain lots in the Town. I think it is important for the governing bodies to consider the concern of the public for the future development of Clarence. I would hope that they would not allow the developers to push their buttons by saying if we don't get sixty patio homes, then we will just put in something that is completely undesirable for the Town. Chairman Floss said "This particular request has had the project re-zoned already to a PURD. What they are asking for is really to take buildings that were larger and make them into separate units, on a density that was already approved by the Town Board. We have new members on the Planning Board and there are concerns about the density now. I don't believe we flinch at all in regards to ultimatums - it is just a reality.

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We are going to proceed one way or another, and I think now is a good

time to start listing some choices. We aren't going to give it an amended concept as requested. The best we could do tonight is refer it back out to MRC, Fire Advisory, and Traffic Safety. I think the applicant is aware of that. Prior to the meeting, there were some concerns regarding the density, regardless of whether you went back to the other project. What is the Board's pleasure? The choices are to send it out to Traffic Safety, the MRC, and Fire Advisory as a brand new project. Or we could deny the request, and ask the applicant to proceed with the ultimatum or the reality that he has an approved plan. Or somewhere in between. If you are looking for lower density, I will entertain a motion that reduces that. Then I am going to back on the question, and ask the applicant if he wants to withdraw at that point. So I have laid out three scenarios and I would like someone to compel me to pick one. Henry Bourg said "I have a question for Mr. Chinnicci. Why sixty units? You are going to get an average of \$200,000.00 for sixty units. You would have gotten an average of \$150,000.00 for sixty units. Is it a profitability thing? Why do you need sixty units?" Mr. Chinnicci said "There are certainly a certain amount of economics involved, the price of the property was based on sixty units. If I get less than sixty units, then I paid too much." Mr. Bourg said "As you know, that is not our problem." Henry said "I do take this as an ultimatum if we don't approve this you are going to go back and build the other one. Let me finish, you are putting us into a position of looking bad either way. We are going to look bad because we didn't force you to change this from sixty to the forty two units that it should be under the PURD. Or we are going to look bad because we were put into a corner and somebody built something that has been out there for five years, that nobody wanted to build. Yes, maybe you are going to build the other one, I am willing to take that chance. I don't think that as a Planning Board we should be violating the PURD density just because somebody says they are going to do something. I won't vote for it at sixty, I can tell you that right now." Sean Hopkins said "I think it is important to keep in mind that neither myself or Mr. Chinnicci were involved in 1998 when that density that was approved, so I can't speak for the Planning Board or the Town Board. But the fact is that was the density that was approved, and it is

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not an ultimatum saying we could go and build it - that is just a fact. I have to disagree with that portrayal. Otherwise we would be disingenuous if we were coming here and saying - Well, we hope this is a good project - if not maybe we will consider reducing the density of the approved project." Mr. Chinnicci said "We came here with a good faith proposal to make this project more compatible with the neighborhood. I would like someone to tell me that what we have proposed is less compatible, than what is already approved to be built. We met with the neighbors, we discussed it with them, and we did not do this as an ultimatum. We have already gone down the path of development. We hear this all the time about sprawl, about planning and development, development without planning. We have gone down the planning path, and people tell us we don't want sprawl in this County. Okay? But if you don't put sixty units on this space, sixty units are going to get built. They are just going to get spread out to a farther reach. That is part of the sprawl issue. The only way to control sprawl is to make the development that you do, into smaller spaces, and that is what this is all about." Henry Bourg said "Generally, if you give higher density you should get something for it. We are not getting

anything for it. We are not getting any recreation land.” Mr. Chinnicci said “ You are getting \$700.00 per unit towards your recreation and open space fees. We are a private road, maintaining our own land, doing our own snow plowing and our own garbage removal. This is about as good as it gets when it comes to tax dollars.” Chairman Floss said “I guess you are not willing to put in 42 units and give us single dwellings, so we can have the best of both worlds. Mr. Chinnicci and Mr. Hopkins said “No.” Chairman Floss said he is not willing to support this until he sees a plan for overflow parking, there could be problems for emergency vehicles. A pumper cannot turn around on a cul-de-sac with cars parked on one side, that is all. Sean Hopkins said “We think we have heard that input, and we will take it into consideration.” Mr. Ben Olivieri said “When we first came in we had more units than sixty, and the board approved 60 units. I don’t see why the density is an issue here. I think this is a better concept than what I presented, and I think you should vote on it.” Chairman Floss said he would entertain a motion to forward this on to Municipal Review Committee, Fire Advisory, and Traffic Safety with

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a specific number. If you prefer I will entertain a motion to deny the request.

ACTION:

Frank Raquet said he would move to send it on to MRC, Fire Advisory, and Traffic Safety with the condition that the development be limited to 50 units.

Chairman Floss said “Thank you Frank, is there a second?”

Reas Graber said “second.”

On the Question?

Chairman Floss said “I will ask the applicant would you like to proceed with this vote? Or would you like to withdraw your request?”

Mr. Hopkins said “No. I am certainly not going to acknowledge that we agree with that density, but we are certainly going to take into consideration, and ask you to make the recommendation.”

On the question?

Councilman Bylewski said “Mr. Chairman just for the point of clarification - because it does say on the agenda that this is amended concept plan. It has been mentioned before that the concept plan is the informal stage, where no formal action has to be taken. Just for clarification purposes, are we then moving for an amended development plan, are we moving for a new development plan? Just if that could be clarified procedurally going forward.”

Chairman Floss said “In my opinion, I think this is a new plan going forward. The word amended in my opinion is not relevant if he has to start over. Would you concur?”

Councilman Bylewski said “The next issue after amended is what is it? Is this now a new plan? So this would be development plan versus concept.” Chairman Floss said “Jim?”

Jim Callahan said “As I said before this is a three stage approval process. The initial stage is conceptual. I believe the referral was to MRC, Traffic Safety, and Fire Advisory without approving a concept at this point. The initial step would be conceptually approving the design

layout. The next step after that would be amending the development plan to match that concept. I think the action to send it on
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to MRC, Traffic Safety, and Fire Advisory is appropriate at this point.

Henry Bourg said "I don't understand the number 50. We have a PURD law . They have asked for 60. It is not a compromise because Sean Hopkins has said they won't acknowledge that they would agree to that okay? So, here we are, we are going to approve something that the applicant doesn't agree to. Joe Floss said "We aren't approving anything." Henry said "I mean concept. Agreeing to move it on, at a density that the applicant doesn't agree with. So what happens at the next stage? Do we fight about density again? Or what do we do? Chairman Floss said "The MRC won't review this unless there are 50 units." Henry said "Okay. So either he agrees with 50 units if we approve this, or he doesn't agree with it". Chairman Floss said "There is no approval tonight just a referral." Henry said "I understand but here we are changing it to 50, okay, I don't understand why we are changing it to 50 and not 42. If we want to comply with the PURD law. We are creating an exception whether it is 50 or 60." Frank? Frank said "My thought is the developer has been approved for 60 in a different concept with 60 units. The developer wants to stay as close to 60 as he can. I thought it would be a compromise between the 42 we would like to see, and what was approved." Henry said "I understand what you are trying to do, but it is a compromise on our part. It is not a compromise between us and the developer. Joe Floss said "My response is we have 50 residents who were invited here tonight. One who showed up prefers the single family units, because they are more compatible with the residential. No one showed up tonight. Joe Floss apologized to another neighbor who did show up. Lynn Jenk a resident said she likes the single family, but is concerned about the density also. She would like to see a compromise of 50 or something thereabouts.

Chairman Floss asked Frank Raquet if he wanted to change the number from 50 units. Frank said "I will keep it where it stands at 50." Chairman Floss called for a roll call vote.

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Christine Schneegold	NAY	
Reas Graber		AYE
Roy McCready	AYE	
Joe Floss		AYE
Patricia Powers	NAY	
Frank Raquet		AYE
Henry Bourg		NAY

MOTION CARRIED.

ITEM II
Blase Caruana
Joe Castle

REQUESTS CONCEPT PLAN APPROVAL FOR A ONE
LOT OPEN DEVELOPMENT AREA AT 9870 GREINER
ROAD.

Agricultural

DISCUSSION:

The property is located on the north side of Greiner Road west of Hollingson. The property contains seven plus or minus acres in the agricultural zone. The applicant is proposing a one lot open development area. There are two existing homes, along the Greiner Road frontage on either side of the proposed access road to the one lot. Mr. Castle said they are not able to meet the 100 foot between curb cuts on either side because of the turn around driveways on either side. However, what we would ask is because Mr. Caruana is the owner of one of the houses on one side, we may be able to utilize one of the curb cuts as a dual purpose to get back to the home that I propose to build, and to also be used as the turnaround for his residence. Chairman Floss told Mr. Caruana he was disappointed that he hasn't solved anything with the neighbor. He can't pressure the neighbor anymore, he would like to leave his driveway as is. Mr. Caruana said he was invited here tonight without requesting it, I thought you were going to offer us some help. Of the two cuts that exist now, at his sons home, we would give up one, and share with Joe to be able to get to his property. There would no additional cuts, they would use the existing driveway cut. This would be one house on seven acres. You talk about green space, this has green space. Chairman Floss suggested sending this to the Town Attorney for an opinion because the law does not cover this situation. Roy McCready suggested using common sense and approving it. The Open development law is part of the subdivision law, Page 2003-150

and the Town Board has the right to amend it. Henry, and Christine said they would be in favor of this. Frank said he really didn't have a problem with this but, the driveway where you are entering off of Greiner Road is in front of the other house. I would like to see the access going to the back so it is a straight shot. It would make more sense if in the future the house was sold. Mr. Castle said they could move the driveway ten or fifteen feet, and it would serve that purpose. That could be done easily. Chairman Floss said we are going to say that is going to be one driveway from two, and let the Town Board take up that argument. Roy McCready said he is not in agreement with eliminating the circular drive particularly on this part of Greiner Road. It is on the curve, sight distance is limited, and it may force people to back out on to Greiner Road. Mr. Caruana said they would not be able to back out. That existing driveway, the straightaway, will be cut off. There is a T that goes to the right so they can back out of the driveway, and then pull forward. Pat Powers said "If you move the driveway as you are talking about, having it a straight shot off of Greiner Road, how does that impact the distance between driveways? Aren't we asking for 100 feet between driveways? Joe Floss said "Anyone who wants to put in a new driveway for an open area development must be one hundred feet away." Pat Powers said "If I understand correctly Frank was suggesting this driveway be moved more to the west." Mr. Caruana said "I don't think we can go as far to the west to make it a straight run, but I think we can move it and still stay within eight five feet of the other cut, and still be considered the same cut. We could move it over to make it a little better and out of the zone of the house." Chairman Floss asked if anyone from the audience wanted to comment on this topic. Mark Butler of Heise Road said "I am very happy to hear that someone wants to put one house on seven acres. However, I think a little more creativity should be considered. The gentleman said that

possibly in the future there may be a street that would come in from the development behind his home. Maybe he might be able to obtain access to that property from the rear of the property, and then we wouldn't have to compromise the laws twice in one night. Mr. Borg stated that two wrongs don't make a right, so let's try and follow the rules as best we can under all circumstances." Joe Floss said "I am not accepting Mr. Bourgs notion that we were not

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adhering to the law. Section 7 allows for hardship given unique circumstance, and I am going to entertain a motion that one is coming." Henry Bourg said "I am going to make that motion." Chairman Floss asked for a motion to recommend a negative declaration to the Town Board.

ACTION:

Motion by Frank Raquet, seconded by Christine Schneegold to recommend a negative declaration to the Town Board on this action.

ALL VOTING AYE. MOTION CARRIED.

Motion by Henry Bourg, seconded by Patricia Powers to approve the concept plan for the one lot open area development at 9870 Greiner Road with the driveway for the open area development connecting to Mr. Caruana's driveway and for the Town Board to determine exactly where that driveway should be located on the plot. That would eliminate the driveway curb cut further east from two to one.

ALL VOTING AYE. MOTION CARRIED.

Chairman Floss told the applicant to come to the Town Board with exact measurements.

ITEM III
Dominic Piestrak
Residential A

REQUESTS AMENDED CONCEPT PLAN APPROVAL
FOR HIDDEN POND SUBDIVISION PHASE II, PART
III FOR 36 LOTS.

DISCUSSION:

Hidden Pond Subdivision is located on the east side of Goodrich Road north of Roll Road. The approval is for the second, third, and beyond phases of that development. In terms of historical approvals the Planning Board approved the amended concept for future phases on February 20, 2002. The Town Board approved re-zoning to Residential A on May 22, 2002. There was a letter from the Engineering Department opposing a permanent dedicated road at the location of the current haul road. They are recommending that the road is re-located to the north. Previously there was a concern about connectivity outside of sewer district #2 from the DEC. That was amended on the previous concept, and that needs to be discussed as well. Mr. Piestrak said the lots in this phase have generous

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frontage. The smallest has 110 feet, which is 10% over the requirement. Before you get to the lake, they are 200 feet deep. The lake is approximately 300 feet across. On the original concept Glen Iris Drive was going to have a court, we took the court out and added it on the lake. Dominic said he likes to create connections and it looks like the southern route will eventually be needed. They are great lots, I don't think I have a density problem. When we re-zone this we are going to go for sixty foot setbacks and walk outs. Traffic Safety

Committee did not approve the concept plan. Jim Callahan explained the concept plan did not have the detail they were looking for. On development plans it would show the detail they are looking for, but not on concept plans. Maybe they misunderstood. Joe Floss said "Instead of seeing this piece meal, I would envision seeing what your real goals are." Dominic said until the sewer goes in and gets approved, they can't do anything south of this project. The State said as long as you stay within the existing sewer district they don't have a problem with it. We have gone through the environmental and everything based on that provision. Joe Floss said "Before we go any farther than this, we should know what the grand scheme is on this parcel." Jim Callahan said "Here we are fairly deep into a subdivision with no provisions for recreation or open space. That is a concern, and what was to be open space is now converted to a lake. I would say that there are some conditions approved in the previous concepts possibly utilizing the gas line for trails that need to be carried over if the concept is to be amended. Dominic said he always intended to do a golf course community but it is a fifteen million dollar investment. I think there is a market for a golf course community in this town but I think we all realize there is an anti-development attitude in the town. The Town has a regulation of 170 houses in subdivisions per year, and if you stick that much money in a project, I think it is a possibility with Amherst filling up, that I face a situation that if you have a successful project, the faster you sell houses in it. I am not the only developer in Town, and I don't want to be the only developer in Town. Then I have to come to this board or the Town Board in August and say I have fifteen million dollars in the project. I can sell the lots, but I can't build the houses. You just can't do that. To justify that kind of income, you have to do roughly 100 houses per year. I think Glen Iris

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Drive should be connected to whatever goes to the south. Joe Floss said "So you truly have no plans or have any thoughts on where Glen Iris is going to go?" Pat Powers said "You are in sewer district # 2. When this phase is complete will you have topped the limit on sewer district 2?"

Once this phase is complete, if you decided to expand south of Glen Iris Court would it necessitate tapping in to the Heise Brookhaven sewer?" Dominic said "Yes, it would." The Heise Brookhaven sewer line is at the bottom." Pat Powers asked Dominic if all the houses that face the lake are going to be walk outs? He said "I hope so." Frank asked how far south do you own? Mr. Piestrak said he has options on Notarius' land and he bought Steinwachs out. He also has options on the piece to the north and the north east. Frank asked "Have you considered any of these lots or areas around the lake, for an access for the entire community, or will they just be totally private?" Dominic said "We have the ability to do it to the south. Generally, it has not worked well." Frank asked how big the lake is. Dominic said he thought it was about 10 acres. Frank said he would like to see the Town have some sort of access, if they have to get in there for any reason. Joe Floss said there was a debate whether the Town wants that, because they might not want the maintenance. Frank said "I would assume that the Homeowners Association would maintain it, I am just saying access if they need to." Dominic said "We don't have a Homeowner's Association, it is privately owned, the private lines go to the center of the lake." Joe Floss said "Just to clarify an issue, the concept approval of 2-20-2002 did not include a lake. So the new concept is more than

just moving the cul-de-sac over, it is now a lake. Joe Floss said "That probably raises the house elevations from the appearance from the road. You are going to raise the roads." Dominic said "No. I don't think so. We are not in the flood area there. The flood area is to the north." Jim Callahan said "At development plan you should identify the walk outs." Joe Floss said "If we do an amended concept to this, we are also going to have to address whether or not the Town desires a drainage easement so they can access. I think there was one where we actually had a perimeter around the entire lake. I don't recall the outcome whether it was preferable by the town or not. We have to do some more research on this, or we could table this and do the research because it is more than

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moving of lots. It is the addition of a lake that wasn't there. You want movement tonight." Dominic said "Yes. I am trying. They are bigger lots, it is more conducive and I think it makes more sense to do this. Joe Floss said "We can give concept, and before you come back again you can have all these things addressed. I am not saying it can't happen." Frank Raquet said "I have a problem trying to do this piecemeal, it is hard to envision the whole project. Engineering is telling you they want this haul road taken out of here. Now we only have one entranceway to this growing community. Now we don't know how big it is going to be. Do you have any other parcels that access to Goodrich Road or Kraus or any possibility that as this project grows? Dominic said the haul road cost him about 30,000 dollars to put in. I have briefly talked to Mr. Fischer and I am entertaining the idea of buying Mr. Fischer's house and giving him a life estate. He has options that would allow another entrance off Goodrich Road. The only difference is 80 lots approved two years ago, the 80 lots where you see the court was at the end of the street. We had two courts at the top, one court at the bottom. There need to be more connections. That is the only thing I am doing. I am not adding anything, I made the lots a little bit bigger. It is the same sewer district, same capacity, same area where the archaeological and wetlands have all been done. It has been approved by the State, and it made sense to take that court out. I can't go any further. Reas Graber said "I like it." Christine Schneegold said she had a problem making a left turn from Hidden Pond on to Goodrich Road. It should have more than one access road for that subdivision. Dominic said that "In the future the people will be able to go theoretically down to Greiner and avoid Goodrich Road completely. Joe Floss asked what the pleasure of the board is. "I think everyone understands what the request is now. There is a concern we have regarding segmentation, item number 48 of the final statement of the Heise Brookhaven is an issue, the significant lake is an issue, do we simply want to approve the re-configuration of the lots? Or do we want to stamp the plans as they are? I will entertain a motion." Pat Powers said "My main concern is the size of the lake, eight to ten acres, that wasn't there before. That is still a change." Dominic said "I will make the lots 350 feet deep then. And it still doesn't avoid potential water problems. I think anytime you can dig a

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lake in the Town that is relatively flat, it is advantageous to everyone. I am trying to make houses that when you are in your house, you don't look outside and see a neighbor behind you. That is what we are trying to achieve." Pat said "I understand that. I think the lake adds a certain aesthetic quality to the neighborhood. I am just saying that eight to ten

acres of lake that wasn't previously there...that is something we should look at. Perhaps through MRC
Dominic said "I will go back to the original. I just don't want anymore grief, that's all. It makes sense from a drainage point of view. I have enough capacity in Hidden Pond, the lake that we currently have to handle this subdivision. Jim Callahan said "As long as the conditions that were previously approved in this concept, before this amendment, are carried through, then it really is not a significant change. In terms of this pond, MRC isn't going to be able to do anything with a design issue." Joe Floss said "So if I entertain a motion, it will be based on the conditions that were set forth previously. Future recreation for the record will have to be addressed." Dominic said "I built Meadowlakes Park." Joe Floss said "I am going to entertain a motion and I will request add ons. For certain that if we do approve this request of amended concept that the water feature will be studied. We will find out from the Town Board whether they want an easement to the property and around the perimeter. We want the big picture - what are you doing with the rest of the parcel before development plan approval. We are going to want to talk again about the paths we didn't get in prior approvals of this - the walking paths, the bridges, the unique features that you had asked for. So I am going to ask my board for a motion with that stated on the record to approve, I believe the appropriate move is to approve this concept. Amended concept or deny. One or the other.

ACTION:

Motion by Reas Graber, seconded by Roy McCready to approve the amended concept for Hidden Pond Subdivision Phase II, Part III for 36 lots.

On the Question?

Roy McCready said "I want to be sure that you have access and stub streets enough to give us access when we need it on your future developments. I remember when you did Stonecreek. Remember the problems we had trying to get out to Conner Road?"

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On the Question?

Joe Floss said "I would like to state that I have marked the plan that the applicant as per his request, will amend the plan before it comes back with 350 depth on the lots that are up against the lake.

Frank asked Joe Floss to repeat what he said. Dominic said "You want the lake divided into ownership." Joe said "I am not certain of that yet. We are going to get to that at development plan approval. It probably will be the case, that it is going to be divided into ownership. Every other lake was. I am not certain there is going to be an easement requested by the Town Board to access the lake. Dominic said "When you say 350, some of the lots may be 300, I am looking and saying it may be irregular. So if you put a number of 350 on it, I am not quite sure what you want to do. Joe Floss said "I am merely taking your offer of 350, I am looking at 180, 180, 184, 200, everything that wraps around that lake. I don't see any dilemma except lot 48. Dominic said "Are we doing the lake or aren't we doing the lake. Several people said "We are doing the lake." Joe said "We are going to approve this concept the way it is written here. But what you don't have identified, is whether or not the lake requires an easement to it for the Town's access. Dominic said "May I make a suggestion? If the Town wants to make an access to the lake, I am not adverse to running the bicycle path along the southern part of that lake and giving the Town access if they

opt to do that. That shouldn't influence this phase at all. If there is a need for an east west bicycle path through the subdivision to approach Town Hall. I always thought the easiest place to do it was on the gas line further down, which seems to make sense. Joe Floss said "For the record the motion still stands. For the record, this all has to be ironed out before development plan approval to the satisfaction of everybody. Right now all we have is a motion to approve the amended concept.

ALL VOTING AYE. MOTION CARRIED

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ITEM IV

MASTER PLAN UPDATE (SET PUBLIC HEARING DATE FOR PROPOSED AMENDMENTS)

Joe Floss said "The Executive Committee met and worked on the Master Plan We did invite two participants, and I want to thank Steve Murtaugh and Wendy Salvati for participating in the discussion. At this point I think we are ready to file Chapter 11 on the Master Plan - meaning add Chapter 11 to the Master Plan. Everyone has a copy of this. Are there any comments on what you have read so far? I think the next step is to set a public hearing June 4, 2003 at 7:35 p.m. to seek input from the residents.

Motion by Patricia Powers, seconded by Henry Bourg to set a public hearing for June 4, 2003 at 7:35 p.m.

On the Question?

Joe Floss said "On the question, I would state that after we have collected those comments that procedurally, I think the appropriate thing to do is send it to MRC for study once we have a final document. So the input that we are seeking is to continue developing Chapter 11. Then we would forward it to MRC for the SEQr review, and then to the Town Board once that is done. Just to lay out the steps.

ALL VOTING AYE. MOTION CARRIED.

ITEM V

ZONING LAW UPDATE

Joe Floss said "I want to remind everyone that we are trying to get this done by the end of the month. We will have a page by page discussion at least for an hour and a half as we did the last time. Jim Callahan said "If you have any comments on the draft, at any point, please get them into us. Joe Floss said "Submit them, and if you are able to make the meeting on June 3, 2003 by all means bring the book with you then.". Jim Hartz said "On Chapter 8, that was handed out tonight - that is the Clarence Hollow overlay. That was the last substantial change to the draft zoning law. This is the one that was developed with Wendell Consultants. They participated in a Hollow public meeting through a community development block grant. They did most of this work, and there are some organizational issues you may want to consider. There are a lot of sign law recommendations, and landscaping recommendations in this overlay district that might be more

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beneficial in our landscape law and our sign ordinance.

On the Question?

Frank Raquet said “On the overlay district, anything that is in the overlay that would supercede anything that would be in the normal zoning in that area - is that correct?”

Jim Hartz said “This district would overlay in the Clarence Hollow area ,the traditional neighborhood district”. Jim Callahan said “It wouldn’t supercede zoning, it would allow the same uses as the underlying zoning, it would just put further conditions on those. It is refining it.”

Motion by Reas Graber, seconded by Christine Schneegold to adjourn the meeting at 9:45 p.m.

ALL VOTING AYE. MOTION CARRIED

Joseph Floss, Chairman