

Town of Clarence
One Town Place, Clarence, NY 14031
Planning Board Minutes
Wednesday, May 1, 2024

Work Session 6:00 pm

Status of SEQR Coordinated Reviews
Review of Agenda Items
Miscellaneous

Agenda Items 7:00 pm

Approval of Minutes

Item 1

Paul Marinaccio
Residential Single-Family

Requests conceptual review of a proposed 8-lot residential Major Subdivision on Shimerville Road, SBL 57.12-1-12.1.

Item 2

Bryan & Randy Schaefer
Agricultural-Rural Residential

Requests conceptual review of a proposed 18-lot residential Major Subdivision at 5774 Salt Road.

Item 3

Henry Jurek
Traditional Neighborhood District

Requests preliminary conceptual review of a proposed 1-lot residential Open Development Area at 8270 County Road.

Item 4

Paul & Michele Beiter
Traditional Neighborhood District

Requests approval of a detached accessory structure in the rear yard of 9450 Clarence Center Road.

Chairman Robert Sackett called the meeting to order at 7:00 p.m.

Councilman Shear led the Pledge of Allegiance.

Planning Board Members present:

Chairman Robert Sackett
2nd Vice-Chair Wendy Salvati
Jason Geasling
Daniel Tytko

Vice-Chair Richard Bigler
Gregory Todaro
Jason Lahti

Town Officials Present:

Director of Community Development Jonathan Bleuer

Junior Planner Andrew Schaefer
Councilman Paul Shear
Deputy Town Attorney Steven Bengart

Other Interested Parties Present:

Nancy Light	Kathleen Gittere	Gerald Drinkard	Ken Rusin
Joanne Wratny	Cynthia R. Hausle	Annette Wargo	Lewis Wargo Jr.
Joe Morgante	Jacque Morgante	Jay Wopperer	Amy Hardick
Michele Beiter	Paul Beiter	Joe Meyers	Joan Engasser
Larry Engasser	Nathan Johns	Brittany Johns	Bryan Schafer
Greg Mazikowski	Karen Mazikowski	Richard Sullivan	Henry Jurek
Daniel MacDonald	Amanda Dawson	Dan Michnik	Kayleigh Sprada
Jill Quigley			

Motion by Gregory Todaro, seconded by Wendy Salvati, to **approve** the minutes of the meeting held on April 3, 2024, as written.

Daniel Tytka	Aye	Jason Lahti	Abstain	Jason Geasling	Abstain
Gregory Todaro	Aye	Wendy Salvati	Aye	Richard Bigler	Aye
Robert Sackett	Aye				

MOTION CARRIED

Item 1

Paul Marinaccio
Residential Single-Family

Requests conceptual review of a proposed 8-lot residential Major Subdivision on Shimerville Road, SBL 57.12-1-12.1.

DISCUSSION:

Mr. Bleuer introduced this project on Shimerville Road SBL 57.12-1-12.1, located on the west side of Shimerville Road, south side of Roll Road. It is an existing 27-acre vacant property located in the Residential Single-Family zone.

The applicant is requesting conceptual review of a proposed 8-lot major subdivision, with one vehicular access point to Shimerville Road is proposed. Four of the lots are approximately 1-acre in size each, and the remaining 4 lots are approximately 5-acres each. The newly created road is proposed to be publicly dedicated. The applicant intends to transfer a portion of land on the north and south sides of the Shimerville entry point to the adjacent residential parcels.

The initiation of a coordinated review under the State Environmental Quality Review Act will allow for involved agency and interested party comment.

A representative for this project was not present.

ACTION:

Motion by Robert Sackett, seconded by Wendy Salvati to table this item until the end of the meeting, should an applicant be present.

Daniel Tytka	Aye	Jason Lahti	Aye	Jason Geasling	Aye
Gregory Todaro	Aye	Wendy Salvati	Aye	Richard Bigler	Aye
Robert Sackett	Aye				

MOTION CARRIED

Item 2

Bryan & Randy Schaefer
Agricultural-Rural Residential

Requests conceptual review of a proposed 18-lot residential Major Subdivision at 5774 Salt Road.

DISCUSSION:

Mr. Bleuer introduced this project at 5774 Salt Road, located on the west side of Salt Road, south of Clarence Center Road. It is an existing 112-acre property located in the Agricultural-Rural Residential zone, containing a vacant single-family residence, detached garage, and barn.

The applicant is requesting conceptual review of a proposed 18-lot major subdivision. Two vehicular access points are proposed on Salt Road. Four of the lots are approximately 1.7-acres in size each, and the remaining 14 lots are 5-acres or greater each. The newly created road is proposed to be publicly dedicated.

The existing vacant single-family residence, detached garage, and barn are proposed to remain on the parent parcel, until such time as a demolition permit is approved. The applicant has separately applied for a demolition permit for the structures located on the parent parcel, and is subject to Town review.

The initiation of a coordinated review under the State Environmental Quality Review Act will allow for involved agency and interested party comment.

Project Engineer Patricia Bittar with William Schutt Associates, as well as applicants Bryan and Randy Schaefer were present to represent this project.

Ms. Bittar noted that the two access points proposed for Salt Road along with a U-shaped 60 ft. wide public right-of-way, and an approximately 750 ft. long cul-de-sac that extends to the west.

Ms. Bittar added that the wetlands are approximately 44 acres in size, and that they received a preliminary jurisdiction determination from the Army Corp of Engineers. The disturbance would be minimal if at all, with the idea of no disturbances, and preserving all of the wetlands that are on-site.

Ms. Bittar stated that outside of the parent parcel, the archaeological study has been completed, and a letter included in the SEQRA document stating that there was nothing archaeologically sensitive found. There will be a separate review for the remainder of the parent parcel, it is on the May 13, 2024 Historic Preservation Committee agenda.

Mr. Tytka explained that tonight's meeting will be to decide on whether or not to begin a Coordinated Review, which would thoroughly review this proposed project with all involved and interested parties.

Mr. Tytka noted that 12% of the proposed project needs to be Open Space, and it is unclear whether that is met with the proposed plans.

Ms. Bittar noted that because this is conceptual, it is not shown on the plans that have been submitted. They would revisit the layout to make sure they meet the 12% requirement.

Ms. Bittar asked if the 12% open space would be outside of the wetlands.

Mr. Tytka responded yes.

Ms. Bittar stated that based on that, they would be looking at just under 8 acres of open development space, which depending on what happens with the parent parcel, they would adjust accordingly.

Mr. Tytka noted that his concern with re-adjusting the site for open space is that some of the smaller parcels would be taken out of the septic range.

Ms. Bittar stated that they would make sure they did not do that.

Mr. Tytka asked who would be responsible for maintaining the retention pond, and if a Homeowner's Association (HOA) would be created.

Ms. Bittar stated that she does not know what the preference of the Town of Clarence is, whether it is part of open space and becomes something that the Town takes over, or an HOA would be required.

Mr. Tytka stated that it would be private property, therefore it would be the owner's responsibility.

Mr. Tytka asked if sidewalks would be added.

Ms. Bittar stated that she does not believe sidewalks are an intention of the applicants.

Mr. Tytka asked how the stormwater will be managed, and if there is a way to avoid the stormwater reaching the wetlands.

Ms. Bittar explained that because the plans are so preliminary, they basically have a spot saver for the retention pond. Once they do the calculations and the design requirements for Town of Clarence and Department of Environmental Conservation (DEC) code, if they can avoid the wetlands that is their first priority.

Mr. Bigler asked how they plan to monument the wetlands from being intruded upon once the homeowners take over.

Ms. Bittar stated that they would abide by what the Army Corp of Engineers requires.

Mrs. Salvati asked if they were DEC wetlands.

Ms. Bittar responded no; they are federal wetlands.

Mr. Todaro asked if the storm detention is only for run-off, or will it also take discharge from the septic.

Ms. Bittar stated that no septic would be directed toward the retention pond, it would be individual on-site treatment center.

Understanding that this is all very preliminary, Chairman Sackett asked if any consideration has been given to relocating the retention pond away from the road.

Randy Schaefer stated that there is an existing pond there, the Town of Clarence maintains the ditches in and out of that area and they were cleaned this past fall. Their intention is that since the pond is already there, and in a location where the Town observes, it made sense to have it there.

Chairman Sackett stated that at some point the Planning Board will be interested in how close to the road and how it is buffered from the road, should that become necessary.

Ms. Bittar stated that they have not conducted a site topographic survey yet to determine how the water on site is draining. All of that will be done, and it is fully understood that it would need to have some sort of buffer.

In regards to Public Participation, the following residents spoke:

1. Kayleigh Sprada:

- recently purchased the property at 5800 Salt Rd. within the past few months, moving from Roll Road and the congestion and over-population that is found there
- purchased this property to build a house on for her and her daughters, so they can experience the Clarence that she was raised in
- wants the Board to understand the importance of why the people are here tonight, to stop the density

Chairman Sackett asked Ms. Sprada where her property is located in relation to the proposed project.

Ms. Sprada stated that she is the immediately north of the proposed subdivision.

2. Lewis Wargo of 5750 Salt Road:

- owns the property immediately adjacent to the retention pond as shown on the drawing
- concerns with the immediate adjacency to his property and how it will affect the value and condition of his property
- concerned with drainage issues and the size of the pond
- would potentially be interested in purchasing some of the property around his house and the pond as a buffer to his property
- concerns that Salt Road is a 50-mph street and the rise in the road between the two subdivisions
- may need to lower the speed limit on Salt Road

3. Joe Morgante of 5718 Salt Road:

- purposely purchased property that abutted wetlands so that this could potentially never happen

- their property is surrounded with foliage and nature, specifically why they purchased the lot
 - once someone purchases and owns a lot, they can basically do anything they want with the property without being super policed
 - concerned with the buffer between his property and the buffer for the wetlands
 - concerns with the traffic and speed on Salt Road
 - asks the current owners to be courteous to the neighbors and provide a buffer to the backyards to maintain lot privacy
4. Nancy Light of 10525 Clarence Center Road:
- this subdivision will be right at her backyard
 - concerned with drainage, there is already a lot of water coming down their land
 - alarmed at the rapid growth in Clarence
 - concerns with farmland in Clarence and the country feel
 - asked how many farms are left in Amherst
 - are there any farms left in Amherst, Williamsville and how many are left in Clarence
 - concerns with more schools needing to be built

Chairman Sackett suggested Mrs. Light follow up with her questions at the Planning Office.

5. Annette Wargo of 5750 Salt Road:
- additional concerns regarding the access and if it is typical to have 2 access roads with an 18-unit subdivision
 - concerns with traffic
 - concerns with preserving the natural and minimizing the environmental impact

Public Participation was closed at this time for this item.

Ms. Bittar returned to address the questions and concerns, beginning with the access roads. It is Town of Clarence Fire Code that any proposed project that exceeds 12 proposed lots or an access drive 15 ft. in length, two access roads off of the public frontage are required.

Chairman Sackett added that it is a public safety fire issue.

Ms. Bittar noted that in terms of the buffer, the boundary where the wetlands are is also the existing tree line. Ms. Bittar reiterated that they will get more specific once they perform a topographic survey of the property. They have no intentions to disturb that area, everything that exists in the wetland area will remain. It is her understanding that a Conservation Easement will be filed to further protect the boundaries, and monumented to preserve the buffer as the lots are sold.

Chairman Sackett noted that there are neighbors to the west, and asked how that will be buffered.

Randy Schaefer explained that there are a few houses set back further off of Clarence Center Road, and they will have a buffer shown.

They recognize there is a problem with four of the neighboring lots, and they will address buffering during the Coordinated Review.

Mrs. Salvati asked if the lots will be developed individually on their own, or if builders will be hired.

Randy Schaefer stated that their current intentions are to work with a builder that is familiar with the Town of Clarence.

Mrs. Salvati asked if the builder will be informed of the lots in question that are set back further from Clarence Center Road so that they are not clear-cut, and to preserve as much of the existing vegetation as possible.

Randy Schaefer noted that the vegetation consists of the hedgerow that borders the property. The remainder of it is open property.

Addressing traffic concerns, Ms. Bittar stated that when they do a topographic survey, they will make sure to include information on Salt Road, because they have to protect not only existing travelers, but anyone traveling to and from the proposed development. This will also allow them to have available site access for the two access roads.

Regarding drainage, Ms. Bittar explained that they do not want to make the retention pond any bigger than it has to be. Currently it is a placeholder, with much more design work to be done.

Chairman Sackett reiterated that during the Coordinated Review the county highway department will be a part of the review, and will weigh in.

Mr. Todaro asked if other options can be reviewed with the engineering department for the detention basin, and where other possible locations may be available.

Ms. Bittar agreed that they can do that, but they also want to avoid anything within the wetlands area, as well as existing drainage.

Mr. Bigler reiterated that the applicant will ensure that the property to the north will not have any additional water running north on to that property from this proposed development, or any change from what currently exists.

Ms. Bittar stated that they will review existing drainage patterns, and will not allow any additional runoff from the site. They are not permitted to do so.

Mr. Bigler noted that the properties bordering the wetlands will not have a change to their viewscape caused by the proposed project.

Ms. Bittar confirmed that they are not permitted to disturb that area, therefore there will not be a change for the properties along Salt Road, due to the protected wetland area.

As a follow up, Mrs. Salvati noted that disturbing wetlands becomes subject to penalties and fines, therefore applicants and projects do not have the ability to do whatever they choose.

Mrs. Salvati asked if the land is being actively farmed.

Randy Schaefer stated that Anchor Acres in Clarence farms approximately 60 acres of the property.

Mr. Geasling asked if pond will be wet or dry.

Ms. Bittar stated that it is currently planned to be a wet pond.

Mr. Geasling noted that the buffer should be outside the clear zone of Salt Road.

Ms. Bittar noted that there are design parameters that will need to be incorporated in to the plans.

Mr. Lahti asked about the density of the houses in the proposed subdivision, and asked how the lot sizes were determined in relation to the density.

Ms. Bittar stated that based on the limits of the wetland area and in accordance with the septic system design, town code states that they cannot exceed four lots on a septic less than 5 acres in size. Everything else has to be 5 acres or larger.

ACTION:

Motion by Daniel Tytka, seconded by Wendy Salvati that pursuant to Article 8 of the Environmental Conservation Law, to **accept** the Part 1 Environmental Assessment Form as submitted and to seek Lead Agency status and **commence a coordinated review** among involved and interested agencies on the proposed Schaefer Major Subdivision at 5774 Salt Road in the Agricultural-Rural Residential zone. This Type I Action involves the proposed development of an 18-lot residential single-family subdivision, and demolition of structures built before 1950.

Daniel Tytka	Aye	Jason Lahti	Aye	Jason Geasling	Aye
Gregory Todaro	Aye	Wendy Salvati	Aye	Richard Bigler	Aye
Robert Sackett	Aye				

Mrs. Salvati noted that this is not an approval of this project, but rather the very first step of a lengthy review process. There will be multiple other meetings, and what is shown tonight may not be the end result.

MOTION CARRIED

Motion by Robert Sackett, seconded by Wendy Salvati to open Item 1, as a representative is now present to represent the project.

Daniel Tytka	Aye	Jason Lahti	Aye	Jason Geasling	Aye
Gregory Todaro	Aye	Wendy Salvati	Aye	Richard Bigler	Aye
Robert Sackett	Aye				

MOTION CARRIED

Mr. Bleuer briefly re-introduced the project.

Doug Eldred, project engineer with Doug Eldred Site Engineering PLLC was present to represent the project, and apologized for his late arrival to the meeting.

Mr. Eldred stated that there are four 1-acre lots and four 5-acre lots, which matches the code. The property is located approximately 700 ft. south of Roll Road on the west side. As shown, there is a long access way to get back to the lots, as they are located to the back of the property, which is a combination of open fields and woods.

Mr. Eldred noted that most of the house sites are clearly in the open field and mostly all of the woods would be preserved except for the front two lots, where there would be some minor clearing.

Mr. Eldred stated that the property drains to the west with an existing pond on the west side which they will upgrade to a stormwater management pond. A bio retention area is proposed for water quality in conformance with the stormwater permit.

Mr. Eldred noted that they have approximately 1,800 ft. of road that they have asked to be a dedicated road. He knows the Planning Board is not in favor of that, but they feel it would only be fair to have a dedicated road, considering the high cost of the project with the length of the road and very few lots, and to the people who will live in there it is just not fair for them to have to maintain that much road. The Town of Clarence maintains every other road and they do not get a reduction in their taxes and they have found that it is very difficult to market these on a private drive.

Mr. Eldred added that the lots that back up to the other lots are approximately 350 ft. deep, and there is a pretty substantial hedgerow in that area, so they are well buffered from the adjacent lots and the property is surrounded by woods.

Mr. Geasling stated that he does not believe the Town of Clarence has accepted a public singular access road in over 20+ years, those are typically private roads.

Mr. Eldred stated that it is important to his client because he has seen a lot of these type of developments where the lots do not sell because of the cost of the high-maintenance cost involved. He did in fact propose putting in a second access road to have the public benefit, but that did not seem to change anybody's minds. That was eliminated from this particular sketch at this time.

Mr. Geasling asked where they put in a second access.

Mr. Eldred responded that the strip that goes out to Roll Road, they were showing a second access road there that could be used by other properties including the town property to the west.

Mr. Geasling noted that he does not believe that strip is wide enough to be a public right-of-way.

Mr. Eldred stated that it is not wide enough for a public right-of-way, it would have to be a private access drive. Mr. Eldred then stated we would try to get it wide enough where we could put a public road in.

Mr. Geasling asked if part of the bio-retention area that is partly on private property, is part of that the intention to have a Homeowner's Association for the upkeep.

Mr. Eldred responded no; they are hoping that the Town of Clarence would allow that to be in dedication for maintenance just like the stormwater pond be dedicated for maintenance, and the homeowners would be responsible for the aesthetic maintenance of the pond.

Mr. Eldred stated that he is not sure what the Town of Clarence's policies are here, but that would be the intention.

Mr. Geasling stated that he does not believe the Town of Clarence would take on the maintenance, and it may be something that needs to be revisited.

Mr. Eldred stated that a homeowner's association is problematic, so they would like it to be considered.

Mr. Geasling clarified that Mr. Eldred means having it dedicated to the Town of Clarence.

Mr. Eldred responded yes.

Mr. Geasling stated that will also need to be discussed further.

Mr. Geasling confirmed that Mr. Eldred stated as part of the lot preparation for construction, a majority of the wooded areas will be left undisturbed.

Mr. Eldred responded yes.

Mr. Geasling added that the same will go for the wetlands.

Mr. Eldred stated that they received an updated wetland delineation, so what you see was done November, 2023.

Mr. Geasling asked Mr. Eldred how they plan to meet the Town Code for Open Space.

Mr. Eldred stated a conservation easement.

Noting that the Town of Clarence Code requires 12% Open Space, Mr. Geasling asked a conservation easement of what.

Mr. Eldred stated that they will provide a conservation easement.

Looking to Mr. Bengart for guidance, Mr. Geasling asked if that was allowable.

Mr. Bengart stated that it is to be determined.

Referring to the southwest lot on the cul-de-sac, Mr. Geasling asked Mr. Eldred if he would clarify the frontage of that lot, and whether it meets code.

Mr. Eldred said that it is his understanding that there is a section in the code that when the curvature of the road is at a certain degree then you can have it down to 60 ft. and he was going to look in to that with the town engineer.

Mr. Geasling asked that it meets the 30-degree requirement.

Mr. Eldred responded yes; so, it is his understanding that it would meet code.

Referring to the Open Space dialogue, Chairman Sackett informed Mr. Eldred that it needs to be delineated on the diagram where they plan to have it for future meetings.

Mr. Eldred stated that they would do the wooded area for the Open Space, and put it in the Conservation Easement so that nobody can disturb it, and the wetlands also.

Chairman Sackett stated that in regards to a retention pond on private property, whereas he can't say that it does not exist in the Town of Clarence, he can say that it needs to be made clear legally easements to get to it, and who is responsible for maintaining it.

Mr. Eldred stated that his point is that the Town of Clarence has staff that knows what to do with respect to maintaining ponds and making sure the outfall structures working, and spillway, and all of the elements.

Chairman Sackett recommended to Mr. Eldred that they state that proposal explicitly, because in his long tenure, he cannot think of one example where the Town of Clarence maintained the pond. The developer and the association maintained it.

Mr. Geasling stated that part of the Open Space requirement is identifying it, and also adding to the plans and the site data table, and have those items identified.

Referring to the Environmental Assessment Form (EAF) that was submitted, Mr. Lahti noted that the question asking whether stormwater run-off will go to adjacent properties, and the answer was yes. Mr. Lahti asked Mr. Eldred to describe which properties it will go to, and how that will work.

Mr. Eldred noted that the hard surfaces, there is an amount of water that goes in to the pond now and they would maintain that. The two lots to the south would have some direct runoff in to the town's property to the west. If they had to, they could take the hard surfaces from those lots to the pond and the bioretention area, if that is the desire of the board. Other than that, they would meet the existing versus proposed runoff rates with respect to the stormwater management.

Mrs. Salvati explained to Mr. Eldred that stormwater from this property must be managed on the site. You cannot allow stormwater to go offsite in any greater volume than what naturally runs off the site today.

Mr. Eldred stated that is what he was trying to say.

Mr. Todaro asked for clarification on Mr. Eldred's statement that it is the Planning Board's decision; this board does not make that decision, it must be made by the Engineering Department.

Mr. Eldred stated that the idea here is that some area would bypass the pond and the existing conditions so there is a flow related to that, so they would not be able to exceed that flow with whatever they let go.

Mrs. Salvati reiterated that anything that is let go, must be controlled on site.

Chairman Sackett explained that after the Coordinated Review period ends, there is concept approval. During this month, the applicant is required to submit a preliminary stormwater and drainage report to the Town of Clarence Engineering Department for approval. The intent is to show how stormwater will be managed.

Mr. Eldred stated that he submitted a drainage plan.

Mr. Bleuer explained that during the Coordinated Review period you will meet with the town engineer and discuss the standards that he is looking for with preliminary grading and drainage.

Chairman Sackett explained that the town engineer will make sure that adjacent properties are not adversely affected in terms of stormwater.

Mr. Lahti asked about the 30-degree, 60 ft. frontage lot and if it impacts the setback of the house that is proposed for that particular lot, why was it designed that way so that there is not a consistent setback.

Mr. Eldred responded, stating that they do not want to put the house up by the right-of-way where the lot is narrow, and asked Mr. Lahti if that was his question.

Mr. Lahti asked why the lots were configured in that way so that there is not a consistent setback on the houses.

Mr. Eldred stated that personally, he likes a variation in that but it possibly could be moved up closer. They have the 5-acre thing that they have to work with, but they can work that out. He thinks that the house setting back just in to the woods is nice, as far as a homeowner. He likes that positioning of the house for development.

Mr. Eldred stated that if the Planning Board wants the house at the setback line, then they can reconfigure the lot so that they can move it and in doing so they would move the septic system.

Mr. Lahti noted that he was simply asking a question.

Mr. Eldred stated that it is just a nice setting for the house.

Mrs. Salvati noted that this layout is conceptual.

Mr. Todaro noted that in regards to Mr. Lahti's question, that delineating where the woods would be and monument that in regards to cut trees, needs to be shown as well.

Mrs. Salvati added that she believes that is important, since Mr. Eldred is indicating that the woods and the wetlands would be part of the required 12% Open Space, they'd be subject to conservation easement. They would need to show the proposed limits are.

Mr. Eldred stated that 12% is not much, they would want to do more than that.

Chairman Sackett requested they work on the limits of disturbance, and as soon as they know what the intended setbacks are on all four sides, that should be incorporated in the plans.

Mr. Eldred asked what the Planning Board's preference is.

Chairman Sackett responded that the preference is to listen to the proposal and the rationale for it.

In regards to Public Participation, the following residents spoke:

1. Cindy Hausle of 5555 Shimerville Road:

- very concerned with what she is hearing about all going on with this proposed development
- concerned about some fandaggle fountain going up at the entrance, this is Clarence it does not fit

- the sprawl has gone on so much and now it has touched her
- concerned with the one access almost directly across the street from her
- traffic is already bad and they travel too fast
- all of the traffic coming down Shimerville Road, developments all around them, it is bad
- as far as the Town of Clarence taking care of the pond, Mr. Marinaccio has plenty of money to take care of his own pond
- the Town should not be expected to take care of any pond or water runoff
- wants to be sure the oil pipeline that runs through there is not disturbed that runs across the corner of her property

2. Brittany Cole of 5571 Shimerville Road:

- already drag racing up and down Shimerville Road
- previously worked for a land-development firm and showing up on time, prepared to answer questions is step 1 of a process like this. Therefore, she doesn't have a lot of faith in this project so far

3. Amy Hardick of 5540 Shimerville Road:

- located immediately north on Shimerville, this is directly adjacent to her property
- the hedgerow between her property and the applicant's, the lot line runs through the middle of her driveway
- Mr. Marinaccio's daughter lives on the other side of her
- concerned that the road will be jammed in between the two homes, with what is currently just enough space to do it with
- has heard that Mr. Marinaccio plans to give back some of the property located to the north and the south to her and to his daughter. He has been promising to do this since purchasing the property 15 years ago
- in regards to clearing the property and not cutting down any trees, there has been heavy machinery on the property for the past two weeks clearing the area
- utilized her property and pulled down a tree on her property while using her driveway to gain access to his property with heavy machinery
- inappropriate density for the area and the property

4. Jay Wopper of 5225 Meadowbrook Lane:

- concerned as a taxpayer for not only this site, but other sites
- national Gypsum mined this area for 50 years

5. Joanne Wratny of 5501 Shimerville Road:

- echoes previously stated concerns
- the road has become a speedway
- they don't need more people there
- already have major drainage issues there, more houses will cause more issues

6. Ken Rusin – representing his daughter that lives at 5442 Shimerville Rd:

- proposed entrance with the roadway and houses does not look like it will be pleasing
- concerns with the wetlands
- traffic concerns
- concerns with the Gypsum Mines

- listening to the representative for Mr. Marinaccio, it sounds like they have a lot of homework to do, and they have not looked in to this proposed project too well
- drainage concerns
- does not appear as though the people designing and proposing this project have handled it very well

7. Nathan Johnson of 5571 Shimerville Road:

- concerned with traffic and speed on Shimerville and especially intersection of Roll Road
- can't imagine new houses will help especially with an extra road
- concerned with the representative for the proposed project and how much they are trying to put on the Town in regards to drainage, roads, maintenance etc.

Public Participation for this item for this meeting was closed.

Mr. Eldred returned to address the public comments and concerns, stating that 8 homes should add very little volume of traffic. It is a very low trip generation for the property and won't add significant volume to the roadway network at all.

Mr. Eldred stated he is not sure what the Gypsum Mines are, and asked if that is in this area.

Chairman Sackett suggested Mr. Eldred check with the Planning Office relative to the Gypsum Mines.

Mr. Eldred stated that the site itself appears to be untouched, it does not appear any mining has been done on-site.

In regards to putting as much on the Town of Clarence as possible, Mr. Eldred stated that they only want to do what is fair. Mr. Marinaccio pays his taxes and gets his road maintained and other people pay their taxes and get their drainage maintained so that is simply their request.

Mr. Eldred stated that the layout itself preserves most of the woods, there is good buffering to all of the surrounding properties. He understands that sometimes it is emotional when you build something next to a home that has been there for quite a while but there are rights that occur with the land as well. They aren't asking for any variances; they are asking to build within the confines of the code.

In regards to the questions regarding erosion control, they will put in great erosion control. It would not affect anyone anyway; it drains to the west.

Mr. Eldred apologized for being late.

Chairman Sackett stated to Mr. Eldred that as they egress their development, across the street there is a house and there will be car lights that shine on the house. The Planning Board will ask how that is going to be buffered for example.

Mr. Eldred stated if that person let them put some trees in on their property, then they could do that. Chairman Sackett informed Mr. Eldred if he needs examples, he can go to the Planning Office.

As far as Mr. Eldred's comments that they are requesting the Town of Clarence be responsible for a number of things, Chairman Sackett informed Mr. Eldred that he has some homework to do. The

Planning Board does not find the examples that Mr. Eldred is talking about. If they do not find one, it is highly unlikely that he personally would vote for this proposal.

Chairman Sackett requested Mr. Eldred find examples of it being fair between developments.

Mr. Eldred stated that he understands completely, it was made clear before. He believes it is a Town Board issue so whatever the board recommends.

Chairman Sackett stated that it is also a Planning Board issue.

Mr. Eldred stated that whatever recommendation is made goes to the Town Board. He is from the Rochester area; they have a number of roads approved as private roads over the years. Now as those roads fail those people on those roads go to the Town Board or Village Board, to ask for them to be dedicated. Then there is a big cost in upgrade. It's a political issue and ends up going the other way many times. He's not saying that's going to happen here, he's just telling you what's happened in his experience.

Chairman Sackett recommended finding examples in Clarence would be helpful.

Mr. Geasling stated that the whole point of bringing up a Homeowner's Association, is because they can put aside funding for future maintenance, as it is a known cost down the road.

Chairman Sackett challenged Mr. Eldred to find examples that support his position.

Mr. Eldred stated that he does not believe there are examples, this is a new request.

Referring to the resident that mentioned there is work currently being done on the site, Mr. Bigler asked Mr. Eldred what is happening back there with the heavy equipment.

Mr. Eldred stated that he is not aware of that himself, he will speak with Mr. Marinaccio about it.

ACTION:

Motion by Jason Geasling, seconded by Richard Bigler that pursuant to Article 8 of the Environmental Conservation Law, to **accept** the Part 1 Environmental Assessment Form as submitted and to seek Lead Agency status and **commence a coordinated review** among involved and interested agencies on the proposed Marinaccio Major Subdivision at Shimerville Road SBL 57.12-1-12.1 in the Residential Single-Family zone. This Type I Action involves the proposed development of an 8-lot residential single-family subdivision.

ON THE QUESTION:

Mr. Todaro asked that during the coordinated review, a special look is taken at any mines in the area in regards to development.

Chairman Sackett stated that is the developer's responsibility, there are precautions during building in terms of testing and drilling. If they are proposing a development on this land, it should fall under the developer's responsibility.

Daniel Tytka	Aye	Jason Lahti	Aye	Jason Geasling	Aye
Gregory Todaro	Aye	Wendy Salvati	Aye	Richard Bigler	Aye
Robert Sackett	Aye				

MOTION CARRIED

Item 3

Henry Jurek
Traditional Neighborhood District

Requests preliminary conceptual review of a proposed 1-lot residential Open Development Area at 8270 County Road.

DISCUSSION:

Mr. Bleuer introduced this project at 8270 County Road, located on the north side of County Road, east of Stahley Road. It is an existing 4-acre parcel located in the Traditional Neighborhood District, containing an existing commercial structure.

The applicant is requesting conceptual review of a proposed 1-lot Open Development Area. The lot would contain approximately 2-acres, and access the existing private drive used by the commercial structure.

In 1985, Daniel Lamm was granted approval by the Town Board to construct four 0.6-acre single family lots in this area, but the lots were never created or built upon. The applicant is now seeking approval to create one lot in this area, with no modifications to the existing drive.

The initiation of a coordinated review under the State Environmental Quality Review Act will allow for involved agency and interested party comment.

Ken Zollitsch with the engineering firm Greenman Pedersen Inc. as well as the owner of the property and applicant Henry Jurek Sr., were present to represent this project, adding that the project in front of them tonight is for a new single family residential lot on 2 acres, located on a 4-acre parcel that Mr. Jurek currently owns.

Mr. Zollitsch explained that access to the property would be through the existing driveway on site, which would be a shared access drive.

Mr. Zollitsch noted that Mr. Jurek had an approval through the Town of Clarence many years ago for this property for multiple lots on this property. This time they are only seeking one lot, within code.

Chairman Sackett asked Mr. Jurek to explain the types of activities that are associated with Jurek Builders.

Mr. Jurek explained that he has owned this property for 40 years, there is a construction company and on office located to the back of the property. They have activity in the morning when their vehicles leave to go to the job sites, then return later.

There is not a lot of activity that happens outside of the shop or equipment maintenance, Mr. Jurek explained.

Mr. Jurek previously planned to build at the rear of the property, but plans had changed and they built elsewhere. He did have a building permit at one time, which went unused. Mr. Jurek welcomed anyone to go back on the property to view it, it is kept in park-like condition complete with a retention pond and a fountain. Mr. Jurek stated that his intention is to eventually build a home back there.

Mr. Jurek explained that he had been grandfathered in, but regulations have changed so he needs to have at least a 2-acre parcel to do what he would like to do, which is why they have divided it in to two acres.

Chairman Sackett asked Mr. Jurek if he plans to live there.

Mr. Jurek responded yes; that is his intention.

Mr. Lahti asked about the other house that comes off of the same driveway and if there is an access or maintenance agreement.

Mr. Jurek responded that it is Dan Herberger, Mr. Jurek put that in and connected to his driveway so that he would have easier access to County Road. They have a very good relationship, maintaining the road themselves.

Mr. Jurek stated that there is no formal agreement.

Mr. Lahti noted that there are items in the code for an Open Development regarding distances to certain things that should be shown in the drawings for an open development.

Chairman Sackett asked Mr. Zollitsch if he agrees to create a table with the information that Mr. Lahti is referring to.

Mr. Zollitsch responded yes; he understands that there may be some concerns coming from the fire chief, they will most certainly add some additional information on the plans. Their intent is to leave the driveway as it is, given the nature of the property with the existing mature trees. They are more than willing to work with the Town of Clarence as they progress through the review process.

Chairman Sackett stated that creating a Site Data Table with pertinent information would be helpful.

Mr. Lahti noted that if they would address all the points of the code, that would also be helpful.

In regards to Public Participation, the following resident spoke:

1. Daniel MacDonald of 6723 Westminster Drive:
 - has no issues with this proposed project
 - thank you to the Town of Clarence for the thorough review and checking everything
2. Joan Engasser of 8334 County Road:
 - have been back adjacent neighbor for 40 years and have had no issues, they have been a great neighbor
 - sees no problems in the neighborhood with this project

Public Participation was closed for this item for this meeting.

ACTION:

Motion by Jason Lahti, seconded by Gregory Todaro that pursuant to Article 8 of the Environmental Conservation Law, to **accept** the Part 1 Environmental Assessment Form as submitted and to seek Lead Agency status and **commence a coordinated review** among involved and interested agencies on the proposed Jurek Open Development Area at 8270 County Road in the Traditional Neighborhood District. This Unlisted Action involves the proposed development of one single-family residential lot.

Daniel Tytka	Aye	Jason Lahti	Aye	Jason Geasling	Aye
Gregory Todaro	Aye	Wendy Salvati	Aye	Richard Bigler	Aye
Robert Sackett	Aye				

MOTION CARRIED

Item 4

Paul & Michele Beiter
Traditional Neighborhood District

Requests approval of a detached accessory structure in the rear yard of 9450 Clarence Center Road.

DISCUSSION:

Mr. Bleuer introduced this project at 9450 Clarence Center Road, located on the north side of Clarence Center Rd, west of Goodrich Rd. It is an existing 0.33-acre parcel located in the Clarence Center Traditional Neighborhood District, containing an insurance office.

The applicant is requesting Site Plan and Architectural approvals for a detached 2-car garage to the rear of the existing principal structure. The garage will be used to house items for personal storage and on-site property maintenance items. The existing garage will be demolished prior to the construction of the new garage. Proposed materials are vinyl siding and asphalt shingles.

The Planning Board has authority to act on this request.

Paul and Michele Beiter were present to represent their request.

Mr. Todaro noted that this proposed project came to the Planning Board based on the zoning for where the structure sits, which is commercial, and it sits in the Traditional Neighborhood District (TND). Mr. Todaro stated that essentially the current structure will be demolished, and proposing to build a new, larger structure on the same pad.

Mr. Todaro asked Mr. and Mrs. Beiter to describe the proposed building and the materials that they will be using.

Mr. Beiter stated that they are attempting to match as closely as they can, the roofline and the existing house. The house itself is grey, they will use a grey siding so that everything matches.

Mr. Todaro asked what kind of siding they plan to use.

Mr. Beiter responded that it is vinyl siding.

Mr. Todaro asked for information regarding the storage, what will be stored in the structure.

Mr. Beiter stated that he owns a fishing boat, that would be stored in there as well as other personal items, lawn equipment and similar.

Mr. Todaro asked about the driveway on site, and if there is any proposed driveway that leads back to this proposed structure.

Mrs. Beiter responded that although not much, there is a stone driveway there currently.

Regarding lighting, Mr. Todaro asked if they plan to use any type of lighting on the structure.

Mrs. Beiter stated that they will probably have some type of lighting up, including under the overhang with the picnic area.

Mr. Todaro stated that any lighting that is used of a spotlight nature must be dark-sky compliant and cast down, not shining on to any adjoining properties.

Mr. and Mrs. Beiter responded yes; absolutely.

Mr. Bigler asked if they will be getting additional electric for the building from the Allstate building, there will not be a separate meter.

Mr. Beiter responded yes; it will come from the Allstate building, there will not be a separate meter.

Referring to the outline for the existing pad, Mr. Bigler asked if the supports that are shown in the plans will cause the pad to need to be expanded.

Mr. Beiter stated that they will need to cut 12-18 inches of the pad to put in the footer.

ACTION:

Motion by Gregory Todaro, seconded by Wendy Salvati to issue **Site Plan and Architectural Approvals** for the Beiter detached accessory structure addition located at 9450 Clarence Center Road per the submitted plans and architectural elevations by Hauer-LaDuca Architect P.C., dated April 2nd, 2024, subject to the following conditions being met:

1. Subject to Town Building and Engineering Departments review and approvals, as required, prior to any permits being obtained for the construction on the property.
2. Any structure lighting shall comply with Town Code, be dark sky compliant and shielded to prevent spillage onto adjoining properties.
3. Building to be constructed per the labelled and approved materials.
4. Building and site shall be maintained as approved, in perpetuity, and any building and site deficiencies shall be repaired or replaced as approved.
5. Subject to review by the Clarence Center Community Character Protection Board for final architectural review to the Planning Office.

6. Subject to Open Space, and any other applicable fees as required by Town Code.

ON THE QUESTION:

Mrs. Beiter asked for clarification on condition #5.

Mr. Todaro explained that there is an overlay district called the Clarence Center Community Character Protection Board that will review the design of the structure. once they have the review, they will make any recommendations to the Planning Office if they have any.

Mr. Bleuer explained that traditionally they do not review residential structures, but because this is a commercial property, they will review it.

The applicants heard, understands and agrees to the conditions.

This proposal has been deemed a Type 2 action by the Town of Clarence, and therefore requires no further environmental review nor action under the State Environmental Quality Review Act.

Daniel Tytka	Aye	Jason Lahti	Aye	Jason Geasling	Aye
Gregory Todaro	Aye	Wendy Salvati	Aye	Richard Bigler	Aye
Robert Sackett	Aye				

MOTION CARRIED

Meeting **adjourned** at 8:40 p.m. with a motion by Gregory Todaro.

MOTION CARRIED

Amy Major
Senior Clerk Typist