

Town of Clarence
One Town Place, Clarence, NY 14031
Planning Board Minutes
Wednesday, August 21, 2024

Work Session 6:30 pm
Status of SEQR Coordinated Reviews
Review of Agenda Items
Miscellaneous

Agenda Items 7:00 pm
Approval of Minutes

Item 1

SGC Development LLC.
Residential Single-Family

Requests Conceptual review of a proposed 62-lot major subdivision at the southeast corner of Stickler Road and Greiner Road, SBL's: 72.01-4-6, 72.01-4-7, 72.01-4-8, 72.01-4-9.

Item 2

Erie Residential Partners LLC.
Agricultural-Rural Residential

Requests Minor Subdivision of land approval to create four (4) new lots located at the southwest corner of County Road and Heise Road, SBL's: 30.17-2-37, 30.17-2-36, 30.17-2-35, 30.17-2-1.211, 30.17-2-1.213, 30.17-2-1.212, 30.17-2-34.

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

Deputy Town Attorney Steven Bengart led the Pledge of Allegiance.

Planning Board Members present:

Chairman Robert Sackett
2nd Vice-Chair Wendy Salvati
Jason Lahti

Vice-Chair Richard Bigler
Gregory Todaro
Daniel Tytka

Planning Board Members absent: Jason Geasling

Town Officials Present:

Director of Community Development Jonathan Bleuer
Junior Planner Andrew Schaefer
Deputy Town Attorney Steven Bengart

Other Interested Parties Present:

Richard Zelawski
Bradford Banks
Sean Mahan
John Kreppel

Louise Mallon
Beth McNally
Art Romanowski
Jason Hughes

Kevin Curry
Diane Szulist
Jim Mockler
Ken Curto

Ben Olivieri
Dave Metzger
Kathy Kreppel
Christopher Kramer

Julie M. Kramer	Jesse Burns	Kathy Yu	Lynn Nawrot
Russell Siracuse	Tom Furminger	Dave Burke	Kathleen O’Hare
Paul Vaicunas	Paul Gibson	Michael L. Turpin	Kelly Turpin
Robin Fillipone	Gregg Filippone	Sharon Kapleqicz	Erica Benson

Motion by Wendy Salvati, seconded by Richard Bigler, to **approve** the minutes of the meeting held on July 31, 2024, as written.

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

MOTION CARRIED

Item 1

SGC Development LLC.
Residential Single-Family

Requests Conceptual review of a proposed 62-lot major subdivision at the southeast corner of Stickler Road and Greiner Road, SBL’s: 72.01-4-6, 72.01-4-7, 72.01-4-8, 72.01-4-9.

DISCUSSION:

Mr. Bleuer introduced this project located at the southeast corner of Strickler Road and Greiner Road, identified by SBL’s 71.01-4-6, 72.01-4-7, 72.01-4-8, & 72.01-4-9. It is an 81.5-acre vacant property zoned Residential-Single Family, and within Erie County Sewer District 5.

The applicant is requesting conceptual review of a 62-lot major subdivision with access to Strickler Road and Greiner Road. The applicant is proposing an incentive-lot design, with lots containing a minimum of 19,250 sq. ft. and 110’ of frontage. Finally, 45% of the site is proposed to remain natural as permanent greenspace.

This item was referred from the Town Board at their April meeting. Since that time, the applicant has modified the proposal per comments received, including the relocation of the Greiner Road access further west resulting in the elimination of the northerly cul-de-sac.

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. was present on behalf of the developer.

Mr. Zollitsch noted that this is the beginning of a very long process, starting with this request to begin the Coordinated Review.

Mr. Zollitsch stated that after originally presenting this project to the Town of Clarence approximately a year ago, and based off of comments that have been received, several changes have been made. Mr. Zollitsch reviewed the changes that have occurred with this project thus far.

The developer is looking to build larger estate-style lots, to the as-of-right code of 125’ wide, but they want some flexibility, bringing some lots down to 110’ wide.

Additionally, Mr. Zollitsch noted that there is a 25% greenspace requirement, of which is to be preserved and not developed on. This plan has 45% greenspace, while still maintaining larger lots.

Mr. Zollitsch pointed out that they have moved the access road as far away from the Strickler Road and Greiner Road intersection as possible, understanding that there are existing issues with that intersection.

Explaining that there is a variety of lot sizes, Mr. Zollitsch noted that 33 lots are 110' wide, and 29 lots are 125' wide. The two cul-de-sacs are anticipated to be a higher-end product, with a larger house than what is on the 110' wide lots.

Mr. Zollitsch noted that the property is in Erie County Sewer District No. 5, and they do not anticipate any issues tying in to the sewer line.

Mr. Zollitsch added that while the Town of Clarence requires a 200' buffer space along all existing road frontages, they have also provided approximately 90' of buffering between this proposed development, and the existing lots on Hillcrest Drive. This is double what the Town requires with a commercial property abutting residential properties. There is no requirement for adding a buffer between an existing residential development and a proposed new development.

Mr. Lahti noted that this proposed project is below the permitted density for a project of this size.

Noting that the traffic is a primary concern of residents in the area, Mr. Lahti asked if there is a traffic study planned.

Mr. Zollitsch stated that if the Town of Clarence requires them to do a traffic study, they will certainly do one, but there is not one currently underway.

Mr. Lahti noted that both Strickler Road and Greiner Road are county roads, and within the review process this proposal will go to involved and interested agencies. The county will determine if a traffic study is to be done, as well as the parameters.

Mr. Lahti stated that the Board is aware of the traffic in that area, and that the middle school is located there as well. The county will be addressing the traffic in their part of the review process.

Mr. Lahti continued to explain the different parts of the proposed development that will also be reviewed including wetlands, the residents on Hillcrest Drive, and a preliminary stormwater drainage plan will need to be submitted as part of the process. The Town of Clarence Engineer will make sure that no stormwater will drain on to adjacent properties.

Mr. Lahti reiterated that the developer is providing a 90' buffer, which is more than what is required. They would like to maintain as much of the privacy that they can, while balancing that with their right to develop the land.

Regarding the Environmental Assessment Form (EAF) on page 9, Mrs. Salvati noted that nothing was listed for wetlands, although they have shown that there are likely federal wetlands on the property. Mrs. Salvati stated that she assumes the applicant is waiting for a delineation for the actual acreage.

Mr. Zollitsch explained that the EAF is a state form, and the wetlands are typically related to NYS Department of Environmental Conservation (DEC) wetlands, not Army Corp of Engineers wetlands, which is why they did not indicate any wetlands on the EAF. It will end up being an Army Corp of Engineers wetlands, because it does not meet the requirements for a NYS Department of Environmental Conservation wetlands.

Discussion continued regarding the potential wetlands.

Chairman Sackett noted that during the Coordinated Review, preliminary stormwater grading and drainage is typically worked on with the Town of Clarence Engineer. The town engineer has taken exception with the retention pond being proposed on private land. Chairman Sackett asked Mr. Zollitsch to reconsider that proposal.

Mr. Zollitsch stated that they have no problem with pushing the proposed retention pond back a bit further, and that the advantage to having some part of the lot encroach upon the pond is that then those homeowners have control of the pond bank all the way to the water's edge. They have done this in most of their developments, and the locations that have the stormwater ponds located in their other developments, and people enjoy having the lake immediately behind them. It is certainly something that they are willing to review and work with the town engineer on.

Chairman Sackett stated that he understands Mr. Zollitsch's comment as far as abutting a property, but not in terms of overlapping.

Chairman Sackett also noted that another thing the Planning Board will be looking for, is that if adjustments need to be made based on the Coordinated Review, and after they have been made, they will be very interested in the limits of disturbance.

Mr. Zollitsch explained that when preparing their preliminary grading and drainage plan, they could add intended limits of disturbance as well.

Mrs. Salvati noted that the areas listed as undisturbed will actually be disturbed by drainage infrastructure, so they are not truly undisturbed.

Discussion continued regarding potential limits of disturbance.

Mr. Todaro asked if there are plans for blasting.

Mr. Zollitsch stated that they have not done any soil bores yet, so he is unable to speak to the depth of the rock. He does know that along the rear of the lots on the south end. It is basically the ridge line where the rock is exposed, and then it drops down.

In regard to Public Participation, the following residents spoke:

1. Dave Metzger of 5205 Hillcrest Road.:
 - where will the rear-yard drainage go along the east property line
 - limits of disturbance along the east property line
 - will the existing fallen trees be removed, or left as part of natural buffer
 - can the lots along Strickler Road or Greiner Road ever be built on in the future

2. Mike Turpin of 5140 Strickler Road:
 - the infrastructure is not there to support this proposed development and the traffic
 - the infrastructure underneath the ground is not stable
 - water main is not stable
 - the existing residents along Greiner Road and Strickler Road cannot get the utilities to fulfill their needs now as it is, much less without adding 62 new homes
3. Dave Burke of 5110 Hillcrest Road:
 - concerns about eliminating the natural absorption of runoff, and where all the water will go
 - asked if a perc test (percolation) has been performed yet, will there be more done, and who pays for the test
 - is the proposed development striving towards the idea of connectivity and walkability as stressed in the Town of Clarence Master Plan
 - the developer needs to provide a bike path or sidewalk along the border of the property on Strickler Road from Main Street to Greiner Road, and Hillcrest Road to Strickler Road. This would increase walkability, as well as decrease congestion at the middle school
 - current road conditions are insufficient and dangerous for the amount of traffic on Greiner Road
 - has there been a traffic study on Hillcrest, Greiner, and Kraus Roads, and who pays for that
4. Tom Furminger of 5050 Hillcrest Road:
 - will there be a new and updated archaeological assessment performed or will it remain the previous one from Forest Lawn Cemetery
 - based on the archaeological assessment that he found, there are multiple pre-contact sites that would be in the potential backyards along the east property line
 - approximately 2/3 of the way in to the property, there is a previous rock wall that exists on the site. A preliminary search and in speaking with Town Historian Joe McGreev, it could be an original Schopp family rock wall from 1800's
5. Christopher and Julie Kramer of 5260 Strickler Road:
 - appreciates the greenspace that is planned
 - infrastructure concerns regarding Strickler and Greiner Roads
 - how can he keep in touch with Erie County regarding infrastructure and traffic
6. Bradford Banks of 5170 Strickler Road:
 - what is included in Sewer District #5
7. Ken Curto of 10350 Greiner Road:
 - concerns about traffic especially during school time
 - concerned about drainage
 - concerned about the wildlife
 - Clarence is allowing developers to come in and build on all the land
 - There was a freeze on building many years ago, and now everyone just builds everywhere
8. Jim Mockler of 5030 Hillcrest Road:
 - once the proposed new homes are sold, who owns the buffer zone that will be between the existing homes on Hillcrest Drive and the proposed development homes

- how much control will the Town of Clarence have over the buffer area
- would like the trees to stay where they are to provide a natural buffer

Public Participation was closed for this item in this meeting.

Mr. Zollitsch returned to respond to concerns and answer questions as he is able to, stating that some of the drainage requirements by the state and by the town include rear-yard drainage, located on the homeowner's property, there will not be any drainage located in the buffer areas.

Mr. Zollitsch stated that in general, they are not allowed to discharge any stormwater runoff on to adjoining properties, it all needs to be contained on their site.

Mr. Zollitsch explained that they need to control their runoff, because the Town of Clarence does not want to have to deal with drainage issues coming from this development in the future. They install rear-yard drains and receivers at corners so that the drainage is intercepted from a lot. It goes in to an enclosed system which then takes it to the stormwater facilities on-site, then discharge to the existing town waterways.

As a requirement from the Department of Environmental Conservation (DEC) and the Town of Clarence, Mr. Zollitsch stated that the existing rate of runoff cannot be exceeded. They will not be making anything worse, but in some cases may actually be improving things by controlling and directing the runoff.

Mr. Zollitsch noted that the cost of any studies that they are involved in is fully funded by the developer. The Town of Clarence does not pay for any studies or analysis' related to this development. Everything is paid for by the developer, and must be performed up to town standards.

The developer also pays the town to review the plans.

Mr. Zollitsch explained that generally speaking, once an archaeological report has been completed and signed off by New York State office of Parks and Historic Recreation (SHPO), it is not necessary to redo another report.

Mr. Zollitsch stated that he does need to verify that SHPO has signed off on this report. A previous study was conducted, and they did work with Doug Perrelli previously. The level that the state wants them to go to is undetermined, they have completed a phase one, and whether a phase two is warranted or recommended by the state. Mr. Zollitsch needs to verify to confirm no further studies are required

Mr. Zollitsch explained that Erie County Sewer District No. 5 is located throughout the Town of Clarence, but he believes this is the only parcel in the immediate area that has a sewer district assigned to it. He believes it is due to past uses, and for what was anticipated for that area when the cemetery owned it and planned to develop the property.

Regarding lots along Strickler Road and Greiner Road, once this proposed development is completed, there will not be an opportunity for additional lots on areas that will be Open Space or Common Area. The Town of Clarence will make those areas conservation easements, and those lands will be owned by a homeowner's association.

Mr. Zollitsch stated that he does not know what the plan is for the dead Ash tree removal, but he does not believe that the developer will be going deep in to the buffer areas to remove trees, but rather just those trees that pose an imminent threat to a property. They are not planning to clear any more land than what is necessary. This area also falls under the open space conservation easement.

Mr. Zollitsch stated that they do know there is a ditch running through the site, from their perspective in terms of any type of development and coming on to a property like this, there is an opportunity to provide easements to the Town of Clarence for maintenance of stormwater facilities.

Mr. Zollitsch explained that subdivisions within the town require 30' easements along the side of the road or potential future bike paths and public access. He anticipates something similar for this proposed development.

In terms of alternative plans of transportation, Mr. Zollitsch stated that whether the bike path is installed now or not, they have always provided easements for future public access in their other developments.

Noting that it is early in the process, Chairman Sackett asked Mr. Zollitsch if they have given any thought to sidewalks.

Mr. Zollitsch stated that nothing has been discussed in regards to sidewalks along the existing road. It is their understanding that the Town of Clarence requires internal sidewalks throughout a development. It can be a point of discussion moving forward.

Chairman Sackett noted to be determined in concept, and he appreciates the comment for the residents and their quest to have it at least reviewed.

Chairman Sackett reviewed the ways residents can be in touch so that they will know when the meetings occur.

Mr. Bleuer explained that the Planning Office is open Monday thru Friday, 8:00a.m. – 4:30 p.m. They are available if people would like to call, email, or stop in to the office to review what has been received thus far, and what is in the file.

Chairman Sackett stated that he anticipates this proposed project will return to a future meeting, based on the information of coordinated review. The comments and concerns expressed by the residents become part of the coordinated review, as involved and interested parties.

In terms of a PERC test, Mr. Zollitsch explained that they are not necessary for this development, as none of the parameters fit the need. There is no septic, and they are not seeking to keep stormwater on-site, which is another reason that a PERC test is generally performed. They are not looking to see what kind of water can be infiltrated in to the soil, therefore there is no need for a PERC test.

Noting the comments and concerns regarding the condition of the roads, Chairman Sackett stated that the Planning Board is very interested in hearing from Erie County before making any decisions relative to what they need. Both Greiner Road and Strickler Road are county roads, neither the Town Board or the Planning Board have any control over the county roads.

Mr. Todaro referred to the Sewer District No. 5 Capacity Analysis that was submitted, noting that there is an 8 in. line that comes from the site and has various volumes of sewer size, some that go certain capacities. Mr. Todaro would like to be sure that when it goes through the analysis and engineering, that there is special focus on that.

ACTION:

Motion by Jason Lahti, 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 SGC Development LLC. Major Subdivision at the southeast corner of Strickler Road and Greiner Road. This Type I Action involves the proposed development of a 62-lot residential single-family subdivision in the Residential Single-Family zone and Erie County Sewer District # 5.

ON THE QUESTION:

Mrs. Salvati stated that the SEQRA review progresses, they will want a wetland delineation performed for the site, where they are to what extent. They will want some level of traffic analysis that as indicated, will be guided by Erie County.

Also, Mrs. Salvati noted that per the Town of Clarence’s subdivision laws, a tree survey will be required to determine all of the trees within the limits of disturbance, that are over 6” in size for potential preservation.

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

MOTION CARRIED

Item 2

Erie Residential Partners LLC.
Agricultural-Rural Residential

Requests Minor Subdivision of land approval to create four (4) new lots located at the southwest corner of County Road and Heise Road, SBL’s: 30.17-2-37, 30.17-2-36, 30.17-2-35, 30.17-2-1.211, 30.17-2-1.213, 30.17-2-1.212, 30.17-2-34.

DISCUSSION:

Mr. Bleuer introduced this project, located at the southwest corner of County Road and Heise Road, identified by SBL’s 30.17-2-37, 30.17-2-36, 30.17-2-35, 30.17-2-1.211, 30.17-2-1.213, 30.17-2-1.212, & 30.17-2-34.

It is an existing 24.6-acre vacant property in the Agricultural-Rural Residential zone, with frontage on County Road and Heise Road. The property currently consists of seven (7) parcels previously split without Town review or approval.

The applicant is requesting a Minor Subdivision of land to create four (4) new building lots. All previously created and unproved lots would be reconfigured into these four lots as proposed. The newly created lots would range from 2.6 to 15.8 acres.

The Planning Board has authority to act on this request, after an action through the State Environmental Quality Review Act.

Paul Vaicunas with Whitetail Properties was present to represent the applicant for this item, explaining that another plan could have been presented to the Planning Board, however this current layout gives the potential new residents an opportunity to build their homes on a property that has some space, and gives them some privacy.

Mr. Tytka stated that he appreciates the size of the lots, and asked Mr. Vaicunas if all of the lots will be sold.

Mr. Vaicunas responded yes; they will all be put up for sale as single-family lots, and because of the variety in the size of the lots, the property owners will have the opportunities to build either smaller homes, or larger ones.

Mr. Vaicunas stated that the larger lot has a two-road access, giving it more of an estate appearance.

Mr. Tytka noted that on the Environmental Assessment Form (EAF) there is a stormwater retention pond, and asked where that will be located.

Mr. Vaicunas responded that he does not have that information, Greenman Pedersen Inc. (GPI) are not here tonight, they would have that information.

Mrs. Salvati asked if the large lot will be for sale as a single-family lot.

Mr. Vaicunas responded yes; it will be for sale as 16+/- acres, explaining that there have been several different versions of this plan before settling on this final one.

In regard to Public Participation, the following resident spoke:

1. Erica Benson, on behalf of her dad that lives on County Road:
 - asked for confirmation that there previously 7 lots split
 - asked for confirmation that there will be two access roads

Chairman Sackett stated that yes; Mr. Bleuer introduced the project as currently having seven unreviewed or approved parcels.

Chairman Sackett stated that he does not recall Mr. Vaicunas referring to access roads, and that all they are discussing tonight are the property lines.

Mr. Bleuer noted that the applicant did make a comment stating that the blue lot could have access points on County Road and /or Heise Road.

ACTION:

Motion by Daniel Tytka, 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 **approve** the Part 2 & 3 Environmental Assessment Form as prepared and to **issue a Negative Declaration** on

the proposed Erie Residential Partners LLC. Minor Subdivision at the southwest corner of County Road and Heise Road. This Unlisted Action involves a lot split to create four (4) lots in the Agricultural-Rural Residential zone. After thorough review of the submitted plans and Environmental Assessment Forms, it is determined that the proposed action will not have a significant negative impact on the environment.

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

MOTION CARRIED.

Motion by Daniel Tytka, seconded by Gregory Todaro to **approve the Erie Residential Partners LLC. Minor Subdivision** at the southwest corner of County Road and Heise Road, per the submitted plan by GPI, dated June 24th, 2024, subject to the following conditions:

1. Subject to Erie County Department of Public Works approval for access to the newly created lots.
2. Review and approval by the Erie County Health Department for any future on-site sanitary facilities for the property.
3. Review and approval by the Town Building and Engineering Departments for any future construction on the property.
4. Should any drainage easements be required by the Town to address on-site drainage issues on the property, appropriate easements shall be submitted by the applicant and approved by the Town Engineering, Highway and Legal Departments. If required, applicant shall file same in the Erie County Clerk’s office and provide a stamped “FILED” copy to the Town Attorney’s Office after recording. If such easements are required, no Building or other permits shall be issued until the approved and filed additional easement has been received and accepted by the Town Attorney’s Office.
5. Subject to Open Space, Recreation, and any other applicable fees as required by Town Code.

Mr. Vaicunas stated that he has heard, understands, and agrees to the conditions.

ON THE QUESTION:

This Minor Subdivision approval constitutes the maximum allowable number of lot splits under a Minor Subdivision review. Any future proposed lot splits associated with the properties shall be subject to a Major Subdivision review.

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

MOTION CARRIED.

Mr. Vaicunas clarified that he did say road access as in driveways to the roads, not roads going through the property.

Meeting **adjourned** at 8:07 p.m. with a motion by Wendy Salvati.

Amy Major
Senior Clerk Typist