

Application for Minor Subdivision

Applicant Name and Address:

Michael Pfenner
10295 Croop Rd
Clarence Centrs NY
14032

Date Received: 7-10-14

Taken by: PZ office

Phone: 716 868 9497

Signed: 
45-00-1-43
Parent Parcel SBL: 10550 Croop Rd Clarence NY 14032

Size - Frontage: 150'
Depth: 542.52'
Area: 1.87 acres

| | |
|--------------------------------------|--------------------------------|
| Zoning: <u>Agricultural-Rural</u> | Master Plan: |
| Flood Zone: | <u>NYS Realty Subdivision:</u> |
| Wetlands: | Soils: |

Please attach a copy of a professionally stamped property survey with proposed subdivision lines sketched on it.

TOWN USE ONLY:

Engineer: _____ Assessor: _____

Highway: _____ Planning: _____

Comments/Conditions:

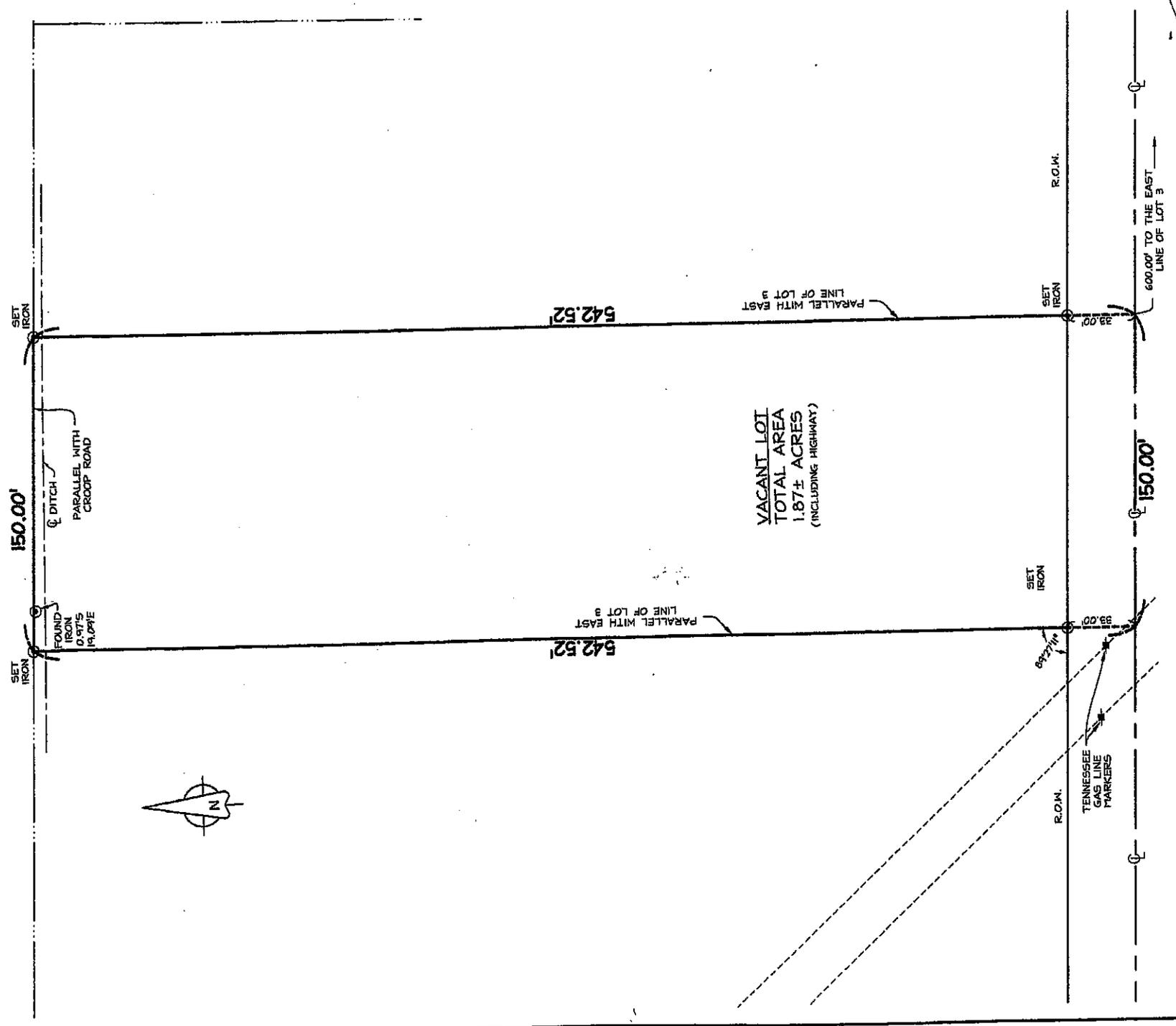
Approved By Town Board on:

Town Clerk's Office _____ Date _____

Reference # _____

10550 Croop. 7-8-14 AN

45.00-1-43



CROOP ROAD (66' WIDE)

111

617.20
Appendix B
Short Environmental Assessment Form

Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

| | | | |
|--|--------------|---------------------|--|
| Part 1 - Project and Sponsor Information | | | |
| Michael Pfentner | | | |
| Name of Action or Project: Pfentner Minor Subdivision | | | |
| Project Location (describe, and attach a location map): North side of Croop Road, east of Strickler Road--SBL # 45.00-1-43 | | | |
| Brief Description of Proposed Action: Minor subdivision to create one new residential building lot in the Agriculture Rural Residential Zone | | | |
| Name of Applicant or Sponsor: Michael Pfentner | | Telephone: 868-9497 | |
| Address: 10295 Croop Road | | E-Mail: | |
| City/PO: Clarence Center | State: NY | Zip Code: 14032 | NO YES |
| 1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2. | | | <input checked="" type="checkbox"/> <input type="checkbox"/> |
| 2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval: | | | NO YES |
| 3.a. Total acreage of the site of the proposed action? _____ 24.5 +/- acres | | | <input checked="" type="checkbox"/> <input type="checkbox"/> |
| b. Total acreage to be physically disturbed? _____ 1.87 +/- acres | | | |
| c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ 24.5 +/- acres | | | |
| 4. Check all land uses that occur on, adjoining and near the proposed action. <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input checked="" type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ <input type="checkbox"/> Parkland | | | |

| | NO | YES | N/A |
|---|--------------------------|-------------------------------------|--------------------------|
| 5. Is the proposed action, a. A permitted use under the zoning regulations? b. Consistent with the adopted comprehensive plan? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 6. Is the proposed action consistent with the predominant character of the existing built or natural landscape? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____ | NO | YES | YES |
| 8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation service(s) available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action? | NO | YES | YES |
| 9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: N/A | NO | YES | YES |
| 10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ | NO | YES | YES |
| 11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ On-Site System | NO | YES | YES |
| 12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places? b. Is the proposed action located in an archeological sensitive area? | NO | YES | YES |
| 13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ | NO | YES | YES |
| 14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input checked="" type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban | | | |
| 15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered? | NO | YES | YES |
| 16. Is the project site located in the 100 year flood plain? | NO | YES | YES |
| 17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____ | NO | YES | YES |

| | No, or small impact may occur | Moderate to large impact may occur |
|---|-------------------------------------|------------------------------------|
| 10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 11. Will the proposed action create a hazard to environmental resources or human health? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Part 3 - Determination of significance. The Lead Agency is responsible for the completion of Part 3. For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.

Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

CLARENCE PLANNING BOARD _____ Date AUGUST 2014

J. CALLAHAN _____ Title of Responsible Officer DIR. OF COUNTY DUPT.

Signature of Responsible Officer in Lead Agency

Signature of Preparer (if different from Responsible Officer)

PRINT

Application for Minor Subdivision

Applicant Name and Address:

Sharon L. Corbett or Dan
10865 Keller Rd
Clarence, NY 14031

Date Received: 7/11/14

Taken by: Nathan Bleuer

Phone: 741-9223

Signed: Sharon L. Corbett

Size - Frontage: 150
 Depth: 425
 Area: 1.33

Parent Parcel SBL: 45.00-2-52

| | |
|--|--|
| Zoning: <p style="text-align: center; font-size: 1.2em;">agricultural</p> | Master Plan: <p style="text-align: center; font-size: 1.2em;">n/a</p> |
| Flood Zone: <p style="text-align: center; font-size: 1.2em;">No</p> | NYS Realty Subdivision: <p style="text-align: center; font-size: 1.2em;">n/a</p> |
| Wetlands: <p style="text-align: center; font-size: 1.2em;">No</p> | Soils: <p style="text-align: center; font-size: 1.2em;">n/a</p> <div style="font-size: 0.8em; margin-left: 20px;">Lima LOam (0-3% slopes) Honeoye loam (3-8% slopes) Niagara Silt loam</div> |

Please attach a copy of a professionally stamped property survey with proposed subdivision lines sketched on it.

TOWN USE ONLY:

Engineer: _____ Assessor: _____

Highway: _____ Planning: _____

Comments/Conditions:

Approved By Town Board on:

_____ Date _____

Town Clerk's Office

Reference # _____

30.112 ° 4
1044.85 CL
56 ° 4
1043.31 CL
57 ° 4
1042.37 CL

30.2 ° 4
1041.83 CL
30.32 ° 4
147.77 CL
49.70 CL
110.08 CL
901.15 CL
29.468 CL
172.80 CL
1.86 A(C)
28.1 CL
27 1.65 A(C)
156 CL
26 1.37 A(C)
157 CL
25.21 CL
25.221 CL
144.87 CL
25.132 CL
187 CL
25.12 CL
157 CL
25.11 CL
518 CL
6.42 A(C)
23.1 CL
285

28.21
518 CL
6.42 A(C)
23.1 CL
25.11 CL
285

SECTION

670.59 CL
19.91 A(C)
51.2
1328.32 CL
348
200
568.77

285
10.210:111
10.112 °
488.43 CL
207.85 CL
865.65 CL
150 CL
1.34 A(C)
53

SECTION 3
88.03 A(C)
52
2146.35 CL
53

SECTION

4
441.54(S)
1327.35 CL
2275.16 CL

SECTION 3
2
1566.18

SECTION 6
TOWN WIDE WATER DISTRICT
SECTION 13

SECTION 13
SECTION 5

2.40
56

SECTION 3

SECTION 6
TOWN WIDE WATER DISTRICT
SECTION 13

SECTION 13
SECTION 5

617.20
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Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

| | | | |
|---|--|---------------------|--|
| Part 1 - Project and Sponsor Information | | | |
| Sharon Corbett | | | |
| Name of Action or Project: Corbett Minor Subdivision | | | |
| Project Location (describe, and attach a location map): South side of Keller Road, east of Salt Road--SBL # 45.00-2-52 | | | |
| Brief Description of Proposed Action: Minor subdivision to create one new residential building lot in the Agriculture Rural Residential Zone | | | |
| Name of Applicant or Sponsor: Sharon Corbett | | Telephone: 741-9223 | |
| | | E-Mail: | |
| Address: 10865 Keller Road | | | |
| City/PO: Clarence Center | | State: NY | Zip Code: 14032 |
| 1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2. | | | NO <input type="checkbox"/> YES <input checked="" type="checkbox"/> |
| 2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval: | | | NO <input type="checkbox"/> YES <input checked="" type="checkbox"/> |
| 3.a. Total acreage of the site of the proposed action? | | 88+/- acres | |
| b. Total acreage to be physically disturbed? | | 1.33 +/- acres | |
| c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? | | 88+/- acres | |
| 4. Check all land uses that occur on, adjoining and near the proposed action. | | | |
| <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input checked="" type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ <input type="checkbox"/> Parkland | | | |

| | | |
|--|-------------------------------------|--------------------------|
| 18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____ _____ | NO | YES |
| | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____ | NO | YES |
| | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____ | NO | YES |
| | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE | | |
| Applicant/sponsor name: <u>Sharon Corbett</u> | | Date: <u>July 2014</u> |
| Signature: _____ | | |

Part 2 - Impact Assessment. The Lead Agency is responsible for the completion of Part 2. Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

| | No, or small impact may occur | Moderate to large impact may occur |
|--|-------------------------------------|------------------------------------|
| 1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2. Will the proposed action result in a change in the use or intensity of use of land? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 3. Will the proposed action impair the character or quality of the existing community? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 7. Will the proposed action impact existing: | | |
| a. public / private water supplies? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b. public / private wastewater treatment utilities? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

| | No, or small impact may occur | Moderate to large impact may occur |
|---|-------------------------------------|------------------------------------|
| 10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
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Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.

Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

CLARENCE PLANNING BOARD
Name of Lead Agency

J. CALLAHAN
Print or Type Name of Responsible Officer in Lead Agency

J. Callahan
Signature of Responsible Officer in Lead Agency

Date

DIR. OF COMM. DULPT
Title of Responsible Officer

Signature of Preparer (if different from Responsible Officer)

PRINT

Chapter 229. ZONING
Article XIII. OSD Open Space Design Development Overlay

§ 229-106. Purpose.

- A. Open Space Design Development (OSDD) overlay district or clustering shall be a subdivision plat or plats in which the applicable zoning law is modified to provide an alternative permitted method for the layout, configuration and design of lots; buildings and structures; roads; utility lines and other infrastructure; parks and landscaping in order to preserve the natural and scenic qualities of open lands. Private roads to service clustered lots may be approved as a part of the final plat, and lots along such private roads may be platted as legal lots. Such private roads must provide adequate access to existing public roads. The Town Board may consider a reduction in minimum lot sizes down to and including lots to accommodate up to four units with zero lot line setbacks (four-unit structures).
- B. Open space design development in the Town of Clarence shall require the final approval of the Town Board, upon the review and recommendations of the Planning Board, pursuant to the administration of Chapter **193**, the Subdivision Regulations of the Town of Clarence. Open space design development shall not be considered for approval unless it is determined by the Town Board that it will achieve the intent of these regulations. The Town Board, at its discretion, may direct an applicant to pursue open space design development if, in the judgment of that Board and the Planning Board, its application would benefit the Town. For example, if a standard subdivision is proposed in an area containing important lands and/or resources (e.g., green space, woodlands, significant views, prime farmland, etc.), the Town may direct an applicant to pursue an open space design to preserve as much of these features as possible. The Town Board may also, upon its review, find a proposed open space design development not in accordance with the purposes or requirements of this article if the proposed development has no features worth preservation.

§ 229-107. Intent.

The purpose of these open space design development regulations is to enable and encourage flexibility of design and development of land in such a manner as to:

1. Preserve open space and protect important natural resources and sensitive lands.
2. ~~Promote the most appropriate use of land.~~ Design of the development should preserve natural features.
3. ~~Allow~~ Encourage a variety of lot sizes and history housing types without increasing the overall density as permitted by the underlying zoning district.
4. ~~Allow~~ Encourage residential development that is in harmony with the rural surrounding character and scenic quality of the Town.
5. Encourage creativity and adaptability in the layout of residential lots.

6. ~~Facilitate the adequate and economical provision of streets and utilities~~ Reduce the public long term costs associated with infrastructure maintenance.

§ 229-108. Regulations governing open space and/or incentive lot design development.

Open space and incentive lot design development may include single-family dwellings, in accordance with the following regulations and standards. The area proposed for open space and incentive lot design development shall be in single ownership or under unified control throughout the review process, inclusive of the filing of the map cover in the Erie County Clerk's Office.

- A. Open space. Unless otherwise provided in this chapter, the following regulations shall apply to all open space design developments:
- (1) Open space design development shall only be considered where public sewer districts have been established.
 - (2) Open space design development shall only apply to any major subdivision of not less than five acres in land area.
 - (3) Having achieved all goals identified in this chapter, the minimum lot size may be reduced to no less than 5,000 square feet for detached housing units and up to four-unit, one- or two-story attached housing units may be allowed, provided that any and all such area that is not designed to serve as residential areas, roads or other public purposes be set aside and restricted on the subdivision plat for use by inhabitants as common open space, parkland or recreational purposes of an active or passive nature.
 - (4) The required minimum habitable floor area may be reduced to 1,000 square feet for a one-story structure and 1,200 square feet for a two-story structure.
 - (5) Maximum height of buildings shall not exceed two stories or 35 feet for single-family units.
 - (6) The permitted number of dwelling units shall in no case exceed the number of units that could be permitted if the land were subdivided into lots conforming to the minimum lot size (see § 229-49) and density requirements of this chapter applicable to the district or districts in which the land is situated. An aerial photograph may be required to assist in the density determination. However, prior to determining the number of dwelling units and/or building lots, the parcel to be developed shall be adjusted as follows:
 - (a) Lands utilized by public utilities or structures or recorded easements of rights-of-way shall be subtracted from the total gross area.
 - (b) Water bodies, marsh areas, wetlands, wetland buffers, woodlands, gorges, rock outcroppings, caverns, poorly drained, alluvial and unstable soils and floodplains shall be subtracted from the total gross area.
 - (c) Any other areas deemed unfavorable (unusable/unbuildable) by the Planning Board because of topographic, geologic or hydrological characteristics, slopes in excess of 15%, and lands deemed important to preserve and protect existing views and character shall be subtracted from the total gross area.
 - (d) For the purpose of providing land for public streets, after deductions have been made in accordance with Subsection A(6)(a), (b) and (c) above, 10% of the remaining area shall be subtracted from the total gross area. (Road frontage clusters will not require this subtraction.)

- (e) The adjusted total gross area of the parcel, as determined in Subsection A(6)(a), (b), (c) and (d) above, shall then be used to compute the maximum number of dwelling units and/or building lots permitted.
- (f) Fifteen percent of the adjusted total gross area shall be set aside or preserved and maintained as open space. The land subtracted out in calculations [Subsection A(6)(a), (b), (c) and (d)] cannot be included in the open space requirement.
- (g) Overall, the minimum amount of open space preservation shall be no less than 50% of the gross acreage of the parcel or parcels to be developed.
- (7) Natural features such as streams, rock outcrops, marshlands, trees and shrubs shall be preserved and incorporated into the landscaping of the development. In addition, open vistas visible from existing public roads shall be preserved.
- (8) The recreation/open space fee required pursuant to the subdivision and fee laws of the Town of Clarence shall still be applicable. Open space, green space or recreation areas in the OSDD shall be privately owned. The Town Board may recommend the dedication of land to the Town of Clarence, in lieu of these fees, if the subdivision is located in an area where a proposed park, playground or other recreation or public site is desired by the Town.
- (9) Final designs shall incorporate connectivity to surrounding areas and be developed with walkways, sidewalks and/or trails that provide access to public areas and the Town's pedestrian trail system. Such connectivity shall be developed as a part of the project. If circumstances dictate that connectivity be provided at a future time, final plats shall identify those areas for future connections to the trail system or other public lands.

(10) ~~a: Common open space and recreation lands shall be deeded to a homeowners' association or individual that will be responsible for the continued ownership, use and maintenance of said lands. Such deeds shall be reviewed by the Town Attorney and approved by the Town Board.~~

At the time of the filing of the final plat for the subdivision, the common open space and recreation lands shall be transferred to a Homeowners Association pursuant to a deed to be file in the Erie County Clerk's office. The developer shall, at that time, create a Homeowner's Association which association shall function pursuant to an Agreement which Agreement shall contain the right for the Homeowners Association and/or the Town of Clarence to enforce the use and maintenance of the common open space and recreation lands, including but not limited to, the right to enjoin or otherwise enforce any encroachment by a private homeowner into the open space and recreation lands. Those rights of enforcement shall include the right to legal fees, costs and disbursements.

A copy of the transfer documents and Homeowners Association Agreement shall be provided to the Town of Clarence Town Attorney's office for review and approval before filing same in the Erie County Clerk's office. (code change 1c).

A baseline documentation report or baseline study shall be prepared and approved as a part of Development Plan Approval in order to develop a conservation easement on the open space (code change 1a).

b: The maintenance of sidewalks, *to include snow removal*, shall be the responsibility of the homeowners' association or property owner that will be responsible for the continued ownership of any common land (code change 6b).

- (11) Private roads shall be built to minimum standards approved by the Town Board and provided by the Town Engineering Department. Community parking areas may be required by the Town Board during subdivision review.
- (12) The underlying zoning requirements for lot coverage and setback requirements for all lots in an OSDD shall be waived. Minimum setbacks from each residential structure shall be 20 feet.
- (13) If not specifically addressed in this chapter, all other underlying zoning regulations shall apply.
- (14) Compliment the surrounding character of homes and natural features.
- (15) Minimize long term costs associated with the maintenance of public streets and utilities.

B. Incentive design. Unless otherwise provided in this chapter, the following regulations shall apply to all incentive design developments:

- (1) Incentive design development shall only be considered where public sewer districts have been established.
- (2) Incentive design development shall only apply to any major subdivision of not less than five acres in land area.
- (3) Having achieved all goals identified in this chapter, the minimum lot size may be reduced to no less than 5,000 square feet for detached housing units and up to four-unit, one- or two-story attached housing units may be allowed, provided that any and all such area that is not designed to serve as residential areas, roads or other public purposes be set aside and restricted on the subdivision plat for use by inhabitants as common open space, parkland or recreational purposes of an active or passive nature.
- (4) The required minimum habitable floor area may be reduced to 1,000 square feet for a one-story structure and 1,200 square feet for a two-story structure.
- (5) Maximum height of buildings shall not exceed two stories or 35 feet for single-family units.
- (6) The permitted number of dwelling units shall in no case exceed the number of units that could be permitted if the land were subdivided into lots conforming to the minimum incentive lot size (see § 229-49) and density requirements of this chapter applicable to the district or districts in which the land is situated. An aerial photograph may be required utilized to protect the natural features of the land and be a delimiter assist in the density determination. However, prior to determining the number of dwelling units and/or building lots, the parcel to be developed shall be adjusted as follows:
 - (a) Lands utilized by public utilities or structures or recorded easements of rights-of-way shall be subtracted from the total gross area.
 - (b) Water bodies, marsh areas, wetlands, wetland buffers, woodlands, gorges, rock outcroppings, caverns, poorly drained, alluvial and unstable soils and floodplains shall be subtracted from the total gross area.
 - (c) Any other areas deemed unfavorable (unusable/unbuildable) by the Planning Board because of topographic, geologic or hydrological characteristics, slopes in excess of 15%, and lands deemed important to preserve and protect existing views and character shall be subtracted from the total gross area.
 - (d) For the purpose of providing land for public streets, after deductions have been made in accordance with Subsection B(6)(a), (b) and (c) above, 10% of the remaining area shall be subtracted from the total gross area. (Road frontage clusters will not require this subtraction.)

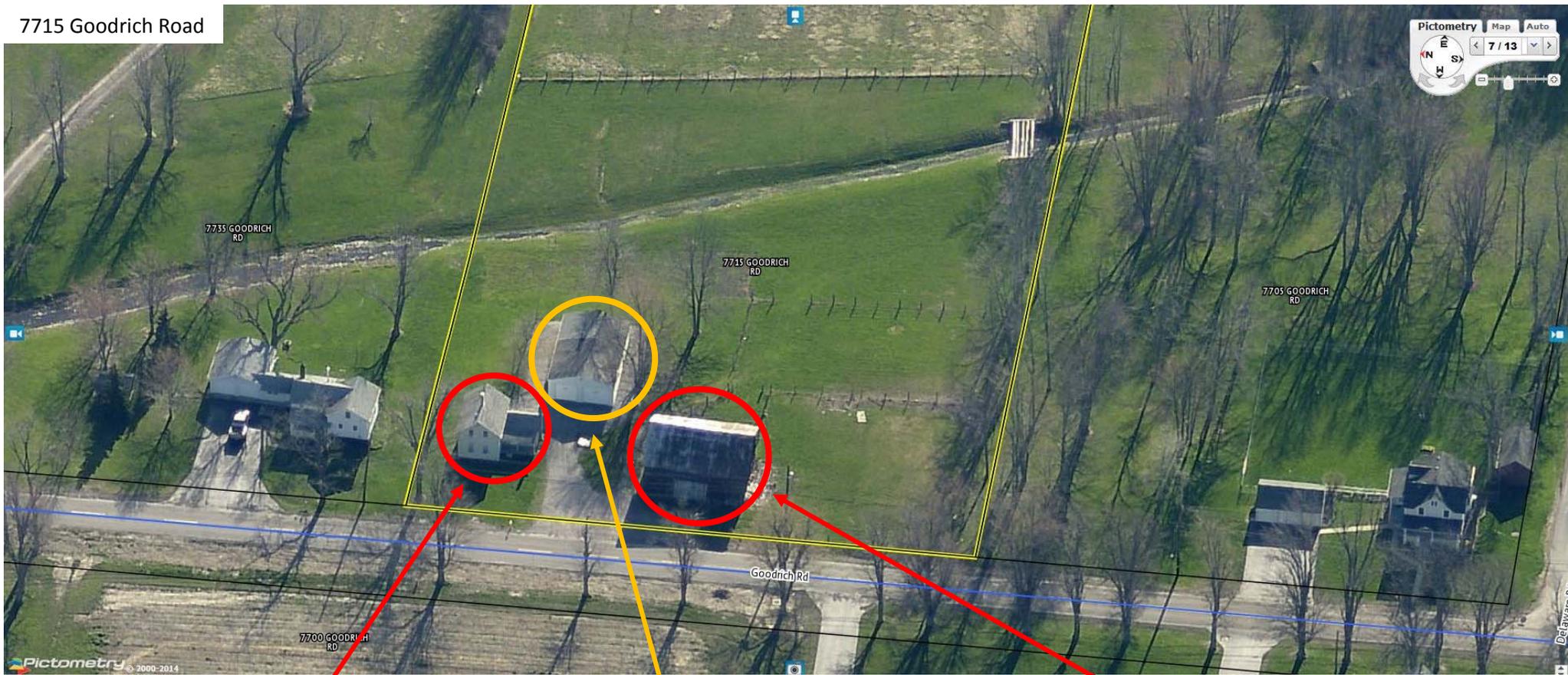
- (e) The adjusted total gross area of the parcel, as determined in Subsection **B(6)(a), (b), (c) and (d)** above, shall then be used to compute the maximum number of dwelling units and/or building lots permitted.
 - (f) Fifteen percent of the adjusted total gross area shall be set aside or preserved and maintained as open space. The land subtracted out in calculations [Subsection **B(6)(a), (b), (c) and (d)**] cannot be included in the open space requirement.
 - (g) Overall, the minimum amount of open space preservation shall be no less than 25% of the gross acreage of the parcel or parcels to be developed.
 - (7) Natural features such as streams, rock outcrops, marshlands, trees and shrubs shall be preserved and incorporated into the landscaping of the development. In addition, open vistas visible from existing public roads shall be preserved.
 - (8) The recreation/open space fee required pursuant to the subdivision and fee laws of the Town of Clarence shall still be applicable. Open space, green space or recreation areas in the incentive design shall be privately owned. The Town Board may recommend the dedication of land to the Town of Clarence, in lieu of these fees, if the subdivision is located in an area where a proposed park, playground or other recreation or public site is desired by the Town.
 - (9) Final designs shall incorporate connectivity to surrounding areas and be developed with walkways, sidewalks and/or trails that provide access to public areas and the Town's pedestrian trail system. Such connectivity shall be developed as a part of the project. If circumstances dictate that connectivity be provided at a future time, final plats shall identify those areas for future connections to the trail system or other public lands.
 - (10) Common open space and recreation lands shall be deeded to a homeowners' association or individual that will be responsible for the continued ownership, use and maintenance of said lands. Such deeds shall be reviewed by the Town Attorney and approved by the Town Board.
 - (11) Private roads shall be built to minimum standards approved by the Town Board and provided by the Town Engineering Department. Community parking areas may be required by the Town Board during subdivision review.
 - (12) If not specifically addressed in this chapter, all other underlying zoning regulations shall apply.
 - (13) Encourage a variety of lot sizes and housing types to protect the long term viability of the neighborhood.
- C. After completing the density determination as herein described, for both an "open space" and "incentive design," the Planning Board will make a recommendation to the Town Board on either an open space or incentive design subdivision.

| # | Intent (§229-107) | Issue | Action | Notes |
|---|---|---|--------------------|---|
| 1 | Preserve open space and protect important natural resources and sensitive lands. | A Baseline study | Code Change | no change to intent code language changes on page 3 |
| | | B Agreement with homeowners needs to maintain baseline study | Varies by Project | |
| | | C Continuing maintenance of open space if homeowners association is dissolved | Code Change | |
| 2 | Promote the most appropriate use of land. | A Natural features (vistas, knolls, woodlands, waterways, escarpments) should be identified prior to subdivision design, in order to preserve and protect these features. Any subsequent design should utilize these features as focal points of the development. | Code Change | change to intent on page 1 no code language changes |
| 3 | Allow for a variety of lot sizes and housing types without increasing overall density as permitted by the underlying zoning district. | A Allow is passive language | Code Change | change to intent on page 1 code language addition on page 5 |
| | | B Consistent transition to varying land uses and existing residential lot layout and density | Varies by Project | |
| 4 | Allow for residential development that is in harmony with the rural character and scenic quality of the Town. | A Allow is passive language | Code Change | change to intent on page 1 code language addition on page 4 |
| | | B Open space needs to be connected | Varies by Project | |
| | | C Open space needs to provide vistas and preserve the community view of open space | Master Plan | |
| 5 | Encourage creativity and adaptability in the layout of residential lots. | A Enhance the quality of the rural character | Varies by Project | no change to intent no code language change |
| | | B Provide function for all types of transportation (complete streets) | Varies by Project | |
| 6 | Facilitate the adequate and economic provision of streets and utilities. | A Intent has unclear language | Code Change | change to intent on page 1 code language changes on page 3 code language addition on page 4 |
| | | B Sidewalks and open space should be maintained by the homeowners association | Code Change | |
| | | C Utilities should be designed with future generations in mind and for the greater good | Varies by Project | |
| | | D Connectivity, recreational trails and connections to recreation trails | Varies by Project | |

3 Potential Actions

| |
|--------------------|
| Master Plan |
| Code Change |
| Varies by Project |

7715 Goodrich Road



House proposed for demolition



Garage to remain



Barn proposed for demolition

617.20
Appendix B
Short Environmental Assessment Form

Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

| | | | |
|--|--|---|---------------------------------|
| Part 1 - Project and Sponsor Information | | | |
| Russell Sciolino | | | |
| Name of Action or Project: Sciolino Demolition Permit | | | |
| Project Location (describe, and attach a location map): 7715 Goodrich Road | | | |
| Brief Description of Proposed Action: Demolition of structures built prior to 1950. | | | |
| Name of Applicant or Sponsor: Russell Sciolino | | Telephone: | |
| | | E-Mail: | |
| Address: 49 Innsbrook | | | |
| City/PO: East Amherst | | State: NY | Zip Code: 14051 |
| 1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2. | | NO <input checked="" type="checkbox"/> | YES <input type="checkbox"/> |
| 2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval: | | NO <input checked="" type="checkbox"/> | YES <input type="checkbox"/> |
| 3.a. Total acreage of the site of the proposed action? | | _____ 21.8 +/- acres | |
| b. Total acreage to be physically disturbed? | | _____ <1 acres | |
| c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? | | _____ 21.8 +/- acres | |
| 4. Check all land uses that occur on, adjoining and near the proposed action. | | | |
| <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input checked="" type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ <input type="checkbox"/> Parkland | | | |

| | | |
|--|-------------------------------------|--------------------------|
| 18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____ _____ | NO | YES |
| | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____ | NO | YES |
| | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____ | NO | YES |
| | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE | | |
| Applicant/sponsor name: <u>Russell Sciolino</u> | | Date: <u>July 2014</u> |
| Signature: <u>Russell Sciolino</u> | | |

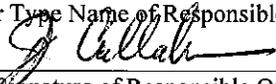
Part 2 - Impact Assessment. The Lead Agency is responsible for the completion of Part 2. Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

| | No, or small impact may occur | Moderate to large impact may occur |
|--|-------------------------------------|-------------------------------------|
| 1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2. Will the proposed action result in a change in the use or intensity of use of land? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 3. Will the proposed action impair the character or quality of the existing community? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 7. Will the proposed action impact existing: | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| a. public / private water supplies? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b. public / private wastewater treatment utilities? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

| | No, or small impact may occur | Moderate to large impact may occur |
|---|-------------------------------------|------------------------------------|
| 10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 11. Will the proposed action create a hazard to environmental resources or human health? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Part 3 - Determination of significance. The Lead Agency is responsible for the completion of Part 3. For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

The Town of Clarence Historic Preservation Commission has forwarded a recommendation to issue a Negative Declaration on the proposed demolition. This recommendation is conditioned upon the saving and donating of the historical date and marker that are on the barn, along with an abstract of title on the property.

| | |
|---|--|
| <input type="checkbox"/> | Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required. |
| <input checked="" type="checkbox"/> | Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts. |
| Clarence Planning Board | August 2014 |
| Name of Lead Agency | Date |
| James Callahan | Director of Community Development |
| Print or Type Name of Responsible Officer in Lead Agency | Title of Responsible Officer |
|  | |
| Signature of Responsible Officer in Lead Agency | Signature of Preparer (if different from Responsible Officer) |

PRINT

★
1879

07/10/2014

Application for Demolition

Property Address: 7715 Goodrich Road

Current Ownership: Russell Sciolino

| | |
|--------------------------------|---|
| Historical Resources Survey: | N/A |
| Zoned: | Traditional Neighborhood Development and Agricultural Floodzone |
| Land Assessed Value: | \$57,000 |
| Total Assessed Value: | \$82,900 |
| Date of Original Construction: | 1875 |
| Square feet Living Area: | 1,226 square feet |
| Stories: | 2-story |
| Bedrooms: | 2 |
| Baths: | 0 |

