

Town of Clarence
Planning Board Minutes
Wednesday February 20, 2013

Work Session 6:30 pm

Status of TEQR Coordinated Reviews
Review of Agenda Items
Miscellaneous

Agenda Items 7:30 pm

Approval of Minutes

Item 1

Northwoods Open Space Design Development
Residential Single Family

Requests a recommendation on the Draft Supplemental Environmental Impact Statement (DSEIS) for an Open Space Design Subdivision on the north side of Greiner Road, east of Shimerville Road.

Item 2

Gabe's Collision
Major Arterial

Requests Concept Plan Approval and a recommendation under the State Environmental Quality Review Act (SEQRA) for a proposed Automotive Collision, Sales and Service Facility at 5817 Transit Road.

Item 3

Spaulding Green
Residential Single Family

Requests Amended Concept Plan Approval.

Item 4

Roxberry Subdivision Phase 2/Helenwood Ext.
Residential Single Family

Requests Concept Plan Approval and a recommendation under the State Environmental Quality Review Act (SEQRA) for a Major Subdivision at the extension of Helenwood Drive.

Item 5

Harris Hill Commons
Residential Single Family

Requests Concept Plan Approval and a recommendation under the State Environmental Quality Review Act (SEQRA) for an Open Space Design Development and sewer district extension located on the west side of Harris Hill Road between Sheridan Drive and Greiner Road.

Chairman Robert Sackett called the meeting to order at 7:36 p.m.

Jim Callahan led the pledge to the flag.

Planning Board Members present:

Chairman Robert Sackett
2nd Vice-Chairman Paul Shear
George Van Nest
Steven Dale

Vice-Chairperson Wendy Salvati
Timothy Pazda
Gregory Todaro

Planning Board Members absent: Richard Bigler

Town Officials Present:

Director of Community Development James Callahan
Junior Planner Michael Hutchinson
Deputy Town Attorney Steven Bengart

Other Interested Parties Present:

Dave Horbinski
Sue Barone
Joe Navarro
Sal Ballachino
Tim Mansfield
Roger Maddigan
Steven Jagord
Jean Smith
Eileen Ballard

Patrick Spoth
Tony Barone
Debra Navarro
Jennifer Ballachino
Karen Willyoung
Margaret Dale
Marion McLaughlin
Paul Wheeler
Margaret Konkle

In the absence of Planning Board member Richard Bigler, alternate Planning Board member Steven Dale will participate in all discussions and vote on all agenda items this evening.

Chairman Sackett explained the procedure for agenda items noting that Mr. Callahan will introduce the project. There will be an exchange of information between the applicant and the Planning Board members. The public will then be welcome to address the issue. The Board will then take an action.

Item 1

Northwoods Open Space Design Development
Residential Single Family

Requests a recommendation on the Draft Supplemental Environmental Impact Statement (DSEIS) for an Open Space Design Subdivision on the north side of Greiner Road, east of Shimerville Road.

DISCUSSION:

Jim Callahan provided the background on the project noting that it is located on the north side of Greiner Road, south of Roll Road between Shimerville Road and Thompson Road. The project received a Positive Declaration under the SEQRA; a Draft Supplemental Environmental Impact Statement (DSEIS) has been submitted. The Planning Board previously identified some issues with

the DSEIS and asked for clarity on a number of the resubmitted issues. The applicant is seeking acceptance of the document to further the review process. The Town Board is acting as Lead Agency on this project.

Timothy Pazda recused himself and left the dais. Mr. Pazda is an adjacent property owner to the project. He has filed the appropriate paperwork with the Town Clerk's Office.

Jeff Palumbo, of Damon Morey, LLC, and Fred Cimato are present. Mr. Palumbo explained that the Supplemental Environmental Impact Statement is a supplement to the Clarence Hollow Pollution Abatement Project. This subdivision is really part of the Heise Brookhaven Sewer Abatement Program. Mr. Palumbo believes they have addressed all the issues that were asked of them by the Planning Board and the Town Board. At the last meeting, there were three (3) specific items that needed to be addressed; these items were listed in a letter written by Mr. Callahan dated February 11, 2013. The letter is on file. Mr. Palumbo provided information addressing these items on February 20, 2013, in turn, that information was immediately forwarded to the Planning Board members. The first issue was with regards to wetlands and Gott Creek. It was clarified that Gott Creek is not a wetland; it is a waterway of the United States. As a result of the one (1) road crossing that the applicant has within this project, an Article 15 permit needs to be obtained pursuant to the Environmental Conservation Law. The second issue was in regards to an overlay of the subdivision over the wetland area; Mr. Palumbo said this document was originally submitted but may not have been clear, so it was re-submitted with clarity. Mr. Palumbo reminds the Board that the project will not disturb the wetlands. The third item the Planning Board asked for was a map showing the adjacent wetland areas, these were included with the original submission as well. Mr. Palumbo referred to two maps contained in the original submission that showed the wetlands on the applicant's site through Figure 3, the NYSDEC Freshwater Wetland Map and through Figure 2, the National Wetland Inventory Map. He understands that there will have to be some changes made to make it all one document. He is asking the Board to make a recommendation that the document is complete in terms of whether or not the issues raised in the scoping document were addressed. Mr. Palumbo said another issue was under the Historic and Archeological Resources section in which the Board was looking for a map that showed the findings that were made in the Phase II Cultural Resource Analysis that was completed by CCRG. The entire report was submitted as an appendix to the SEIS. What was provided to the Board today was a document that overlaid the project site with areas of the findings; none of these findings are significant. The Planning Board asked for a letter signed by all members of the Heise Brookhaven Trunk Sewer Corporation which was requested to confirm whether or not the 149 taps that are being requested are available to the Cimato's. There is a letter from the operating manager Kevin Curry, an officer of Heise Brookhaven, in which he confirmed there are sufficient taps for this project.

Chairman Sackett noted that the latest information that Mr. Palumbo referred to came to the Planning Board this afternoon, not all members of the Board had a chance to review the documents thoroughly. Chairman Sackett asked Mr. Palumbo to advise exactly where the map is in the document that shows the wetlands on the property and the adjoining wetlands. With regards to the archeological findings, Mr. Palumbo referred to red dots on the document that indicated archeological findings; the Planning Board received a copy of the document via e-mail which did not show red dots, all dots were black. There was no ledger associated with the archeological findings map. With regards to the sewer issue, Chairman Sackett does not believe that the letter submitted by the applicant and the Town Engineer constitute agreement. The Town Engineer has told the Board that he wants an accounting of who owns what with the remaining taps. In Chairman Sackett's opinion, the letter recently submitted does not suffice.

Mr. Palumbo clarified the location of the wetland maps noting that they are Figure 2 and 3 in the first section of Volume II of the SEIS.

Mr. Palumbo said CCRG performed a Phase II archeological analysis and found nothing of any significance on the property. These finds are clearly set forth in their report. The applicant has taken the subdivision map and overlaid it over the findings.

Mr. Palumbo said as far as the sewer issue goes, the Town Engineer prepared the report and a letter has been received from the Heise Brookhaven Sewer Corporation. This is what the Board requested and this issue should now be considered complete.

Mrs. Salvati said the applicant provided the Board with what they requested regarding the wetlands, information on Gott Creek and the archeological findings. As far as the sewers, the Town Engineer did provide the Planning Board with clarification that there is capacity for the applicant's development.

Chairman Sackett asked if the applicant would argue that they have accounted for all EDU's, Mr. Palumbo said yes; he believes that they have complied with what was asked for in the scoping document.

Mr. Shear agreed with Mrs. Salvati's comments. He thinks the archeological fulfillments have been met, the wetlands information is adequate, the sewer information is enough to move forward although it was not what the Planning Board asked for. Mrs. Salvati agreed with this as well.

Mr. Van Nest read the information provided by the applicant this afternoon and thinks it is enough to move the project forward. Mr. Todaro and Mr. Dale agreed with this.

Mr. Palumbo said the document will be done over to include what the Planning Board requested and that is what will be available to the public.

ACTION:

Motion by Paul Shear, seconded by George Van Nest, to **recommend** the Town Board accept the SDEIS as complete and initiate the timeframe for the SFEIS development, review and approval with the understanding that the information the applicant indicated he will provide will be available in time to go before the Town Board at their February 27, 2013 meeting.

ON THE QUESTION:

The action is based on all correspondence received on this issue, all the previous meetings and the documents put forth in those meetings.

Steve Dale	Aye	Gregory Todaro	Aye
George Van Nest	Aye	Timothy Pazda	Recuse
Paul Shear	Aye	Wendy Salvati	Aye
Robert Sackett	Aye		

MOTION CARRIED.

Timothy Pazda returned to the dais.

Item 2

Gabe's Collision
Major Arterial

Requests Concept Plan Approval and a recommendation under the State Environmental Quality Review Act (SEQRA) for a proposed Automotive Collision, Sales and Service Facility at 5817 Transit Road.

DISCUSSION:

Jim Callahan provided the background on the project noting that it is located on the east side of Transit Road, north of Highland Farms Drive. It is existing vacant commercial land located in the Major Arterial Zone. The Town Board will have final review and approval on this project.

Jeff Palumbo, of Damon Morey LLC is present along with owner Jeff Mucerelli. Mr. Palumbo said minor changes have been made to the plan. Mr. Mucerelli owns a parcel immediately to the north of the project site, which had less than 100' of frontage. The frontage of the automotive center parcel was reduced from 264.75' to 245.75' so the parcel to the north now measures 100' and is a conforming parcel. This led to a reduction in the size of the square footage of the building located on the site. The building was proposed at approximately 35,000 square feet and is now proposed at approximately 32,000 square feet. The facility will be a combination of auto sales, collision shop and rental facility. The applicant has buffered the neighbors to the maximum extent that they can offer. The proposal is in compliance with a higher standard than what is allowed in New York. With regards to fire suppression, Mr. Palumbo said this facility will be far more capable to address these issues than anything that has been seen in Clarence.

Mr. Mucerelli said he delivered 12 cars today at his Genesee Street location and 10 cars at his Sheridan Drive location. His average cycle time to service a vehicle is 3.7 days. He will not have smashed up vehicles sitting in the parking lot. If there happens to be a car waiting for a part it will be kept inside the building. Most cars won't need to wait for parts because parts are delivered daily. This facility will move 30 cars a week, they don't leave them sitting.

Chairman Sackett referred to the Planning Board minutes from October 17, 2013 in which he said he does not see indicated anywhere that this is an allowed use in that zone; this still remains an issue. The second issue is the distance between the facility and the housing. Any type of use close to what the applicant is asking for typically has a 300' buffer; the applicant is estimating 150'.

Mr. Palumbo said the use of the property is a Town Board decision, not a Planning Board decision. He asked why the Town Board would have referred it to the Planning Board if they don't think it is a permitted use. Why would they have spent a year and a half and thousands of dollars if this is not a permitted use? Every other collision shop fits within this exact same zoning classification, is this the one that is not going to be allowed? That's not right. If it doesn't go on Transit Road, where would it go? Mr. Palumbo pointed out that they comply with the setbacks.

Chairman Sackett said the Town Board referred the project to the Planning Board with two concerns and asked them to look after the neighbors. Mrs. Salvati read from the Town Board minutes dated February 22, 2012 in which they specifically asked the Planning Board to consider: 1. Adequate buffering to protect the adjoining residential properties from adverse noise/odor/visual blight. 2. The concerns of the adjoining residents are taken into consideration in the final design.

Chairman Sackett's interpretation is that the Town Board did not approve it as a use, but referred it to the Planning Board for an interpretation.

Mrs. Salvati noted that, with reference to the Code, a collision shop is specifically called out as an allowed use with a Special Exception Use Permit in the Industrial Business Park Zone but not specifically called out as an allowed use with a Special Exception Use Permit in the Commercial and Major Arterial Districts. The Planning Board also looked at the Collision Shop piece with respect to its appropriateness for the character of the community and the surrounding uses. The Board looked at where other collision shops are located in Clarence; this particular section of Transit Road has been problematic because there is housing built so close to roadway that is zone Major Arterial.

At the request of Mr. Pazda, Mr. Callahan explained that when the Master Plan amendments were done in 2008, it was specifically identified that this would be down-zoned from Major Arterial to Commercial. The rationale behind this was that this Town has allowed residential development to encroach on Transit Road in several locations, this area being one of them. The concern in the Master Plan is that the existing residential neighborhoods are to be protected. By down-zoning to Commercial it is identified that residential housing encroaches on the Transit Road corridor but maybe it isn't as appropriate for high volume commercial development and it should be scaled back a bit.

Mr. Palumbo said the Town Board minutes have no language indicating that the referral to the Planning Board is for an interpretation on if this is an allowed use or not. He said the Town Board found that this was a permitted use in this district and then referred it to the Planning Board with the two conditions.

Chairman Sackett said in the Town zoning code there is no equation that says automotive equals collision.

Roger Madigan, president of the Laurel Park Home Owners Association, said the Association is opposed to this type of commercial development: a collision shop adjacent to their property. Having a collision shop there is not going to improve the environment around their property. The real question is: is this an appropriate use for this parcel of land? The residents look to the Planning Board to protect their interests. The change from 81' to 100' is a significant change because that allows the possibility of that piece of land being developed in the future.

Patrick Spoth said his family owns the property that Gabe's is planning to build on. They have owned the property since 1951. It has been on the market for 10 years, they've had some offers on it in which they thought would not be appropriate. When Gabe's approached the Spoth family, they thought it was a good fit; Patrick's brothers own the parcel next to the project site and operate a business from there. They've paid approximately \$100,000 in taxes on the proposed project site in the last 10 years. There has been about \$10,000 invested in this project so far. Mr. Spoth thinks this is a good fit. When he hears terms like "noxious" or "explosions" he said he has not heard of any collision shops blowing up or catching fire. With the State of the Art suppression systems that the applicant is talking about, Mr. Spoth would probably be more comfortable in that building than in a lot of houses that are in Clarence right now. He thinks the buffer is adequate. If a property owner bought a piece of residential property next to a Major Arterial zone, that property owner should have known that there would eventually be commercial development there. Should the Spoth family or Gabe's Collision be penalized for the property being zoned Major Arterial; they are just trying to do to that property what it has been zoned for.

Mr. Shear questions the cars parked outside the buildings at Mr. Mucerelli’s other locations. Mr. Mucerelli explained that the Towns, in which his other locations are, have agreed to let him stage cars in different areas of the property; this is not what will be done in Clarence.

Mr. Shear asked what happens to the scrap waste parts. Mr. Mucerelli said the scrap goes into a roll-off dumpster that will be kept in the existing barn, behind closed doors. When the dumpsters are full they will be picked up for recycling. The garbage dumpster will be inside the barn as well.

ACTION:

Motion by Timothy Pazda, seconded by Wendy Salvati, after thorough review of the submitted site plan, Environmental Assessment Form, supporting documentation, and public comments, it is determined that the proposed collision shop, car rental facility and showroom facility represents an inconsistent use with Town codes and surrounding residential neighborhoods. Therefore, the Planning Board **recommends not issuing** a Special Exception Use Permit for a collision shop, car rental and showroom at this particular location of 5817 Transit Road.

Steve Dale	Aye	Gregory Todaro	Nay
George Van Nest	Nay	Timothy Pazda	Aye
Paul Shear	Aye	Wendy Salvati	Aye
Robert Sackett	Aye		

MOTION CARRIED.

Item 3

Spaulding Green
Residential Single Family

Requests Amended Concept Plan Approval.

DISCUSSION:

Jim Callahan provided the background on the project noting that it is located on the east side of Goodrich Road, north of Greiner Road. It is an existing Open Space Design Subdivision originally approved in 2008 consisting of 380 units and preserving 50% Open Space. The applicant is present seeking an amendment to the original Concept Plan.

Dominic Piestrak explained that the reason for this request is that Phase 10 is the property next to the church on Goodrich Road and he committed to the people in that area that this would be the last phase because of the street connection. This was brought about by a question about sewer capacity. Phase 9 has been put in and a reconfiguration of the road has been proposed. The TND Phase is still a question of the sewer capacity in Sewer District #2. The property originally had 500 taps, but that count changed to 350. In order to comply with the number of taps the size of the property was reduced. There are movements to increase sewer capacity so Mr. Piestrak could come back at a later date with future proposals. Mr. Piestrak is asking for approval on a revised concept that matches the sewer capacity that is currently available.

Mr. Callahan said an environmental review would have to be done on, but an impact statement is not necessary.

Mrs. Salvati said it is her understanding that the applicant is looking to remove Phases 9 and 10 because the applicant initially had 380 taps, 350 of those were from the Heise Brookhaven agreement, an additional 30 were some other certificates that were out of Sewer District #2. By removing Phases 9 and 10, 70 lots would be removed, Phase 11 would be putting 32 lots back in, so the applicant ends up with 349 lots, this is just using the 350 taps from the Heise Brookhaven agreement. Mr. Piestrak said that is correct.

The area labeled TND is also being taken off the table until the sewer situation is taken care of; however this area was never approved as part of the original concept.

Mr. Piestrak talked to the Town Attorney about putting the first phase in across from Town Hall through the Lakes up to the new road that was just put in the back section.

ACTION:

Motion by George Van Nest, seconded by Gregory Todaro, to **recommend** the Town Board initiate coordinated review under the State Environmental Quality Review Act on the amended Concept Plan for Spaulding Green Residential Single Family Development to include Phase 11.

Steve Dale	Aye	Gregory Todaro	Aye
George Van Nest	Aye	Timothy Pazda	Aye
Paul Shear	Aye	Wendy Salvati	Aye
Robert Sackett	Aye		

MOTION CARRIED.

Item 4

Roxberry Subdivision Phase 2/Helenwood Ext.
Residential Single Family

Requests Concept Plan Approval and a recommendation under the State Environmental Quality Review Act (SEQRA) for a Major Subdivision at the extension of Helenwood Drive.

DISCUSSION:

Jim Callahan provided the background on the project noting that it is located on the south side of Sheridan Drive as an extension of Helenwood Drive and Sable Court. The applicant is proposing to extend public roads to service 10 new residential lots.

Sean Hopkins of Hopkins & Sorgi, PLLC is present and representing the applicant. Elliot Lasky and Kevin Myszka are also present. Mr. Hopkins explained that applicant incorporated all the modifications that the Planning Board previously suggested. He also noted that there is an updated Part I of an EAF that stated there will be no blasting. The plan was looked at by David Metzger and the Fire Chief and was deemed acceptable in terms of emergency access. The applicant has been working with the DEC, the Army Corp of Engineers and the Western New York Land Conservancy relative to the proposed wetland impacts which will result in the creation of an off-site mitigation within that large parcel directly adjacent, owned by WNY Land Conservancy.

Jean Smith wants to know who to call when the applicant starts blasting. It is noted that if the applicant starting blasting it would be a violation of the approval and it should not happen. Ms. Smith

is directed to call the Town Engineering Department immediately if she hears blasting coming from the project site. She was under the impression there was just one road, now the plan shows two. Mr. Hopkins said the plan shows what the Planning Board asked of the applicant. Mrs. Salvati explained that the previous plan showing one road had a number of issues and would have required a number of zoning variances to make the design legal. The Planning Board asked the applicant to go back to a plan that was previously approved by the Town; this allowed the applicant to shorten the road and put in lots that meet code.

ACTION:

Motion by Steve Dale, seconded by Wendy Salvati, to **accept** the Part II and III Environmental Assessment Form as prepared and issue a Negative Declaration on the proposed Roxberry Subdivision Phase 2 for 10 residential lots.

Steve Dale	Aye	Gregory Todaro	Aye
George Van Nest	Aye	Timothy Pazda	Aye
Paul Shear	Aye	Wendy Salvati	Aye
Robert Sackett	Aye		

MOTION CARRIED.

Motion by Steve Dale, seconded by Timothy Pazda, to **approve** the concept plan as prepared by GPI on the drawing dated October 2012 identifying 10 sublots and the extension of Helenwood Drive and Sable Court, with the following conditions:

- a. As per applicant agreement, no blasting will occur as a part of infrastructure and home construction.
- b. Subject to Open Space and Recreation Fees.

Steve Dale	Aye	Gregory Todaro	Aye
George Van Nest	Aye	Timothy Pazda	Aye
Paul Shear	Aye	Wendy Salvati	Aye
Robert Sackett	Aye		

MOTION CARRIED.

Item 5

Harris Hill Commons
Residential Single Family

Requests Concept Plan Approval and a recommendation under the State Environmental Quality Review Act (SEQRA) for an Open Space Design Development and sewer district extension located on the west side of Harris Hill Road between Sheridan Drive and Greiner Road.

DISCUSSION:

Jim Callahan provided the background on the project noting that it is located on the west side of Harris Hill Road between Greiner Road and Sheridan Drive. It is existing vacant land located in the

Residential Single Family Zone. An action under SEQRA will be required before action on the concept. Town Board is Lead Agency on this matter.

Sean Hopkins on behalf of Windsor Ridge Partners is present along with Alan Randaccio, Elliot Lasky, Pete Peterson and Cliff Krumm.

Mr. Hopkins noted that the project site consists of approximately 62.73 acres, 32.92 acres of the site will remain as open space. The Planning Board previously asked that the applicant preserve the green space along Harris Hill Road, there is 200' of green space there that will provide excellent screening from Harris Hill Road to the homes. On May 12, 2006 the Town developed a density determination pursuant to the Open Space Design Requirements; the density determination at that time was 89 lots. The current proposal is down to 66 lots. The concept plan review of this project started in 2005. An updated wetland delineation was done by Wilson Environmental Technologies in June 2012. The applicant made a diligent effort to avoid wetland impacts as much as possible. If there were impacts they made the effort to minimize them. They are now proposing impacts that are less than one-tenth of an acre, meaning there is no need for mitigation nor is there a need for a permit by the Army Corp of Engineers, the applicant just needs to notify the Army Corp of the lay out. There are 1.878 acres of wetlands. They are proposing to impact approximately 5% of the Federal wetlands, which represents three one-hundredths of one percent of the entire project site acreage.

Mr. Hopkins said there was another comment pertaining to drainage that needs to be addressed. The project must comply with the Storm water quality and quantity requirements set forth by the NYS DEC. Leanne Voit of GPI prepared a letter noting the possible location of two storm water ponds as well as three bio-retention facilities. The required drainage/stormwater reports will be prepared and forwarded to the Engineering Department once the project reaches that phase.

Mr. Hopkins said the third comment had to do with traffic impacts. There was a meeting held at the Planning Department with Michael Asklar, Traffic Engineer from Erie County Department of Public Works. Mr. Asklar asked the applicant to obtain a traffic analysis from a licensed engineer. The analysis was done and forwarded to the Planning Board and to Michael Asklar of Erie County Department of Public Works. On February 13, 2013 a comment letter was issued by Mr. Asklar that stated as follows: "we concur with the location of the three roadway connections showing the roadway system consisting of roadway connections to Greiner Road, Harris Hill Road and Glenwood Drive." The letter also stated, "The Department has determined that this project will not result in any adverse impacts that affect the county highways based on the trips generated and the proposed roadway location." A stub street connection to Sheridan Drive had been suggested to the applicant but they are opposed to that for several reasons. One reason is that this layout has been reviewed and approved by Erie County with three (3) access points; the plan is not lacking access points. Another reason is with reference to the October 17, 2012 meeting, in which the request for a stub street connection was not made. The third reason refers to the property on Sheridan Drive, in which there is no project currently in front of the Board, but it is zoned for Commercial purposes, the applicant thinks it would be inconsistent and incompatible to have a residential subdivision connecting to some future commercial development on Sheridan Drive. If a stub road was put in on the southern half of the site it would be very easy for motorists to use the applicant's street as a cut through; they prefer the motorists proceed to the signalized intersection at Sheridan Drive and Harris Hill Road or Greiner Road and Harris Hill Road. Mr. Hopkins pointed out that the Town requires a 45' greenbelt between commercial and residential which is shown on the current plan. If the applicant was forced to show a roadway at some point in the future it would infringe on that greenbelt.

Mr. Hopkins said the applicant spent several years going out of their way to create sewer capacity for this project which included some off-site improvements paid for by his client. The Town asked involved agencies to comment on the project which included the request to either extend Erie County Sanitary Sewer District #5 or create a new Town of Clarence Sanitary Sewer District to accommodate this project and the project to the east. On May 15, 2012 the DEC issued an e-mail confirming that Mr. Hopkins client, working with Cimato, had created capacity as a result of the installation of the weir that was instructed and inspected by the DEC. Mr. Hopkins said he is aware that the project site is clearly out of district. He noted that the property is properly zoned and the use is consistent with Master Plan 2015. In terms of the Town's goal to create a solution to the existing pollution problem in the Harris Hill area, Mr. Hopkins noted that has nothing to do with this project. There is case law that has been developed in New York State and the United States Supreme Court that says in order for a Board to impose a condition requiring off-site improvements there has to be a clear nexus between the impacts of the project and the condition being considered. The applicant is proposing an upgrade to trunk sewer, a 15" trunk sewer that would extend the length of 2,373 linear feet, it would extend south to the applicant's connection up to Harris Hill, then take it all the way out to Harris Hill. This will leave a distance of 2,057' to Sheridan Drive. The applicant is bringing the trunk line more than half way. The applicant does not think it is fair or legal that the Town requires them to extend the line to Sheridan Drive. They have made a large voluntary contribution.

Chairman Sackett noted that the stub road and the sewer issue was also discussed at a Planning Board Executive meeting on February 11, 2013.

Mr. Pazda said he read minutes from past meetings and the applicant agreed to putting a road straight through. Mr. Hopkins disagreed and said there was only a discussion on providing a connection to Glenwood Drive.

Chairman Sackett said if this is approved there is no clear path as to how the sewer will be extended to Sheridan Drive.

Mr. Shear said the proposed sewer district for the Town would not only encompass the applicant's project it would also encompass the 77 homes on the east side of this district, and would go up to Sheridan Drive, which would include the piece that is across the street from this project on the south end. Mr. Hopkins clarified that there is common ownership of the piece of property on Sheridan Drive. Mr. Shear noted that there are at least four (4) separate entities that have a vested interest in the Town Sewer District being created.

Chairman Sackett said the weir was never designed to meet a capacity issue; it was designed to take care of overflow.

Elliot Lasky clarified that this project will never tie into the sewer that they are proposing to put in, his sewer design for all the Sheridan Drive frontage goes through the parcel heading south. He feels that making this substantial investment creates a system that the Town will appreciate in the future because it will help solve problems that have already been addressed. There is zero benefit in any capacity to the applicant in volunteering to put the sewer trunk line in.

Teresa Loundenslager, of 4825 Glenwood Drive, asked if the sewers would go up to her house. Chairman Sackett said the sewer would end at the stub road and they would run laterals to all those houses. The proposal, relative to sewers, does not affect Glenwood Drive.

George Van Nest asked the applicant what they want from the Planning Board, relative to sewers. Mr. Hopkins said he thinks the Planning Board can forward a recommendation to the Town Board in connection with the policy decision.

It is clarified that if the Town Board decides to create a sewer district, a public hearing needs to be held.

Mr. Van Nest said he does not recall the Planning Board be able to make a decision or a recommendation in any capacity on a project if they didn't know sewer capacity existed in district. This is a somewhat different scenario, Mr. Van Nest is not sure what the outcome should be this evening. Mr. Hopkins said unless it gets forwarded to the Town Board for a policy decision, the project is stuck in "no man's land."

Mr. Lasky said the proposed sewer, whether it goes to Sheridan Drive or not, still has to go north. There are many more pieces to this puzzle. The applicant has agreed to everything. The Town Board has to ultimately make the decision. Mr. Lasky explained that all he needs for his project is an 8" line. He has a private sewer that ends right in front of his property that connects on Greiner Road and with the upgrade gives them all the capacity they need. The proposal is for a 15" line, there is more depth and they are extending the line. The applicant does not benefit from this increase.

Mr. Van Nest reiterated that the Planning Board is a recommending body for this project. If the applicant has capacity and they've met the other requirements the Board needs to make a recommendation, they cannot do anything beyond that. He sees no reason to hold this project up.

Deputy Town Attorney said the project needs to move forward one way or another, either it will be tabled for more information or it should be moved on to the Board. If it is tabled the only reason left would be to determine whether the parties can get together and decide how it would work to create a sewer that would get it down the line so that the Planning Board would be able to recommend to the Town Board, as part of all the rest of the conditions, that a sewer district makes the most sense or they have to keep going to 5, which is going nowhere.

Wendy Salvati clarified that the Planning Board cannot make a decision on a policy issue, that falls under the Town Board's authority.

Mr. Callahan said the overall request includes a sewer district; Planning Board will have to isolate it to this subdivision if it is to be moved forward.

Chairman Sackett said the Part III talks about the extension to Sheridan Drive.

Mr. Pazda asked if the cumulative traffic affects have been looked at. Mr. Hopkins explained that there was a meeting held with the Planning Department and Mr. Asklar to discuss traffic. The plan before the Board is what Mr. Asklar agreed with.

Mr. Callahan noted that the Part III will have to be amended before any action is taken. The Planning Department can amend it to reflect the discussion this evening and then bring it back before the Planning Board.

ACTION:

Motion by Paul Shear, seconded by Timothy Pazda, to **table** Harris Hill Commons to amend the Part II and Part III EAF to reflect the discussion held at this meeting.

ON THE QUESTION:

The Harris Hill Commons proposal will be placed on the March 6, 2013 Planning Board agenda.

Steve Dale	Aye	Gregory Todaro	Aye
George Van Nest	Aye	Timothy Pazda	Aye
Paul Shear	Aye	Wendy Salvati	Aye
Robert Sackett	Aye		

MOTION CARRIED.

Meeting adjourned at 10:05 p.m.

Carolyn Delgato
Senior Clerk Typist