

Town of Clarence  
One Town Place, Clarence, NY 14031  
**Planning Board Minutes**  
Wednesday February 5, 2014

**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**

Metzger Civil Engineers/John Kausner  
Agricultural Rural Residential

Requests Development Plan Approval for a three  
(3) lot Open Development Area at 4180 Ransom  
Road.

Chairman Robert Sackett called the meeting to order at 7:30 p.m. Jim Callahan led the pledge to the flag.

Planning Board Members present:

Chairman Robert Sackett  
Timothy Pazda  
Richard Bigler

2<sup>nd</sup> Vice-Chairperson Wendy Salvati  
George Van Nest  
Steven Dale

Planning Board Members absent: Paul Shear and Gregory Todaro

Town Officials Present:

Director of Community Development James Callahan  
Junior Planner Jonathan Bleuer  
Deputy Town Attorney Steven Bengart

Other Interested Parties Present:

Michael Metzger  
Roger Schwab

John Kausner

Motion by George Van Nest, seconded by Steve Dale, to **approve** the minutes of the meeting held on November 27, 2013, as written.

Steve Dale	Aye	Richard Bigler	Aye
George Van Nest	Aye	Timothy Pazda	Abstain
Wendy Salvati	Aye	Robert Sackett	Aye

MOTION CARRIED.

In the absence of Paul Shear and Gregory Todaro, alternate Planning Board member Steve Dale will participate in all discussions and vote on all agenda items this evening.

The procedure for tonight's meeting will begin with Jim Callahan providing history on the project. The applicant will be asked to add any comments about the project and Planning Board members will then have the opportunity to ask questions about the project. The public will be given a chance to add comments and/or ask questions about the project. The applicant will have the opportunity to answer the questions if appropriate. The Planning Board will then take an action.

**Item 1**

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Requests Development Plan Approval for a three  
(3) lot Open Development Area at 4180 Ransom  
Road.

**DISCUSSION:**

Jim Callahan provided the background on the project noting that it is located on the west side of Ransom Road, opposite Jones Road. It is an existing residential property located in the Agricultural Rural Residential Zone. A Negative Declaration under the State Environmental Quality Review Act (SEQRA) was issued on the project on July 25, 2007. The Town Board granted Concept Approval with conditions on December 16, 2009.

Michael Metzger, of Metzger Civil Engineers, is present along with the applicant John Kausner. Mr. Metzger noted that the applicant worked closely with the Town Boards for a long time to make changes to the project so that it brings a comfort level to all involved. Initially, there were four (4) lots proposed but, working with the Town and the neighbors, the proposal was changed to three (3) lots, which is the existing configuration. There is one (1) home on the property already. The driveway was moved to the south to give the neighbors to the north a bit more privacy. There was reference to a possible underground fuel storage tank, this reference was fully studied by environmental consultants in which it was determined that everything is clean in that area. A Phase I Archeological study was done. Storm water calculations were done to alleviate concerns regarding drainage on the property. A full topographic survey was done. There are no floodplains on the property nor are there any wetlands. A water flow test was done to determine if there was adequate pressure and flow in the area to serve the project. NYS DEC has reviewed the project and full clearance has been received from them, this resulted in the SEQRA Negative Declaration that was issued. The project has approval from the Town Engineer, the document is on file. The project exceeds the Town requirements for Storm Water drainage. The Town standard is that the project detain the 25 year post development storm to 10 year pre-development flow rates to assure that they slow down the water so the peak discharge from the site is actually less after development than it would be in its current undeveloped state. The applicant has detained the 25 year post development storm to the 5 year pre-development rate, which slows down the water even more. A condition of the approval was that no lighting be placed along the common entrance so there are no glare problems. A private fire line and a fire hydrant will be installed to serve the new homes. There will be no home further than 600' from the hydrant. Another condition was that the Landscape Committee would approve the project after the road installation; the applicant will comply with this condition. They have submitted a landscape plan. There will be a use and maintenance agreement for the common facilities prepared and submitted to the Town Attorney for review. Another condition was that a landscaped berm be installed at the connection point between the

common driveway and the first driveway for the first new home; this is shown on the plan. The applicant has complied with all the codes, the requirements and the Town Board's conditions.

Chairman Sackett asked Mr. Metzger for an explanation on how he accomplished the storm water relief for the project that he spoke of earlier. Mr. Metzger explained that the site drains from front to back, which is east to west. At the back of the property is an existing drainage ditch that runs across the property line and out to Bergtold Road, this is what currently drains all the properties in that area. The applicant will be putting in a series of swales. There is an existing pond on site which has a discharge out, the applicant will make some improvements to this discharge and utilize it for the project. The swales will carry the water to the back of the property where the applicant will be installing a dry storm water detention area. It will hold water temporarily with a restricted outlet, so that the flows leaving the site are slowed down. The dry detention pond has the Town Engineer's approval.

Mr. Metzger noted that the request was that the applicant not put any pole lighting along the entrance driveway; they are not proposing to place any lighting along that common driveway.

Chairman Sackett asked what the distance is from the road to the proposed berm. Mr. Metzger said it is about 350' from the pavement edge of Ransom Road to the proposed berm. Mr. Pazda asked for clarification that the berm was a condition placed on the approval by the Town Board. Chairman Sackett and Deputy Town Attorney Steve Bengart both confirmed this. Mr. Pazda said placing the berm may require cutting down a lot of trees, he asked if this was discussed at the Town Board level. Mr. Metzger noted that the applicant plans on planting new evergreens on top of the berm, so anything that is being lost will be replaced. The berm will be 2' high and a 4' top width in order to take the plantings on it. It will be a 3 on 1 slope. Mr. Pazda said he assumes the berm will be wild, and that it will not be a maintained landscaped berm. Mr. Metzger said there weren't any considerations as to how the berm would be maintained, it is maintainable. Mr. Pazda thinks that the less the berm is maintained the better it will accomplish what some of the neighbors wanted. He asked how much of the existing vegetation along the property line will stay. Mr. Metzger said they are not changing the grade much for the private road; its leading edge is 25' from the property line. He thinks it could be easily constructed by not disturbing anymore than 5' from the edge. Mr. Kausner said the trees on the property line are mature pines and the pine tree has a narrow drift line, being 25' away should not encroach on the roots at all. Chairman Sackett agreed but noted that the applicant will have to trench for the water line. Mr. Metzger said the waterline is slated to be about 5' off the pavement edge; this is 20' off the property line. Realistically, 15'-18' will be preserved from the property line. The berm will be approximately 16' wide, total. One of the conditions of the approval may be to work with the Landscape Committee on the berm to achieve what the applicant wishes but also save as many trees as possible.

Mr. Metzger noted that the existing drainage swale is already cleared. This is the swale that they will use to take the water from the front to the back of the property.

Mr. Van Nest asked if the new owners of the house on the frontage lot are aware of this proposal. Mr. Kausner said the new owners are aware of it and the final sale is actually pending this approval.

Roger Schwab lives across the street from the project, on the corner of Jones Road and Ransom Road, and wants to know where the water supply will be drawn from. There have been problems in the past with water pressure. Will there be additional capacity for water supply to make it function? It is

heavily wooded with old trees in the area. He asked if the barn or other structures on the property will be removed. Will there be any other modifications to the existing structure?

Mr. Metzger said the water source will be the Erie County Water Authority water main that is along Ransom Road. Hydrant flow testing has been done at the site and the results are favorable. In the past there have been issues in that area, they have been somewhat improved. The Water Authority has done a lot of work on this; they put in a pumping station in Lancaster. The applicant has worked closely with the Town Engineer and the Erie County Water Authority and it has been concluded that there will be adequate pressure and flow to serve this project without having a detrimental impact on the area.

Mr. Metzger said there has already been one structure taken down which would have been right in the way of the driveway. There are no further plans to do anything more with any of the structures on site in the context of the development.

**ACTION:**

Motion by Wendy Salvati, seconded by George Van Nest

WHEREAS, the Concept Plan for a three (3) lot Open Development Area Subdivision located at 4180 Ransom Road was approved by the Town Board on December 16, 2009 and has remained dormant since that approval; and

WHEREAS, No changes have occurred since the time of the original Concept Approval to cause any amendments to the project and unforeseen circumstances have prevented action prior to this date; and

WHEREAS, A local law amendment adopted in 2010 changed the body having final approval for Open Development Area Subdivisions from the Town Board to the Planning Board; and

NOW THEREFORE I move to **approve** the Development Plan for a three (3) lot Open Development Area that was conceptually approved on December 16, 2009 as submitted by Metzger Civil Engineers, dated January 3, 2014, with the following conditions:

- 1.) Open Space and Recreation Fees.
- 2.) All conditions as identified by the Town Engineer in a letter dated January 13, 2014.
- 3.) No lighting along the common driveway.
- 4.) A raised landscape berm to be placed along the southern side of the common drive at the intersection of the drive to the entry drive for the most easterly house to enhance the buffering, protection and privacy of the southerly neighbor, with distance of the berming to be set and approved by the Landscape Committee.
- 5.) Approval of a Landscape Plan by the Landscape Committee after the common driveway is installed.
- 6.) A fire hydrant to be placed to insure that one is placed closer than 600' from the furthest home in the development.
- 7.) A Homeowners Agreement for use and maintenance of the common drive and required landscaping adjacent thereto, to be reviewed and approved by the Town Attorney's Office prior to the issuance of a Certificate of Occupancy.

**ON THE QUESTION:**

Ms. Salvati said that this decision and the conditions that are placed on the approval are based on all prior Town Board and Planning Board meetings, discussions and correspondence received, including work sessions in which correspondence was discussed.

Steve Dale	Aye
George Van Nest	Aye
Wendy Salvati	Aye

Richard Bigler	Aye
Timothy Pazda	Aye
Robert Sackett	Aye

MOTION CARRIED.

Meeting adjourned at 8:00 p.m.

Carolyn Delgato  
Senior Clerk Typist