

Town of Clarence
One Town Place, Clarence, NY 14031
Planning Board Minutes
Wednesday March 4, 2015

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

Let Them Laugh Out Loud
Residential Single Family

Requests Site Plan Approval for a Public Service
Facility at 5225 Harris Hill Road.

Item 2

Windsor Ridge Partners/Harris Hill Commons
Residential Single Family

Requests Development Plan Approval for a 66-
lot Open Space Design Subdivision on the west
side of Harris Hill Road, south of Greiner Road.

Item 3

Dominic Piestrak/Spaulding Green LLC
Residential Single Family

Requests Development Plan Approval for Phase
Eleven (11), a 33-lot Patio Home Phase on the
east side of Goodrich Road, North of Greiner
Road.

Vice-Chairman Paul Shear called the meeting to order at 7:32 p.m.

Jim Callahan led the pledge to the flag.

Planning Board Members present:

Vice-Chairman Paul Shear
Timothy Pazda
Gregory Todaro
Jeffrey Buckley

2nd Vice-Chairperson Wendy Salvati
Richard Bigler
Steven Dale

Planning Board Members absent: Chairman Robert Sackett

Town Officials Present:

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

Other Interested Parties Present:

F J Zazycki	Mary Beth Kiesel	Margaret Kiesel
Douglas Klotzbach	Robert Lauffenburger	Sean Hopkins
Alan Randaccio	Pete Peterson	Kate McKenzie
Steve Schop		

In the absence of Chairman Robert Sackett, Vice-Chairman Paul Shear will preside over the meeting. Alternate Planning Board member Jeffrey Buckley will be participating in all discussions and voting on all agenda items this evening.

Motion by Steve Dale, seconded by Gregory Todaro, to **approve** the minutes of the meeting held on February 4, 2015, as written, with the following additions:

- Third line in the second paragraph from the bottom of the page under Item 2 shall start with "Mr. Dewey said,".
- Fourth line in the second paragraph from the bottom of the page under Item 2 shall start with "Mr. Dewey added that".

Jeffrey Buckley	Aye	Steve Dale	Aye
Gregory Todaro	Aye	Richard Bigler	Aye
Timothy Pazda	Aye	Wendy Salvati	Aye
Paul Shear	Aye		

MOTION CARRIED.

Vice-Chairman Shear explained the procedure of the meeting noting that Mr. Callahan will introduce each agenda item. The applicant will be asked to add further information or comments on the project as he/she sees fit. The Planning Board members will have the opportunity to ask questions of the applicant. Members of the audience will then have the opportunity to ask questions regarding the project, each speaker will have a maximum of three (3) minutes for his/her presentation, and those questions are to be addressed to the Planning Board.

Item 1

Let Them Laugh Out Loud
Residential Single Family

Requests Site Plan Approval for a Public Service
Facility at 5225 Harris Hill Road.

DISCUSSION:

Mr. Callahan provided the background on the project noting that it is located on the east side of Harris Hill Road, south of Greiner Road. It is an existing church property located in the Residential Single Family zoning classification. The applicant is proposing to construct a public service use facility on the property. The Planning Board has final approval authority on the site plan and architectural style of this permitted use.

Douglas Klotzbach, of K2 Architecture is present along with Kate McKenzie of Let Them LOL. Ms. McKensie said she and her husband have lived in Clarence for the past 6 years and around that time they went to a conference where they learned that there are nearly a billion people without access to clean drinking water and that every day 4,000 children die from water related disease. They decided to start

something to provide a clean water well for a community to have access to clean water. They knew that once people in this area found out about this they would want to get involved. Now, 6 years later, they have funded 80 clean water wells, which equals 20,000-30,000 people getting access to clean water including a home for orphaned children. They operate in Sierra Leone, one of the poorest countries in the world. They adopted their daughter from Sierra Leone. They started operating out of their house 6 years ago, however the operation grew quickly and they outgrew the house, then someone donated office space on Main Street and they have since outgrown that facility as well. They have worked together with Northgate in partnership helping to develop wells. Northgate offered this property to partner with Let Them LOL. The proposed building will be a volunteer center, they currently have 50-60 regular volunteers, plus 1,000's of others, including kids who are very involved. Part of their tag line is "A Community Here with a Community There", it is not just about sending funds and building and developing communities in Sierra Leone but also to add value to this community by kids learning how to help others less fortunate. They do not need a lot of office space but they do need a space to meet when the volunteers get together to plan events.

Vice-Chairman Shear said a plan was submitted this morning and there are a number of questions on behalf of the Planning Board.

Mr. Pazda asked if the applicant has a recommendation for the Board. Mr. Klotzbach thinks the front elevation is what the Board is looking for with the stone Wainscoting and the Shaker style vinyl siding in the front. If there is any lighting on the front of the building it would be decorative. He would like some aesthetics in the front of the building as far as a symbol that would be representative of their organization. They would like to have the aesthetics the same on both sides. The cost per square foot is much more for the shaker siding as opposed to the vinyl siding, so the applicant wants vinyl on both sides. Mr. Klotzbach said they would like to use the vinyl vertical siding on the lower portion of the structure as the Wainscoting per Ms. Salvati's suggestion in the Work Session. This would take the continuity of the Wainscoting in front, they will take the vertical vinyl that will go across the bottom and continue the vinyl on the north side elevation, just go with a 4' lap siding to the front and the front would be what is depicted in the presentation except it would have the stone Wainscoting. They will keep the stone with the vinyl shaker on the front elevation, on the sides would be the vinyl and the shutters.

Vice-Chairman Shear said there is a question as to what the vertical vinyl Wainscoting will look like. Mr. Klotzbach said the vinyl looks like a soffit material and it will be darker in color.

Mr. Dale asked what the difference in cost is between the stone Wainscoting and the vinyl. Mr. Klotzbach said the 50' by 3' stone is \$5,000. Mr. Dale said he prefers the vinyl Wainscoting and cedar siding on both the north and south sides and the front. Mrs. Salvati agreed with Mr. Dale and said she definitely wants the shaker out front. Mr. Klotzbach said there will be shaker on the north and the south with the vertical vinyl.

Vice-Chairman Shear said there is a concern because the proposed project is located in the Residential Single Family Zone and the Board is trying to make it look as aesthetically pleasing as they can without breaking the bank. They have looked at many alternatives.

Mr. Klotzbach likes the vertical Wainscoting on the bottom of the structure on three (3) sides and cedar shake all the way around. Vice-Chairman Shear said if the applicant needs more time it is acceptable to table the request tonight, the Board is not attempting to force the applicant into anything they don't want to do or are not able to do. Mr. Klotzbach said he needs two (2) weeks to obtain the numbers for the project. Mrs. Salvati said there are two (2) choices for the applicant: put vinyl Wainscoting on the three

(3) sides with shaker on the three (3) sides or vinyl Wainscoting on the three (3) sides, shaker on the front and vinyl down the northern and southern sides of the structure. Vice-Chairman Shear said another option is any alternative that the applicant thinks is appropriate.

Mr. Pazda clarified that Mr. Klotzbach indicated the lighting will be for decorative purposes only, Mr. Klotzbach said that is correct and went on to explain that there is emergency lighting at the two (2) entrance doors, per code. Mr. Bigler said the emergency lighting will have to be tied into the exit light system, Mr. Klotzbach agreed and said there will be a light within the canopy at the entry door, this is for emergency lighting. The back area will have an emergency light as well but it will be on a motion detector, it will be a wall pack with a down light. The overhead door will have two (2) cans up in the soffit so the light will shine down and not out. Parking lights are already in place, they are sharing the parking lot which saves a lot of money and blacktop. The applicant will fill the parking lot on Saturdays once a month, other than that there may be 5 cars there for different meetings. Northgate will fill the parking lot on Sundays. The floor plan shows how minimal the area is, there is an office, a reception area and a multi-purpose area that will be used for gathering things and filling containers that are shipped out. The container will not be outside, they are filled and shipped the same day.

Mr. Buckley asked if the applicant anticipates having a dumpster on site. The applicant said no, they would just use the basic totes for garbage.

ACTION:

Motion by Steve Dale, seconded by Wendy Salvati, to **table** Agenda Item #1 until the next scheduled Planning Board meeting.

Jeffrey Buckley	Aye	Steve Dale	Aye
Gregory Todaro	Aye	Richard Bigler	Aye
Timothy Pazda	Aye	Wendy Salvati	Aye
Paul Shear	Aye		

MOTION CARRIED.

Item 2

Windsor Ridge Partners/Harris Hill Commons
Residential Single Family

Requests Development Plan Approval for a 66-lot
Open Space Design Subdivision on the west side
of Harris Hill Road, south of Greiner.

DISCUSSION:

Jim Callahan provided the background on the project noting that it is located on the west side of Harris Hill Road between Sheridan Drive and Greiner Road. It is existing vacant land located in the Residential Single Family Zone and within Clarence Sewer District #10. The project received approval on March 27, 2013 as an Open Space Design Development, after a Negative Declaration was issued under the State Environmental Quality Review Act.

Sean Hopkins, from the Law Firm of Hopkins and Sorgi, is present on behalf of Windsor Ridge Partners. Alan Randaccio and Pete Peterson are also present. Mr. Hopkins explained that the proposal is for a 66-lot Open Space Design Subdivision. The site is slightly larger than 62 acres in size. The entire site is zoned Residential Single Family and, pursuant to Master Plan 2015, the proposed use is constant with

the land use designation. The Planning Board clearly expressed a preference for the Open Space Design. The applicant is showing 39.92 acres of permanent open space which constitutes 52% of the site, this is significantly more than what is required by code. The applicant has taken deliberate efforts to minimize the impacts of on-site wetlands. There are 1.87 acres of jurisdictional wetlands; they are proposing less than a tenth of an acre of impacts. On March 27, 2013 the Town Board approved the Concept Plan and issued a Negative Declaration pursuant to the State Environmental Quality Review Act. This was consistent with the Planning Board recommendation. The project that is before the Planning Board this evening is entirely consistent with the Concept Plan that was approved.

Mr. Hopkins noted that on May 12, 2006 the Planning Board issued a density determination of 89 lots. The proposal is significantly lower than the determination. Another aspect of the project is that there are 4,000 feet of frontage on Harris Hill Road, they are preserving the rural character of that entire frontage through permanent greenspace. Currently, that frontage has heavy vegetation so there will be a nice buffer along Harris Hill Road. They would like to start construction this Spring of this year. All outside approvals are in place which include the Erie County Health Department, Erie County Division of Sewer Management, etc. Mr. Hopkins had the opportunity to review the draft conditions and they are acceptable to the applicant and if there are additions to those conditions Mr. Hopkins is willing to discuss them.

Mr. Pazda asked how the applicant will prevent the bulldozing or clearcutting of the 200' buffer the entire length of Harris Hill Road. Mr. Hopkins said that open space will have to be transferred to a Homeowners Association. He has worked with the Deputy Town Attorney on another project that requires a Homeowners Association agreement and they have developed stringent language in terms of protecting open space. Mr. Hopkins will incorporate that same language in the deed restriction that will be recorded for this project. He went on to explain that because there will be a Homeowners Association, each perspective purchaser will receive a copy of the offering plan that gets submitted to the Attorney General's Office, so it will be clear what the perspective property owner can and can't do on the individual lots. Also, there will be survey stakes in the back corner of the property of each of those lots. Mr. Hopkins said the plans clearly label where clearing is to take place and that will be complied with. They do not want to unnecessarily remove trees as they see the existing trees/vegetation as amenities to the development. They also have to meet the SWPPP requirements which include a host of measures that go into place and will need to be inspected, the applicant will meet all those requirements.

Mrs. Salvati said she is pleased with the outcome of this project.

Vice-Chairman Shear noted there is 30' easement along Harris Hill Road for a potential future bike path. Mr. Hopkins said that is acceptable to the applicant. Mr. Pazda asked if this easement will extend through the exception lot on the corner of Harris Hill and Greiner Roads. Mr. Hopkins said that is not in front of the Board this evening and he would not want it imposed as a condition, however the applicant would be fine with that keeping in mind that within that 30', because it is a setback area, there is nothing that can be done there anyway. The applicant cannot give a definite yes tonight because there are people who have ownership of that parcel that are not in attendance at this meeting. Mr. Hopkins understands that if anything happens on that parcel they would have to come back before the Board.

Mrs. Salvati referred to the cul-de-sacs and having planted islands in there that are acceptable to the Highway Department Superintendent. She suggested having something planted in the middle of those cul-de-sacs so it isn't just asphalt. Mr. Hopkins said the applicant's does not want the middle of the cul-de-sacs entirely paved either. They know the Highway Department will want room for snow storage; the applicant will work with the Landscape Committee for an acceptable plan.

Mr. Todaro asked where most construction vehicles will be coming into the site. The applicant said it would make the most sense to enter in from Harris Hill Road. Mr. Hopkins asked if the Greiner Road egress will be totally restricted. Mr. Pazda said no, his concern is Garrock Road. Mr. Hopkins said it is acceptable for a condition to be set that restricts construction vehicles from using Garrock Road.

Bob Lauffenburger, of 4965 Glenwood Drive, referred to the greenspace that borders the properties on Glenwood Drive and asked how deep that greenspace is. He also asked if they will maintain the trees that are in that space as they are going to maintain the trees that border Harris Hill Road.

Mr. Hopkins said the area that Mr. Lauffenburger referred to is approximately 25’ and is part of the permanent open space so all the existing trees in that area will be preserved. Vice-Chairman Shear said there are concerns for encroachment on the greenspace areas. Mrs. Salvati said whoever buys lots 59, 60 and 42 must have the information that they can’t touch what is behind them. Mr. Hopkins agreed and said that vegetation is going serve for privacy for the future owner as well.

ACTION:

Motion by Wendy Salvati, seconded by Steve Dale, to **grant** Development Plan Approval on the proposed Harris Hill Commons Open Space Design Subdivision, consisting of 66 Lots, as per the previously approved Concept Plans, with the following conditions, which conditions shall apply and be applicable to the applicants and it successors and/or assigns:

1. Subject to review and approval by the Town Engineer on required PIP Permits.
2. Subject to Landscape Committee review and approval of all required tree plantings within the project.
3. Subject to the granting of a 30’ easement along the Harris Hill frontage, for a future recreational trail, with form and content of the easement to be reviewed and approved by the Town Attorney’s Office.
4. Subject to approval by the Highway Superintendent on the design of the roadway connection to Garrock Road as well as the design for cul-de-sac islands which shall include plantings with mountable curbing in each cul-de-sac.
5. Subject to Town Attorney’s Office review and approval on the form and content of deed restrictions and/or conservation easements to permanently protect the required permanent open space on the project.
6. Subject to Town Attorney’s Office review and approval on the transfer of private sewer lines and easements pursuant to previous agreements amongst the applicant and its affiliates and the Eastern Hills Wesleyan Church.
7. Subject to Open Space and Recreation Fees.
8. Construction vehicles shall be prohibited from using Garrock Road.

ON THE QUESTION:

Mr. Hopkins agreed to the terms stated in the Motion. Mr. Pazda asked if the Highway Superintendent is now in favor of mountable curbings. Mrs. Salvati said yes.

Jeffrey Buckley	Aye	Steve Dale	Aye
Gregory Todaro	Aye	Richard Bigler	Aye

Timothy Pazda
Paul Shear

Aye
Aye

Wendy Salvati

Aye

MOTION CARRIED.

Item 3

Dominic Piestrak/Spaulding Green LLC
Residential Single Family

Requests Development Plan Approval for Phase Eleven (11), a 33-lot Patio Home Phase on the east side of Goodrich Road, North of Greiner Road.

DISCUSSION:

Jim Callahan provided the background on the project noting that it is located on the north side of Greiner Road, east of the newly constructed Glenview Drive. Spaulding Green Phase 11 received Concept Approval in April 2013 for 33 patio home lots.

Steve Schop is appearing on behalf of Spaulding Green and said the plan before the Board is entirely consistent with the approved Concept Plan and meets all the standards and requirements of the Town Engineers Office.

Vice-Chairman Shear asked if Mr. Schop understands that there are concerns with the green space and the close proximity of the lots to the adjoining property. Mr. Schop said yes he is very concerned especially given the fact that he owns two (2) of those lots. He wants to make sure there is no encroachment beyond the lots. The area that is open to the rear of the facility to the north is already heavily treed with evergreens, as you move across the rear of the property to the south those trees thin out but there will be no removal of those trees nor will there be any effort to mow or otherwise eliminate the natural vegetation that is there, in fact it will be encouraged to grow.

Mrs. Salvati asked if there has been anything drawn up, similar to Shadow Woods or Harris Hill Commons, with reference to the Homeowners Association agreement. Deputy Town Attorney Steve Bengart said he has been working on a draft for a while but he does not know the status of it. Mr. Schop said in a different area of the subdivision there is a product that is almost finalized. It is different because, unlike a separate Homeowners Association that you would normally see in a subdivision, this particular area will be managed by a Board of Managers as opposed to a separate Homeowners Association. Each owner of a lot in Phase 11 takes their direction from the Board of Managers. Mrs. Salvati said that applies to someone who is in Phase 10 and Phase 4, Mr. Schop said no. Mr. Schop points out two areas on the plan and said they are linked together, then he pointed to two (2) more areas and said they will all be managed by the same Board of Managers, there isn't a separate Homeowners Association but it functions the same way. The homeowners give up governance over that area to a three (3) member Board of Managers that they elect. Mr. Schop anticipates meeting with the Town Attorney's Office on behalf of the Board of Managers in which they would discuss a similar agreement as what Mr. Hopkins was talking about. Mr. Schop said, for the record, this is extremely important to Dominic Piestrak. Mr. Piestrak sat down with the two (2) homeowners that would be directly to the east of the boundary line of Phase 11. Those homeowners are in favor of this project because Mr. Piestrak promised them the space Mr. Schop is referring to would be left natural and there would be an appropriate buffer there. The applicant will take every step necessary to satisfy the Town Attorney's Office to make sure that happens.

Vice-Chairman Shear clarified that the Phases that Mr. Schop pointed out, including Phase 11, will not be subject to the existing Homeowners Association or the agreement associated with that group. Mr. Schop said that is correct, it will be a separate agreement that will have the same terms and conditions. At this point, there are three (3) different Homeowners Associations in place in Spaulding Green, this is because the NYS Attorney General’s Office thinks this project is too big and won’t allow them to have a single Homeowners Association. Each is a replica of the other; they all have the same agreements. Deputy Town Attorney said there will be the same protections in all the agreements, however he cannot protect whether some homeowner goes beyond their line and be able to tell the Board with any specificity whether they have crossed it without a monument sticking out of the ground. Mr. Schop said it is their intent to have the Homeowners Agreement and/or Board of Managers be able to address infringements, they will make every effort to make sure this occurs including giving each homeowner a survey of their property, each homeowner will have an offering plan that stipulates that they cannot go past their property line. Mr., Schop said all rear property lines will be staked. Mr. Schop confirmed that the phases he is referring to in this discussion are Phase 2, 2A, 2B, 2C and 11.

ACTION:

Motion by Wendy Salvati, seconded by Gregory Todaro, to **grant** Development Plan Approval on the proposed Spaulding Green Phase 11, consisting of 33 patio home lots, as per the previously approved Concept Plans, with the following conditions:

1. Subject to review and approval by the Town Engineer on required PIP Permits.
2. Subject to Landscape Committee review and approval on a final landscape plan for the phase.

ON THE QUESTION:

Mr. Todaro said a condition should be added stating that the same conservation language from Phases 2, 2A, 2B, 2C be incorporated into Phase 11. Mr. Schop said the applicant has no issue with this. Mrs. Salvati is in agreement with adding this as a condition to the motion.

Jeffrey Buckley	Aye	Steve Dale	Aye
Gregory Todaro	Aye	Richard Bigler	Aye
Timothy Pazda	Aye	Wendy Salvati	Aye
Paul Shear	Aye		

MOTION CARRIED.

Meeting adjourned at 8:22 p.m.

Carolyn Delgato
Senior Clerk Typist