

Town of Clarence
Planning Board Minutes
Wednesday March 6, 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

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.

Item 2

Ross Harbison (Amherst Congregation of Jehovah's Witnesses)
Residential Single Family

Requests Concept Plan Approval and recommendation under the State Environmental Quality Review Act (SEQRA) for a proposed Kingdom Hall worship center at the northeast corner of Shimerville and Roll Roads.

Item 3

Kelkenberg Homes
Agricultural Rural Residential

Requests a 4-Lot Minor Subdivision Approval on the south side of Tillman Road, west of Ransom Road.

Chairman Robert Sackett called the meeting to order at 7:32 p.m.

Councilman Robert Geiger led the pledge to the flag.

Planning Board Members present:

Chairman Robert Sackett
2nd Vice-Chairman Paul Shear
Steven Dale

Vice-Chairperson Wendy Salvati
Gregory Todaro

Planning Board Members absent: George Van Nest
Richard Bigler
Timothy Pazda

Town Officials Present:

Director of Community Development James Callahan
Planner Michael Hutchinson
Councilman Robert Geiger
Deputy Town Attorney Steven Bengart

Other Interested Parties Present:

Bob Lauffenburger	Carol Minnick
Dominic Verso	Dennis Galenski
Cynthia Dwyer	Ross Harbison
Dave Brinkman	Chuck Vara III
Chuck Kelkenberg	Tom Lavocat
David Singer	Craig Tierney
Richard Nagel	Cindy Hausle
Art Koenig	

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

Motion by Paul Shear, seconded by Gregory Todaro, to **approve** the minutes of the meeting held on February 20, as written with the following changes:

- Page 24, 4th paragraph down, the year 2013 should read 2012.
- Page 26, the following is added to the first paragraph: “Mr. Mucerelli said, “I spoke about this before, except for the few that may come in at night, if we get a snow storm at night and a tow truck comes in, and that’s why we made that little barricade with the building, so they are instructed to drop cars there, so the next morning they can come into the building.”
- Page 22, 4th line from the bottom, the word should read “legend”, not ledger. The following sentence is added, “As part of the condition, a legend will be added to the archeological map and included as an insert.”
- Page 23, above the word “Action”, insert “SDEIS” before the word “document”.
- Page 31, 3rd paragraph, 1st sentence, change the word “be” to “being”.

Steve Dale	Aye	Gregory Todaro	Aye
Paul Shear	Aye	Wendy Salvati	Aye
Robert Sackett	Aye		

MOTION CARRIED.

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. It will be noted for each agenda item whether the Town Board or the Planning Board has approval authority. The Planning Board will then take an action.

Item 1

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 Sheridan Drive and Greiner Road. It is a proposed Open Space Design Subdivision. The applicant is present seeking a recommendation for an action under SEQRA, as well as a recommendation on the Concept Plan. The action will include a recommendation on the formation of a Town Sewer District. The Town has final approval authority on this project as it is an Open Space Design Development.

Sean Hopkins, of Hopkins & Sorgi, PLLC, is present and representing the applicant, Windsor Ridge Partners. Pete Peterson and Alan Randaccio are also present. Mr. Hopkins said that the Part II and Part III of the Environmental Assessment Form have been updated/corrected per the Planning Board's request with the exception of a few minor comments from Mr. Dale. The applicant has followed up on the four (4) issues that were brought up at the October 2012 meeting of the Planning Board. Mr. Hopkins addressed the issue of a possible stub street connection to Sheridan Drive and asked the Planning Board to consider the following: 1.) there are three (3) access points to the subdivision, 2.) during the October 2012 meeting the need for a traffic analysis was discussed; the analysis was submitted to the Planning Board on January 21, 2013 which indicated the traffic from this project will have no adverse environmental impacts, 3.) the property on Sheridan Drive is zoned Commercial, there are no plans to develop that parcel at this time, but at some point in the future it will be developed. If that land was zoned Residential Single Family, the applicant would have no problem with the connection but with it being zoned Commercial the applicant thinks it will be incompatible. If the connection is provided the applicant thinks it will hinder the ability to market those lots. Mr. Hopkins thinks the connection would become a cut-through.

Mr. Hopkins said, per a previous conversation with Mr. Callahan, the applicant would be willing to provide an easement for a future recreational path along the eastern most portion of the property adjacent to Harris Hill Road, with a width of about 25'-30'. They only ask that when that occurs an effort is made to minimize the impact on the trees in that area, as there is a nice buffer there now.

Chairman Sackett said the applicant has addressed the major issues which consisted of the inclusion of a bike path/easement. The cut-through to Sheridan Drive remains a controversial issue for the Board. The stub road on Glenwood doesn't appear to be up to Town standards for a road, this would need to be upgraded to match the road going into it. Mr. Hopkins is aware of this and asked that the Board defer that discussion/decision to the Highway Superintendent. Chairman Sackett agreed.

Chairman Sackett noted there is a 200' greenbelt going down Harris Hill Road that the applicant has moved houses from to grant. There is about 2400 feet of 15" sewer pipe that the applicant is going to provide towards the Master Plan.

Wendy Salvati said much discussion at previous meetings revolved around the need to establish a sewer district. The project was tabled because the Part III EAF needed to be updated. There is a Master Sewer Plan that identifies areas that require sewer abatement and the issue here is the need to get a sewer line that runs up to Sheridan Drive. Because there are other developments in the area that will benefit from the establishment of that sewer district, the potential need that they may need to become partners in helping to achieve the extension of that line to Sheridan Drive. The applicant stated a number of things they were doing toward the achievement of that line, which included installing a trunk line within their development rather than an 8" lateral which is really all they need to service it. Mrs. Salvati said the feeling of this Board is that the creation of that sewer district is a policy decision on the part of the Town Board, so it was tabled to pass it on to the Town Board. She feels it is important to instruct them as to what the Planning Board's thinking was and that there may be some things that they need to consider with respect to evaluating the creation of that sewer district. Some of those things have been discussed with the Town Engineer, one being the need for an independent cost estimate to determine if we were going to extend a line to Sheridan Drive, how much would that cost. This will give the Town Board a starting place if they are going to work with potential developers of projects to determine what they should contribute/add.

Chairman Sackett clarified that if there is a sewer district formed there will need to be a separate hearing on that and an environmental study done. The Town Board will have to consider if the applicant's donation of the sewer line is fair or if they have another obligation or if other people have an obligation.

Mr. Hopkins said the trunk sewer that would service existing areas with problems will have positive environmental impacts. Mrs. Salvati reiterated that the applicant has demonstrated that they do have sewer capacity for their project. Mr. Hopkins noted that the sewer line they would put in is 2,373 feet long which leaves 2,057 feet away from Harris Hill Road and Sheridan Drive.

Mrs. Salvati said it would make good planning sense to add a stub connection that would enable a future access out to Sheridan Drive. We do not know what will ever happen on that piece of property. We have subdivision regulations that support having connective roadways and grid roadway systems over cul-de-sacs. Having this connection or at least just the stub for potential future connection could provide benefits to the people that live within the subdivision. There may end up being uses or things on that piece of property that they could have access to such as doctor's offices or shops. The Town would force the people to drive to those places, they couldn't even walk to it, because there isn't any type of a connection. It would also provide another means of emergency access. She asked the applicant to consider a stub road connection.

Mr. Shear said if the piece of vacant property to the south of this project on Sheridan Drive, where indeed not vacant and we could come forward with a stub street that could connect into that and allow us to further connect into Sheridan Drive, he would absolutely agree to a stub road connection. His concern is that with the piece on Sheridan Drive there is a right-of-use for the owners and for the Board to require a stub street; he doesn't know where it should be put. If there was a point in the center arbitrarily chosen, then, in fact, the Planning Board is hampering the right-of-use of the people who own the property on Sheridan Drive. This would also cause the applicant to lose a lot or two. He does not see how they can glean any long term benefit by rolling the dice and saying, "put it here".

Mrs. Salvati said the applicant has places they can pick up a lot that may be lost by putting in a stub connection. Mr. Hopkins said not without encroaching on wetlands or if you went into the 200' buffer on Harris Hill. Mrs. Salvati said they need to think about the people on Glenwood who she knows are

not necessarily happy with having a connection there now and the fact that if you had another way in and out it could alleviate some pressure on their roadway.

Chairman Sackett explained for the audience that some Board members are thinking about the access of the neighbors and some are thinking of traffic, so the stub connection remains a controversy on the Board. It will take four (4) votes to pass anything because this is a seven (7) member Board.

ACTION:

Motion by Paul Shear, seconded by Gregory Todaro, to **accept** the Part II and III Environmental Assessment Form as prepared and **recommend** a Negative Declaration on the proposed Harris Hill Commons Open Space Design Subdivision. This Negative Declaration includes the creation/extension of a Town Sewer District to service the Harris Hill Commons OSD Subdivision with the extension of a trunk sewer line to Harris Hill Road as identified on the GPI map of February 20, 2013 and as a part of the approved design to meet the objectives of Master Plan 2015 and the Master Sewer Plan.

ON THE QUESTION:

Mrs. Salvati noted that the establishment of a sewer district is a policy decision on the part of the Town Board. In making that decision the Town Board needs to get an independent cost estimate of what it would cost to install a sewer trunk line all the way to Sheridan Drive that would enable us to meet the recommendations of the Master Sewer Plan in part because it helps the Town to get sewer further up Harris Hill. There are a number of property owners that have land with the potential to develop as well as two (2) projects that are proposed at present that would all benefit from the establishment of that district, they all need to be evaluated with respect to what their fair share contribution may be in achieving the construction of that line.

Steve Dale said an editorial change needs to be made on point number 13 Part II to reflect that there is a small to moderate impact in the character of the property and can be mitigated. Paul Shear and Gregory Todaro agree with this change.

Mr. Shear asked Mrs. Salvati if her statement on the question is to become part of the motion and if it is who would incur the cost to determine the cost of extending the trunk sewer line, is she suggesting that it be the applicant? Mrs. Salvati does not understand the question. Chairman Sackett does not think Mrs. Salvati’s comment was meant to be part of the motion. Mrs. Salvati confirmed that she is not making it part of the motion. She said as far as who bares the cost of paying for a cost estimate, the Town Board would have to determine that in terms of who bares what cost for the ultimate construction of the sewer line that also has to be determined through the Town Board’s ultimate evaluation as they sit down to decide whether or not they want to establish a sewer district. They will have to hold a public hearing as part of that as well.

Steve Dale	Aye	Gregory Todaro	Aye
Paul Shear	Aye	Wendy Salvati	Aye
Robert Sackett	Aye		

MOTION CARRIED.

ACTION:

Motion by Paul Shear, seconded by Steve Dale, to **recommend approval** to the Town Board of the Concept Plan on the proposed Harris Hill Commons Open Space Design Subdivision as based upon the submitted site plan from GPI dated February 20, 2013, with the following conditions:

- a.) Subject to Open Space and Recreation fees.
- b.) Subject to Landscape Committee review and approval of a final landscape plan to include two (2) trees per lot per the Landscape and Tree Conservation Law.
- c.) Subject to the granting of an easement along the Harris Hill Corridor for a future recreation trail/bike path.
- d.) Design connection to Garrock Road to be as approved by the Town Highway Superintendent/Town Engineer.

ON THE QUESTION:

Mrs. Salvati asked that a condition be considered to include the installation of a stub road to provide future access to Sheridan Drive.

Mr. Shear does not agree to add this condition to the motion.

ACTION:

Motion by Wendy Salvati, seconded by Gregory Todaro, to **amend** the motion on the table to include a condition for the installation of a stub road on the south side of the development to allow for future access to Sheridan Drive.

Steve Dale	Nay	Gregory Todaro	Aye
Paul Shear	Nay	Wendy Salvati	Aye
Robert Sackett	Nay		

MOTION FAILED.

VOTE ON THE ORIGINAL ACTION:

Steve Dale	Aye	Gregory Todaro	Aye
Paul Shear	Aye	Wendy Salvati	Nay
Robert Sackett	Aye		

MOTION CARRIED.

Item 2

Ross Harbison (Amherst Congregation of Jehovah's Witnesses)
Residential Single Family

Requests Concept Plan Approval and recommendation under the State Environmental Quality Review Act (SEQRA) for a proposed Kingdom Hall worship center at the northeast corner of Shimerville and Roll Roads.

DISCUSSION:

Jim Callahan provided the history on the project noting that it is existing vacant land. Per the Zoning Law the Planning Board has review and approval authority on this request. An Action under SEQRA will be required as this is an Unlisted Action.

David Singer, a member of the local congregation, is present. Mr. Singer said that since the last meeting, where they received some comments on the proposal from the neighbors in the area, they invited the neighbors to a separate meeting and Mr. Singer feels a lot of the neighbors concerns were addressed.

Chairman Sackett said a letter that was received via the coordinated review process dealt with the County's concern about the ditches. They indicated that they would not dig them out; that would be the responsibility of the applicant. Mr. Singer said his engineer is aware of this.

Dennis Galenski, of 5560 Shimerville Road, said traffic is still a concern of his, he hopes there will be a traffic study done. Recently there was a car-bus accident right near the corner of that road. He wondered if there is any way to get a signal at that intersection. Mr. Galenski said it was stated that the 45 degree angle of the proposed building is for safety reasons and that there are no 90 degree turns. If you look in the parking lot there are four (4) 90 degree turns, exiting onto Shimerville is a 90 degree turn to the left or right. Safety is still a concern for him, as well as the building being on an angle, it doesn't fit with the overall surroundings of that area, it's going to stand out like a sore thumb.

Chairman Sackett noted that the County Highway Department looked at the impact the project would have on the area and the only comment they had was on the ditches. Both Shimerville and Roll are County roads. The County had no comment on the traffic.

Mr. Galenski said the applicant mentioned overflow parking for a couple of events a year; he asked where that would be. Chairman Sackett said there can be no parking, under any circumstance, on Shimerville Road or Roll Road. The only place open to them would be on their own private driveway. Mr. Galenski asked about no parking signs, Chairman Sackett said that would be up to the Highway Department. The Planning Board can stipulate no parking, that is the extent of their authority. They can also stipulate dark sky lighting to address Mr. Galenski's concern on lighting. The Landscape Committee will need to review and approve a landscape plan. Mr. Galenski asked about drainage and a retention pond, Chairman Sackett said the project will require what's called a SPDES permit and will not allow anymore water to spill off the land than what currently exists. Mrs. Salvati said all of the drainage has to be approved by the Town Engineer, they will make sure that when this site is designed that no more water will flow off that site than what flows off it currently, it has to be designed to meet pre-development conditions so that there is no potential that they could ever flood anybody else's adjoining property. Mr. Galenski asked if there is a specific depth for a detention pond. Mrs. Salvati said it depends on the volume of storm water that is generated, that is one of the things the Town Engineer will look at, he'll make sure that they size that pond properly so that it will accommodate the amount of drainage that will flow off the top of the building and roadway and parking area. Mr. Galenski asked what happens if the pond is 6'-8' deep, will they be required to put some type of safety fencing up. Chairman Sackett said if this plan gets Concept Approval, it has to come before the Board for Development Plan Approval, and those issues are Development issues. Mrs. Salvati said the Town Engineer has to look at it and approve it and give the Planning Board his comments before the Planning Board would ever issue Development Plan Approval. They have to make sure that all of those things are addressed.

Mr. Galenski asked if there is someone he could contact from the County. Deputy Town Attorney Steve Bengart said there is a letter in the file from the appropriate representative; Mr. Galenski is welcome to that information.

Deputy Town Attorney Steve Bengart reminds the Board that this is not a question and answer period. It is the opportunity for individuals to come up and provide information, not a give and take.

Cynthia Dwyer, of 5577 Shimerville Road, spoke at the last meeting and said her opinion is that she is concerned, she spent good money for her house and looking at the picture of the power point presentation it does not make sense, it is not why she moved out here to the suburbs. She does not feel the estimate is accurate as far as the congregations coming together for bible studies and a couple times for church services. She belongs to a religious institution and there is a lot more going on than that. She feels there is a lot of other activities that go on and you have two (2) congregations involved. She really thinks it is inaccurate.

Cindy Hausle, 5555 Shimerville Road, said her house has been in her family for 60 years, her mom recently passed away and she became the owner and will be moving back to the Clarence residence. She was disappointed when she first read about this. She attended the meeting held at the VFW hall and found the folks from the Kingdom Hall to be concerned about what is happening in the neighborhood, very conscientious of what's happening in the neighborhood, it still doesn't make her very happy. This is not why we lived there our whole lives. She spoke with Mr. Callahan in the office and there is not a whole lot they can do about it. Her questions were why would the Town allow something to go to a non-tax roll. There was an outstanding question on the DEC was going to be looking at the situation, has a final ruling been made by the DEC, not the ones that were hired by the Kingdom Hall, but have they finalized their recommendation? Chairman Sackett said yes and it is in the record.

Mr. Singer said it is a concern of theirs that the neighbors feel comfortable with them. The reason they are looking for an area like this as opposed to Main Street or Sheridan Drive is because they enjoy being part of a local residential community. The plans are designed to fit into that kind of environment. There are two (2) congregations, each with approximately 60-65 members. One group meets on Tuesday evenings from 7:00pm-9:00pm. Most of these members are families so there would not be 60 cars there, there might be 35-40 cars. They also meet on Sundays at 1:00pm-3:00pm. The other congregation meets Thursday evenings from 7:30pm-9:30pm, they are the same size and will have 30-40 cars at most. That congregation meets at 10:00am-Noon on Sundays. There are groups during the week that range from two (2) cars to eight cars (8), max. Saturday mornings there may be a group of 15-20 cars that meet at 9:00am for about a half an hour then they go out to do field ministry and are back before lunch. A handful of people might come on Friday to clean the Hall. There are funerals and weddings throughout the year; however they would never allow anyone to park on the streets. The wide driveways are designed so that during busy times there can be parking along them. If they had more people than their parking lot and driveway could handle, they would rent somewhere else and not have it at the Kingdom Hall. They would not put anyone in that kind of danger. There is a celebration at sun down that happens once a year, similar to an Easter celebration, it would never go into overflow mode.

Mr. Singer said the down lighting is part of their plan. They are minimizing the parking lot lighting and putting lighting on the building to help minimize that. They are berming and landscaping so the headlights don't shine in to homes. When the building is turned at an angle on a corner lot, the site lines become much greater and cars can be seen coming from each direction significantly further back

from that corner. They do feel this is a safety issue and opens up sight lines, Mr. Singer said their members are using that same corner and that same intersection; they want it to be as safe as possible. In terms of the 90 degree turn, if there is a parking lot that winds around and around traffic does not move in and about as smoothly, their design makes it easy to drop-off and pick-up people. There are right and left hand turns within the parking lot.

There are two (2) lights planned for the parking lot and they will only be on when there is a meeting.

Mrs. Salvati pointed out that Sundays seem to be the busiest times in terms of traffic, the times of meetings during the week are after peak hour traffic hours, that's a good thing as well. With respect to the fact that this is a place of worship, it is an as-of-right use and so the Board can't deny it because it's a church, it's allowed under Code, so the Board has to consider that. The fact that the applicant is going to retain as much vegetation around the site and landscape in other areas she thinks is a plus as well.

Mr. Singer said they worked with the neighbors in discussing the pond to make it not look so commercial, they hope there is no standing water in the pond. The applicant will work out the drainage with the Town Engineer.

ACTION:

Motion by Wendy Salvati, seconded by Steve Dale, to **accept** the Part 2 and 3 Environmental Assessment Form as amended and complete and **issue** a Negative Declaration on the proposed Jehovah's Witnesses Kingdom Hall located at the northeast corner of Shimerville Road and Roll Road.

Steve Dale	Aye	Gregory Todaro	Aye
Paul Shear	Aye	Wendy Salvati	Aye
Robert Sackett	Aye		

MOTION CARRIED.

ACTION:

Motion by Wendy Salvati, seconded by Gregory Todaro, to **approve** the Concept Plan for the proposed Jehovah's Witnesses Kingdom Hall as prepared with the following conditions:

- a.) Subject to Open Space and Recreation fees.
- b.) Subject to final landscape plan approval by the Landscape Committee to ensure proper buffering and landscaping amendment for adjoining land uses.
- c.) Subject to dark sky lighting fixtures to protect adjoining residential land uses.
- d.) The Drainage design is subject to review and approval of the Town engineer.
- e.) There will be no parking permitted on public roadways.

Steve Dale	Aye	Gregory Todaro	Aye
Paul Shear	Aye	Wendy Salvati	Aye
Robert Sackett	Aye		

MOTION CARRIED.

Item 3

Kelkenberg Homes
Agricultural Rural Residential

Requests a 4-lot Minor Subdivision Approval on the south side of Tillman Road, west of Ransom Road.

DISCUSSION:

Jim Callahan provided the background on the project noting that it is existing vacant land consisting of approximately 6.8 acres. The applicant is proposing to split the lot to create three (3) additional residential building lots for a total of four (4) lots. Per the Subdivision Law, the Planning Board has review and approval authority on Minor Subdivisions. An Action under SEQRA is required for this Unlisted Action.

Charles Kelkenberg is present and explained that surveys have been done on the lots showing that they meet or exceed the lot requirements pertaining to road frontage and acreage.

Chairman Sackett said this project was discussed with the Town Engineer at an executive meeting and he was concerned with the drainage ditch. The applicant may, at the extreme, need to pipe it. The Town Engineer will have to look at it to see how deep it is and the leaching of that sandy soil that comes down, so one of the conditions tonight will be subject to the Town Engineer's review of the drainage ditch. Chairman Sackett said they have a Short Environmental Form.

Carol Minnick, of 4220 Ransom Road, asked if it would be possible to put a tall berm along the south property line which would help prevent not only headlights and other light pollution from coming into their houses and backyards, but it would also prevent any water run-off from coming on to their property. She and two (2) other properties are really wet and the more houses that are built around there the wetter they get.

Rich Nagel, of 4270 Ransom Road, asked what type of homes are being looked at as far as how it will affect the value of the adjoining properties. Are they going to be modular homes and brought in on trucks? Chairman Sackett noted that the lots range from 1.7 acres to 1.341 acres. Mr. Nagel said another concern for the neighborhood is are they going to see four (4) of the exact same houses with different colored siding.

Mr. Kelkenberg said when a home is developed there are always drainage plans that are made so water issues don't happen. The water will go to a place where the water is designated to go, not pushed onto someone else's property. The site will be graded so the water will drain toward the ditch and not toward other properties. As far as a berm goes, Mr. Kelkenberg does not want to make the problem worse so he will have to look at the land to see if they can get the water to go up front.

Mr. Callahan said, as part of the NYS Building Code, there is a grading and drainage plan required as part of every home that is built.

Mrs. Salvati said it appears that there is existing vegetation along the southern property line; she asked if Mr. Kelkenberg can retain that vegetation because that will help in terms of addressing concerns. Mr. Callahan clarified that there is a Landscape and Tree Law that will require the applicant to maintain certain vegetation.

Chairman Sackett noted that the Board is not approving homes but if the applicant wants to address the type of home being built he is welcome to. Mr. Kelkenberg said if they sell a lot and someone wants to build a home on it, it will be what the property owner wants, it will be all different, it won't be brought in on a truck, they aren't modular homes. The lots can be sold to any type of builder; any type of home can be built on the lot. Chairman Sackett noted that only the lot split is being approved this evening; not the homes-that is a whole other process.

Mrs. Salvati said she is curious about the lot that straddles both roads, where does the applicant think he would put the house? Would it be up to whoever buys it where they decide they want to do it, so it could be put at either location? Chairman Sackett said, again, this meeting is only for approval of the lot split. Mr. Kelkenberg said they are not at that point yet to decide where the house will be located; however the frontage requirements are met on both sides of the road.

ACTION:

Motion by Paul Shear, seconded by Wendy Salvati, to **accept** the Short Environmental Assessment Form (SEAF) as complete and **issue** a Negative Declaration on the proposed Kelkenberg Homes Minor Subdivision at the corner of Ransom Road and Tillman Road. This Unlisted Action involves a minor subdivision to create 3 new residential lots (total of 4 lots) in the Agriculture Rural Residential Zone.

Steve Dale	Aye	Gregory Todaro	Aye
Paul Shear	Aye	Wendy Salvati	Aye
Robert Sackett	Aye		

MOTION CARRIED.

ACTION:

Motion by Paul Shear, seconded by Steve Dale, to **approve** the Minor Subdivision of Kelkenberg Homes at the southwest corner of Ransom Road and Tillman Road to create 3 new residential building lots (total of 4 lots) in conformance with the Agriculture Rural Residential Zoning, subject to the following conditions:

- a.) Subject to review and approval by the Town Highway Superintendent and Town Engineer on future curb cuts to access the created lots and requirements associated with the existing drainage ditch along Tillman Road.
- b.) Subject to review and approval by the Town Building and Engineering Department on future home construction on the created lots.
- c.) Subject to review and approval by the Erie County Health Department on future on-site sanitary sewer facilities.
- d.) Subject to Open Space and Recreation fees.

Steve Dale	Aye	Gregory Todaro	Aye
Paul Shear	Aye	Wendy Salvati	Aye
Robert Sackett	Aye		

MOTION CARRIED.

Meeting adjourned at 8:41 p.m.

Carolyn Delgato
Senior Clerk Typist