

Town of Clarence
One Town Place, Clarence, NY 14031
Planning Board Minutes
Wednesday April 9, 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

Northgate Christian Community
Residential Single Family

Requests a Building Permit recommendations and Architectural Approval for an addition at 5225 Harris Hill Road.

Item 2

Bliss Construction/Waterford Campus
Planned Unit Residential Development (PURD)

Requests amended Development Plan Approval for the Waterford Campus portion of the Waterford Planned Unit Residential Development (PURD) located on the north side of Roll Road between Shimerville Road and Thompson Road.

Item 3

Cimato Enterprises/Northwoods Open Space
Design Subdivision
Residential Single Family

Requests a recommendation on Recreational Trail, Sidewalks, Setbacks and Pond Access.

Item 4

Benderson Development/Eastgate Plaza
Major Arterial

Requests Approval for construction of an access road to Greiner Road at 5033-5183 Transit Road.

Chairman Robert Sackett called the meeting to order at 7:30 p.m. Councilman Peter DiCostanzo led the pledge to the flag.

Planning Board Members present:

Chairman Robert Sackett
2nd Vice-Chairperson Wendy Salvati
George Van Nest
Gregory Todaro

Vice-Chairman Paul Shear
Timothy Pazda
Richard Bigler
Steven Dale

Planning Board Members absent: none

Town Officials Present:

Director of Community Development James Callahan
 Junior Planner Jonathan Bleuer
 Deputy Town Attorney Steven Bengart
 Councilman Peter DiCostanzo
 Councilman Patrick Casilio
 Councilman Robert Geiger
 Councilman Bernard Kolber

Other Interested Parties Present:

| | | |
|-------------------|------------------------|-----------------------|
| Patricia G. Gamin | Daniel C. Gamin | Margaret Kiesel |
| Molly Kiesel | Arman Afshani | Ethan Afshani |
| Jim Staszak | Jack Meldrum | Carol Helmbrecht |
| Thomas Puglio | Karen Okonowski Dunlap | Michelle Eschborn |
| Sal Territo | Doreen Borschel | Laura Saraceno |
| Joseph Saraceno | William Tupay | Maria Tupay |
| Mary Lou Schlierf | Bryan Lamphron | David Augustine |
| Anthony James | Jeff Borton | Bill Cummings |
| Philip Gulisano | David Rusin | Paul Drof |
| Kevin McNerney | Jon Hasselbeck | Gabriele Maddalena |
| John Selin | Sery J. Marasco | Mike Rogers |
| Carol Rogers | Darlene Pazda | Kathy Karaszewski |
| Timothy Ronald | Donald J. Ross | Peter Cebulski |
| Pam Hoy | Rosemary Vazquez | Andre Thomasula |
| Carol Howrie | Shawn Sheehan | Greg Sheehan |
| Anne Gaume | Kerla Gaume | Nivedita Kohli |
| David Horbinski | Lorin T. Bleuer | Wendy Whiting |
| Jeff McMahan | Al Schweitzer | Dolores Liberto |
| Gloria O'Neill | Debbie Geraci | Peter J. Ricigliano |
| Chris Bugenhagen | Gueseppena Bugenhagen | Jennifer Boyne |
| Jacob Zimpher | Ismet Hallac | Mary Adragna Halstead |
| Samier A. Desaul | Sune Crom Lee | Bob Karaszewski |
| F. George Hage | Sonya Hage | Henry Lee |
| Maria Kreher | Helen Patrzyc | Craig Schmidt |

Motion by Gregory Todaro, seconded by Richard Bigler, to **approve** the minutes of the meeting held on March 19, 2014, as written.

| | | | |
|-----------------|-----|----------------|-----|
| Gregory Todaro | Aye | Richard Bigler | Aye |
| George Van Nest | Aye | Timothy Pazda | Aye |
| Wendy Salvati | Aye | Paul Shear | Aye |
| Robert Sackett | Aye | | |

MOTION CARRIED.

Chairman Sackett explained that Mr. Callahan will introduce each agenda item. The applicant will have a chance to add any information to Mr. Callahan's description. The Board will then be asked if they

have questions or comments for the applicant. The audience will then have a chance to participate, a three (3) minute time limit per person has been set due to the amount of people in the audience. Depending on the agenda item, questions from the audience may be addressed. For agenda items 2 and 4 this meeting is a listening exercise to define the issues and start the coordinated review. An action may be taken on Agenda items 1 and 3.

Item 1

Northgate Christian Community
Residential Single Family

Requests a Building Permit recommendation and Architectural Approval for an addition at 5225 Harris Hill Road.

DISCUSSION:

Jim 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 located in the Residential Single Family zoning classification. The applicant is proposing to construct an addition to the existing church. Per the Zoning Law the Planning Board has final review and approval authority for site plan and building additions.

Douglas Klotzbach, of K2 Architecture, is present along with Anthony O. James of Anthony O. James Architecture. The Pastor of Northgate, Jon Hasselbeck, is also present. The present seating capacity has been reached, the church has had to go to two (2) services. The plan is to put an addition on the church to double the seating capacity, provide a youth room and more classrooms for the children. This addition would come out towards Harris Hill Road about as far as the adjacent Little Red Schoolhouse. The whole site is over eleven (11) acres. The proposed additions is approximately 4400 square feet in size, the existing church building is 5400+ square feet. Currently there is enough parking to accommodate the addition, so there is no need to expand the parking. A fire lane will be added to the north side of the church.

Mr. Pazda asked if the lighting will be changed or if any will be added to the exterior. Mr. Klotzbach said no lighting will be changed or added except for the lighting that will be at the front doors of the exterior of the building as required by code. There will be no additional site lighting.

ACTION:

Motion by Timothy Pazda, seconded by Richard Bigler, pursuant to Article 8 of the Environmental Conservation Law, to **issue a Negative Declaration** on the proposed Northgate Christian Community Church Addition located at 5225 Harris Hill Road. This Unlisted Action involves the construction of an addition to the existing church. After thorough review of the submitted site plan and Environmental Assessment Form it is determined that the proposed action will not have a significant negative impact upon the environment.

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|-----------------|-----|----------------|-----|
| Gregory Todaro | Aye | Richard Bigler | Aye |
| George Van Nest | Aye | Timothy Pazda | Aye |
| Wendy Salvati | Aye | Paul Shear | Aye |
| Robert Sackett | Aye | | |

MOTION CARRIED.

ACTION:

Motion by Timothy Pazda, seconded by Richard Bigler, to **approve** the proposed addition to the Northgate Christian Community Church as per the submitted site plan from Anthony O. James, Architect, dated 3/7/14, with the following conditions:

1. Subject to Building and Engineering Department review and approval of required permits for construction.
2. Subject to Erie County Health Department approval for any required updates to the on-site sanitary facilities.
3. Subject to Landscape Committee review and approval of a final landscape plan on the project.

ON THE QUESTION:

The applicant said he understands and agrees with the conditions stated in the motion.

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|-----------------|-----|----------------|-----|
| Gregory Todaro | Aye | Richard Bigler | Aye |
| George Van Nest | Aye | Timothy Pazda | Aye |
| Wendy Salvati | Aye | Paul Shear | Aye |
| Robert Sackett | Aye | | |

MOTION CARRIED.

Item 2

Bliss Construction/Waterford Campus
Planned Unit Residential Development (PURD)

Requests amended Development Plan Approval for the Waterford Campus portion of the Waterford Planned Unit Residential Development (PURD) located on the north side of Roll Road between Shimerville Road and Thompson Road.

DISCUSSION:

Jim Callahan provided the history on the project noting that it is located on the north side of Roll Road, west of Dana Marie Parkway. The request is for the Waterford Campus including the Waterford Landings portion. This area represents a portion of the previously approved Waterford Planned Unit Residential Development (PURD). The Waterford Campus and Landings was originally approved as a 63,000 square foot neighborhood business commercial center with approximately 34 units of townhomes. The Campus and Landings were amended in 2010 to identify approximately 20,000 square feet of commercial neighborhood business and up to 100 residential units. The new applicant is now proposing an amendment to eliminate all commercial uses and construct a maximum 92 residential units on the site. As the proposed amendment is a site plan amendment of the original Planned Unit Residential Development, the Town Board will be Lead Agency for this review. The application has been forwarded to the Planning Board for review and comment including review under the State Environmental Quality Review Act.

Sean Hopkins, of the Law Firm of Hopkins and Sorgi, is present on behalf of the applicant. Paul Bliss is also present. Mr. Hopkins said this particular component of the Waterford Village PURD currently has the Development Concept Plan in place from 2010. That plan consists of 100 apartment units and 20,000 square feet, that plan was specifically reviewed by the Planning Board on June 16, 2010 and subsequently approved by the Town Board on July 14, 2010. Mr. Hopkins' client acquired the property in November 2013. The project being proposed represents a substantial decrease in density than what was originally approved, they are showing 92 upscale multi-family units and eliminating the entire 20,000 square feet of commercial.

Mr. Hopkins explained that while the proposal is for 92 units, the project is subject to the Heise-Brookhaven Sewage Works Corporation and the limits in terms of sanitary sewer taps. The applicant has provided Town Engineer Tim Lavocat with proof that they have 86 sanitary sewer taps, which means they are technically short by 6 taps. They would like to preserve the opportunity to see if they can find those additional taps, however if they are not available they will reduce the density by 6 taps.

With regards to the concern of proximity of buildings and the concerns of the impacts on the vista from Roll Road, Mr. Hopkins pointed out that there are four (4) buildings located along Roll Road, they would consider making the eastern most and the western most buildings into two-story units rather than three-story units. Mr. Hopkins said there were also concerns about the parking spaces and the proximity to Roll Road and noted that there is a berm and landscaping planned along the Roll Road frontage to screen the pavement and parking spaces in that area. Each unit will have a garage. A future connection to the bike path is shown on the plans.

Mr. Hopkins noted that this project was previously subject to a Draft Generic Environmental Impact Statement that led to the preparation and issuance by the Town Board of a Final Generic Environmental Impact Statement and subsequently a Findings Statement. The project being proposed this evening does not cross any of the thresholds spelled out in the Findings Statement that would warrant or require an additional Environmental Review.

The applicant is aware of the many e-mails/correspondence that have been received by the Planning Department. They welcome the opportunity to meet with any concerned neighbor to discuss his/her concern(s).

The height of the three story to the mean roof height is 33'. The height to the top of the structure is 38'-39'. This is the maximum height for the SEQRA Review.

Mr. Pazda asked why the applicant isn't proposing to lower all four (4) units along Roll Road. Mr. Hopkins said they would consider that idea, but they do want to preserve the density of 86 units. He clarified that the buildings on the westerly and easterly sides along Roll Road would be three unit structures.

Mr. Todaro asked what the applicant would do if they weren't able to secure the taps. Mr. Hopkins said they would consider changing all six of the four unit buildings to three unit buildings if they could not secure the taps. Two of the buildings along Roll Road would be dropped to two stories and the other four buildings that are internal would be kept at four stories. The plan is currently being reviewed by the architect and the engineer so prior to the next Planning Board meeting the applicant will have a more concrete plan.

Mr. Pazda asked what the Town Board's direction was to the applicant when they sent him to the Planning Board. Mr. Hopkins said the Town Board's concern was relative to three-story buildings. He noted that under the PURD zoning a three-story building is permitted.

Mrs. Salvati asked for the applicant to provide architectural perspective to show the Board what this would look like in terms of what is around the site. She also noted that a Short form EAF was provided and the project has been through a SEQRA review. She thinks a long form will provide the Board with more detail that would be helpful, especially since this proposal will be sent out for coordinated review.

Mr. Bigler said if there is to be a reduction in height size he thinks it should be the structures at Roll Road as opposed to the back units.

Phil Gulisano, of 5874 Monaghan Lane, is a member of the Homeowners Association Board and that board has talked with many of the people in the neighborhood and they all have the same concerns. There is a concern for the density and the height of the buildings. He said when all this went through there weren't neighbors in Waterford. There are a lot of people who aren't in the discussion who are going to have to live with this. He understands that there is an exception for the PURD zoning and he also understands that it is an archaic zoning in that it doesn't exist anymore. It was designed to have a light commercial and a dense area around it to utilize that light commercial, well the light commercial isn't there so why do we need such a dense area in this spot? Dana Marie Parkway is almost the sole and exclusive means of ingress and egress for school buses and people who live in the neighborhood so there is a concern about traffic. The proposed height of the structures is also a concern. A six unit building, three stories high, is a gigantic building. He thinks this project is a very bad precedence to set in the Town. He referred to the Town of Amherst and said a lot of things done over the years in Amherst are wrong, now any developer can come in anywhere and put up whatever he wants and say it was done here and there and has been done 100 times. This is step one and once this is done there is no turning back. There is no place like this north of Main Street in the Town of Clarence, there is nowhere that has this density or this height of buildings. He asked this Board to consider what they are doing and consider what the neighbors want and what is right and consistent with this area.

Pam Hoy, of 5824 Monaghan Lane, said when she purchased her lot she took into consideration what was around her and what was going to be built around her. Obviously this was not one of the things they were looking at. Three story townhouses will negatively impact the value of her home and the people next to her, whom she is speaking for. If she sells her house, the potential buyer will see the third story from her backyard, 8 months out of the year there will be no leaves on the trees so there will be more to see. There will be the six unit people looking into her backyard from the third story. Clarence is known for its country-like setting and that's why she chose to live here. The proposal is more urban and belongs on Transit Road. She understands that for financial reasons it could be very important to the Town. She wants what is best for the Town, so if this does go through she asked that it be limited to two-story buildings that can be hidden by trees.

Marta DeJulio moved to Waterford a year and a half ago because of the landscape of this Town. She has lived in neighborhoods with townhomes and she thinks it will take away a lot from the neighborhood. She agreed with the traffic concerns. She does not like the three story buildings, she asked that the applicant keep it to two stories. She also voiced her concern with the type of people who will live in the townhomes, will there be a limit on the number of renters allowed? People have bought townhomes and then rented them out, this becomes an issue with vandalism and with crime in the area.

ACTION:

Motion by Richard Bigler, seconded by Wendy Salvati, pursuant to Article 8 of the Environmental Conservation Law, to **recommend** Lead Agency Status and commence a coordinated review of involved agencies on the proposed Waterford Landings and Campus Amended Development Plans. This Unlisted Action involves an amendment of a previously approved project by modifying the density and design of the project. The applicant is to submit a Long form EAF prior to the proposal being sent out for coordinated review.

ON THE QUESTION:

Mrs. Salvati said she thinks community character is something the Board needs to look at which links directly to the height of the structures and the visual character of this development. She suggested the applicant provide the Town with a Long form EAF. The motion reflects this suggestion.

Mr. Hopkins agreed with the motion.

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|-----------------|-----|----------------|-----|
| Gregory Todaro | Aye | Richard Bigler | Aye |
| George Van Nest | Aye | Timothy Pazda | Aye |
| Wendy Salvati | Aye | Paul Shear | Aye |
| Robert Sackett | Aye | | |

MOTION CARRIED.

Item 3

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| Cimato Enterprises/Northwoods Open Space Design Subdivision Residential Single Family | Requests a recommendation on Recreation Trail, Sidewalks, Setbacks and Pond Access. |
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Timothy Pazda recused himself and left the dais. He owns property in proximity to the project.

DISCUSSION:

Mr. Callahan provides the background on the project noting that it is located on the north side of Greiner Road, between Shimerville Road and Thompson Road. It is a proposed Open Space Design Subdivision seeking final overlay status. The Planning Board has previously recommended Concept Approval to the Town Board. The Town Board is Lead Agency for review and approval and has requested that the Planning Board make a recommendation on specific details associated with recreational trails, sidewalks, pond access and setbacks.

Jeff Palumbo, of Damon Morey, is present along with the petitioner Fred Cimato. Mr. Palumbo said the access to the ponds have been added to the plans. The side yard setbacks were at 5', the Town wants 6 1/2' from the foundation, the applicant has no problem making that adjustment. The blue line on the plan shows the sidewalks, they did not propose any sidewalks within the patio home development because those lots are much shorter than the other lots. There are driveways and if a sidewalk is put in then a car will be parked in the driveway and in/over the sidewalk. Most patio home developments in Town do not have sidewalks for this reason. They do not think it is necessary with the trail that will be in the development one way or the other. Mr. Cimato said the sidewalks will be brought up to the bike trail in the first cul-de-sac, on the west side of lot 81 and to Country Club Drive. Mr. Palumbo said the bike

trail will come in from Roll Road within the right of way, then an easement granted to the Town to extend the path behind lots 81-87 and 135-145, then again pick-up and extension through the right of way out to Greiner Road. The bike path extension to the east is controversial. If that extension is put along the pipeline it runs right next to Mr. Palumbo's uncle's house. If the path is located to the north of the pipeline it will be next to another resident's property. That neighbor has been at all the meetings since the beginning of this project and has never wanted a path there. Chairman Sackett clarified that they are talking about an easement for a bike path, not a bike path. Mr. Palumbo said the Board talked about the easement being 20' instead of 15', the applicant is willing to do that where available. Mr. Palumbo then referred to the bike trail and said if the Town wants a 10' trail instead of an 8' trail that is the Town's decision.

Chairman Sackett asked for clarification on whether the applicant is going to put the bike path in where the green color is on the plan. Mr. Cimato said he is not in the business of putting bike paths in, they don't take the liability. Chairman Sackett thought the green path drawn on the site plan was the bike path that the applicant was going to install. Mr. Palumbo said the reason for the different colors is to differentiate that part of the path that is in the right of way and that part that needs an easement. Chairman Sackett asked for further clarification on the bike path. Mr. Palumbo said they are proposing that the bike path be located within the right of way area as opposed to any other area that would require going through more wetlands. Chairman Sackett asked for confirmation that the applicant is not proposing any clearing, any base development, or blacktopping on any part of the bike path shown on the plan. Mr. Cimato said clearing will be performed in the right of way as they build the road. Chairman Sackett clarified that the green area on the plan will be cleared by the applicant, but that is the extent of the proposal, Mr. Cimato said yes. The orange colored path on the plan is a proposal for an easement to allow the Town to do the work. Mr. Cimato said they will label the prints to show there is an easement for the bike path so potential buyers will know where it is located.

Chairman Sackett said the changes made for access to the ponds and the side yard setbacks are agreeable.

Chairman Sackett said he met with the Recreation Advisory Board and they were clear that they want a sidewalk around Road C because there is a 30' setback between the house and the road. In terms of the cul-de-sacs, he thinks there is an agreement on the sidewalks that neither the Recreation Committee nor the Planning Board want sidewalks on the cul-de-sacs.

Relative to the bike path, Chairman Sackett said he thought the applicant was going to install the bike path that is represented by the green color on the site plan as part of the recreation fee. The board asked that it be set 10' from the road, and that it be extended off Greiner Road to road "D". The direction from the Town Board is different than what the applicant is proposing. He feels further discussion is needed; he does not want to see the project bounce back and forth between the Boards.

Mr. Palumbo said at one point in time the applicant offered to build the bike path within the roadway, off to the side. That plan was rejected by the Highway Superintendent, the Town Board did not like that plan either. Mr. Palumbo said Mr. Cimato agreed to put the base/stone in the 10' area off the roadway if that is what the Town is looking for.

Mr. Shear said his understanding was the same as the Chairman's; that the applicant was going to put the bike path in the green area noted on the site plan and extend the sidewalks in those two sections which are located near lot 81 and the entrance from Greiner Road. He suggested tabling the proposal until the misunderstandings can be worked out.

Mr. Palumbo asked why this Board can't make a recommendation to the Town Board, at which point they will have to make a decision. The Town Board asked the Planning Board for a recommendation, that doesn't mean the applicant has to agree with the recommendation. Chairman Sackett said the Town Board wants the Planning Board to work out the detail work. What Mr. Palumbo is suggesting is not what Chairman Sackett heard at the Town Board work session of March 26, 2014.

Mr. Van Nest agreed with Mr. Palumbo in terms of a recommendation. His only concern is the Planning Board's recommendation may not square up with the Town Board's. He is inclined to listen to public comment and then table the project to see what details need to be worked out.

Mr. Dale asked the applicant if he is planning on installing the sidewalks. The applicant said yes.

Peter Sabalski, of Vista Avenue, said there is only one (1) exit/entrance from the plaza on Greiner Road. He asked how many patio homes will be in the development. Chairman Sackett said 151. Mr. Sabalski said the average house has two cars, so that's 300 cars with one exit/entrance to Greiner Road, isn't that a lot? And what if there is an emergency at the morning or afternoon rush hour and a fire truck has to enter at that location, there will be too much traffic. Chairman Sackett said the fire department relative to this area was consulted as part of the environmental review and their comments were favorable to the egress and ingress of the development. Mr. Sabalski said the Board might want to consider redesigning the entrance to come up with another road.

Dan Palumbo, of 5425 Shadyside, objects to the bike path. He said there are too many bike paths in the Town of Clarence. He does not want to look out his kitchen window and see a bike path every day. He has lived on Shadyside for 30 years and he wants to remain there. If the bike path is built behind his house the value of his home will depreciate by 20%, he will lose \$100,000 to make a sale. Chairman Sackett asked if the bike path was moved north would it pass by Mr. Palumbo's property, Mr. Palumbo said no.

Don Schulz, of 8902 Greiner Road, voiced his concern with the water issue in the area. He said the water runs from Shimerville Road towards the property and from Greiner Road down, it is a big pond back there. What will happen to the pond the back there if those three (3) houses are built on Country Club Drive? The berm holds the water back now.

Ismet Hallac owns property at 8990 Greiner Road and noted that there is an open area shown on the map that has no name on it, he would like the map to indicate that it is an open area so there is no misunderstanding in the future.

Timothy Ronald, of 5275 Shimerville Road, submitted a letter signed by nine (9) residents of the neighborhood. The letter referred to the vista from Greiner Road and asked if lots 147 thru 151 could be eliminated so they could keep that vista.

Mark Dunlap, of 5331 Greenhurst Road, said he thinks the additional development and the additional amount of traffic on to Greiner Road will come to bear later in the evening.

Dave Horbinski, of 5480 Thompson Road, said he thought the bike path was set per the meeting held on March 5, 2014. It was going to be within the project exiting north onto Roll Road going to the Peanut Line. Mr. Horbinski read from the State Environmental Quality Review Act Final Written Finding Statement dated July 17, 2013: "Specific Design Issues: During the Conceptual Planning/Site Plan stage of the Northwoods Subdivision, the recreational trail (bike path) will be integrated into the design of this

project so that the future residents can access the bike path that is to extend to the north, through the Waterford Village PURD and eventually to the Peanut Line.” Mr. Horbinski thought this was a done deal. Now there is talk about bringing the bike path alongside his property, which is next to the sewer line. Everybody in the neighborhood was in opposition to this and wrote letters to the Town. How many bike paths does Clarence need in this Town? It’s overdone. He opposes the bike trail.

Mr. Palumbo said the drainage will be handled, they have been through all the engineering and the water will be handled better than it is currently. As far as labeling the Open Area as Mr. Hallac requested, that will be done. Mr. Palumbo said in terms of the bike path in the green areas, if it is in the right of way, adjacent to the roadway, they will build. If it is 10’ off the road, that creates a problem. The applicant does not have the equipment to build a 10’ wide path; they will provide the clearing and the stone.

Chairman Sackett would like the recommendation to be clearer as to what the Planning Board is asking for and what the applicant is agreeing to when it goes to the Town Board. He does not feel the project is ready to move forward yet.

Mrs. Salvati read an e-mail from Michael & Carol Rogers dated April 9, 2014: “Dear Members of the Clarence Planning Board and Town Board: The neighbors of Greiner and Shimerville Roads, and Country Club Drive have the following comments and concern about the proposed Northwoods Development. First, the latest proposal for the bike path looks like a win for all concerned. When completed it will be a very nice addition to our town trail system. Thank you to everyone who had something to do with its design and placement. However, our remaining concern is the five lots situated on the Country Club Drive extension. Lots 147-151 look like they were an afterthought to the entire development. Keep in mind the entire reason for an Open Space Design is to protect significant views or vistas. One could argue that the view scape of the oldest barn in the Town of Clarence is one of the most important view sheds in our community; certainly in our neighborhood, at least. The haphazard placement of these lots will ruin the vista from Greiner Road as it will showcase all the paraphernalia usually found in back yards rather than the front views of homes on the north side of Country Club. While the Greiner Road view is important you must consider the view scape of existing surrounding residents as well. Please see attached photos (these photos were not attached to the e-mail). We implore you to remember that we only have one chance to design this properly and protect the natural beauty of the area. The remedy to this oversight is very simple and since the applicant has not yet received Town Board approval of the concept plan it’s not too late to address. Simply remove the lots from the plan or relocate them to a more centralized location which will forever protect the rural character and scenic quality of our neighborhood. Michael & Carol Rogers.” A hard copy of the e-mail has been placed in the file.

ACTION:

Motion by Wendy Salvati, seconded by George Van Nest, to **recommend** to the Town Board to approve the Open Space Design Overlay for Northwoods Subdivision as per the final Concept Plan as prepared by Passaro Associates and dated 4/9/14 with the following requirements:

1. Recreation Trail to be constructed by the applicant within the right of way from Roll Road, opposite Dana Marie Parkway, adjacent to Road D from Roll Road along the east side and extending to the southern side of the Sun Oil Pipeline Easement.

Recreation trail to be constructed by the applicant from Greiner Road on the west side of Brookfield Lane, adjacent to Road A from Greiner Road along the west side and extending north to Road B and be constructed within the road right of way.

2. An easement to be provided for construction of a future trail on the east side of Road D to the east property line of the project to be located along the Heise Brookhaven Trunk Sewer Line Easement. A 20' wide easement to be provided for construction of a future recreational trail along the north and west sides of sublots 81 thru 87 and sublots 135 thru 145, connecting to the Road A recreation trail.
3. Sidewalks required to make a loop around Road B and Road D on one (1) side of these streets. Sidewalks to provide connectivity on the east side of Sublot 81 and along the south side of Road E from Sublot 147 thru 149.
4. Maintenance of sidewalks to be the responsibility of an established homeowners association.
5. Maintenance Roads within access easements for drainage facilities as identified on final concept plan.
6. Minimum side yard setback requirements to be 6.5' from the foundation of all structures for all lots.

ON THE QUESTION:

Mr. Bigler clarified that the Board is asking the applicant to construct the bike path in the right of way.

Chairman Sackett said he will be voting against this motion because he does not believe a bike path belongs in the right of way, he believes sidewalk belongs around Road C.

Mr. Van Nest said it is time to move this project forward from the Planning Board. The Planning Board is a recommending body so they can make a recommendation for planning purposes, it is ultimately up to the Town Board to make a decision as to how they wish to see the structures implemented. The recommendation if it moves forward can be reviewed and decided at that point. Mr. Bigler said that is why the Town Board sent it back to the Planning Board.

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|-----------------|-----|----------------|-----|
| Gregory Todaro | Aye | Richard Bigler | Nay |
| George Van Nest | Aye | Wendy Salvati | Aye |
| Paul Shear | Nay | Robert Sackett | Nay |

MOTION FAILED.

ACTION:

Motion by Paul Shear, seconded by Richard Bigler, to **table** the proposal for further discussion.

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|-----------------|-----|----------------|-----|
| Gregory Todaro | Aye | Richard Bigler | Aye |
| George Van Nest | Nay | Wendy Salvati | Nay |
| Paul Shear | Aye | Robert Sackett | Aye |

MOTION CARRIED.

Item 4

Benderson Development/Eastgate Plaza
Major Arterial

Requests Approval for construction of an access
road to Greiner Road at 5033-5183 Transit Road.

DISCUSSION:

Jim Callahan introduced the project noting that it is located on the east side of Transit Road, south of Greiner Road. The applicant owns the existing Eastgate Plaza located within the Major Arterial zone. The applicant is proposing to construct an access to Greiner Road and to provide right of way upgrades to Greiner Road. Per the Zoning Law site plan amendments may be reviewed and approved by the Planning Board. The matter was introduced to the Town Board on February 26, 2014 and referred to the Planning Board for review and action. The Planning Board will be requesting Lead Agency on this matter.

James Boglioli, attorney with Benderson Development, is present along with a traffic engineer of TY Lin International, who did the traffic study for this project. Mr. Boglioli noted that the application is seeking a connection on to Greiner Road from Eastgate Plaza. In 2010 they were before this Board with a similar application, this application is different from that one. One difference is that they have additional properties connected along Transit Road to the shopping center at this point. Another difference is that they have provided a number of the studies up front that were requested at the tail end before the project was withdrawn in 2010. Lastly, additional road improvements and connections are now shown which were not shown in 2010. Mr. Boglioli submitted a letter date January 28, 2014 in support of the application that contained the traffic impact statement among other documents. In April 2014 he submitted a supplemental traffic letter addressing cut-through traffic. The property maintains three (3) existing driveways on Transit Road, one on the south, a signalized intersection in the middle and one closer to BJ's; it maintains approximately 523,000 square feet of retail development and commercial development. The property address is 4927-6183 Transit Road and while it maintains frontage on Greiner Road, it does not have a Greiner Road address. Mr. Boglioli referred to the Power Point presentation and said Benderson owns the properties highlighted in red. Highlighted in yellow are four (4) properties that maintain cross connection to the shopping center, those properties maintained cross connection back in 2010 and they are the Yankee and Gymboree building, the McDonald's, the Moe's and the Vitamin Shoppe/Sports Clips/Leslie Pools building. Since 2010, Benderson has made some additional connections and picked up some additional property. Additional connections to this project include the Applebee's and the Spot Coffee/Firehouse Subs building. Benderson also purchased the M & T Bank which maintains a connection onto Greiner Road; there is no cross connection to the plaza at this property.

Mr. Boglioli said based on the traffic impact statement, the majority of the traffic coming from the east currently use Greiner Road to get to the center, they must go to Transit Road and turn left, then turn left again into one of the shopping center entrances. When traffic exits the shopping center and heads east, it must turn right onto Transit Road and then right on to Greiner Road.

There has been a prior identification for the need of this access. There is a NYS DOT letter from 1995, a Transit Road Corridor Management Study from 2004 and Town Board Site Plan Approval in 2006. The NYS DOT letter analyzed the full construction of this site, which has now been achieved. In 1995 the DOT stated, "Without a connection to Greiner Road this will cause extreme congestion at the Transit/Greiner/Maple intersection. This traffic congestion would have the most impact on Greiner Road as vehicles would be forced to stack up along this intersection approach. This situation would be relieved

by allowing these vehicles to enter Eastgate Plaza on Greiner Road.” Since this letter was released there has been significantly more development in Clarence and that situation has come true.

In 2004 the Town of Clarence, the Town of Amherst and the DOT commissioned the Transit Road Corridor Management Study. This site is identified as Focus Area 3 of that study, on page 40 which states, “For the most part, motorists wanting to travel between residential areas adjacent to the corridor must rely on Transit Road to do so. Expanding north-south connections between uses adjacent to Transit Road would provide a more complete road system and offer motorists more options to access their destinations. Consequently, local travelers’ dependence on Transit Road would decrease...”

In 2006, as part of a Town Board Site Plan Approval, which had nothing to do with Greiner Road at the time, the Town Board adopted a condition as part of that approval requiring the applicant and the owner to make a connection onto Greiner Road in the future. That was the Town Board looking ahead and looking back at the 2004 study. The resolution and all the documents provided by Mr. Boglioli stated that, “Resolved, that the Clarence Town Board approved the request..., subject to the following conditions: 1. The Town Attorney has reviewed letters submitted by Benderson and DDR agreeing in principle to provide future cross-access points to the north and south.” The quote in the letter that is relevant says, “This letter serves to notify the Town of Clarence that DDR has no objection to adding an access point to the DDR property (the shopping center) from Greiner Road.” At that time Benderson also agreed to make a connection to Sheridan Drive through the Uniland property, if and when that property gets developed.

The proposed project was initially proposed as a limited access right-in, right-out, left-in driveway. Traffic travelling towards the east can make a right at the center, traffic that wants to go east can make a right out to go east and traffic coming from the east can make a left into the center. Left outs are prohibited, there is a median in the driveway which prohibits that movement. In addition to this, Greiner Road is wide enough to stripe three (3) lanes so as part of the proposal they are proposing to add a left stacking lane for cars stacking the driveway. They are also looking to improve the existing condition on the road by adding a left turn lane into Greenhurst and Vista. The road in that area is two lanes, if a car stops to make a left into one of those roads cars should stop behind them but do not so they ride along the shoulder and come into conflict with pedestrians, adding the left turn lane will alleviate this issue.

Mr. Boglioli said they are proposing a new sidewalk on the south side of Greiner Road. This side walk would connect Transit Road to Eastbrooke Place. In addition, they are looking to pick up the sidewalk that ends at Walgreen’s and tie that back to Greenhurst.

Mr. Boglioli said they are proprieting for a future cross access between the M & T Bank and the shopping plaza, they would agree to close the M & T Bank access to Greiner at that time. The existing M & T Bank access is a conflicting access with that of Walgreen’s, which could potentially lead to a head-on situation. Benderson Development owns the M & T Bank parcel however they do not have control over it yet until their lease expires. The cross access at this point is conditional on the bank’s consent which, at this point, they have not given. If the bank comes to the Town for a site plan approval, the Planning Board can require the closure of the existing access to Greiner and then the cross access can be made. If the County comes in of its own volition and closes the driveway and the bank grants Benderson access, they would construct the driveway. When the bank vacates and their lease is up, which is 2028, Benderson would agree to close the driveway and make the connection to the shopping plaza.

An additional pedestrian connection has been proposed, they tied the sidewalk on Greiner Road to the shopping center by having a sidewalk run across the western part of the driveway, tie into a crosswalk and a crosswalk over to the shopping center.

Buffering has been provided for the adjoining property owners, this includes 22 6' arborvitae trees, a number of green ashes and some low landscaping as well.

A new traffic impact statement prepared by TY LIN dated January 2014 has been submitted. It looked at a number of things which were identified in 2010 including existing traffic and roadway systems, future and background traffic, traffic operation analysis, pedestrian accommodations and accident analysis. A supplemental April 2014 cut-through analysis was also submitted. This proposal will not result in any new traffic to Greiner Road, this is a redistribution of traffic. All traffic from the east which currently utilizes the intersection is anticipated to make the left into the driveway, which is 12% of the overall traffic for the shopping center. There will be a reduction in overall traffic volumes at the intersection as well as a reduction in overall volumes on Transit Road in front of the shopping center. Approximately 3% of the overall traffic currently entering the plaza from the north will make a left at Greiner and a right into the driveway, that traffic now travels along Transit Road and makes a left into one of the driveways. Approximately 7% of the overall traffic entering Eastgate Plaza from the west, which is the Amherst side, will now go through the intersection and make a right into the plaza. That traffic currently makes a right on to Transit Road and a left into the plaza. The study demonstrates that this is an improvement in the existing traffic situation.

The study also showed several pedestrian accommodations and proposed measures to address already existing poor pedestrian accommodations. There is limited pedestrian accommodation on Greiner Road, the accommodation is 250' of sidewalk alongside Walgreen's. Pedestrians currently use the shoulder and there are a lot of head on conflicts with pedestrians and vehicles making a left. Benderson is proposing new sidewalks on the south side length of Greiner Road to Eastbrooke, a new sidewalk on the north connecting Walgreen's to Greenhurst and internal connections. As noted in the study, pedestrians will be better protected with this plan than what currently exists there. They will be separated by a curb, 5' greenspace area and then a 5' sidewalk. This is an improvement and protects pedestrians from oncoming cars.

In order to address an issue raised in 2010, Benderson undertook an accident analysis. They requested recent traffic data from the County, the County provided the last three (3) years of accident data. The analysis looked at between Transit Road and Vista, from the Walgreen's driveway back. The study determined that there were no reported accidents in a three (3) year period in that area.

Another issue that was raised in 2010 was the U-turn traffic. The issue was that people traveling east to use the driveway, would miss the driveway and make a U-turn on someone's driveway or on the residential streets. Or the people coming out of the driveway, thinking they can make a left to get to Transit, would be directed right and then would have to make a U-turn to get back onto Transit Road. Since the address is a Transit Road address, new people coming to the center would put that address into Map Quest or a GPS, they will not be directed anywhere near Greiner Road. So the proposed driveway will be used by people who are familiar with it and they won't be missing it. Benderson is proposing signage at both the driveway and the decision point within the site. There will be matching enter/exit signs at the driveway, those signs match the existing enter/exit signs at the other three (3) driveways to the shopping center. There will also be a sign indicating no access to Transit Road at the decision point of that driveway.

Another issue raised in 2010 was with regards to shortcuts through residential streets to get to different locations in the Town. A Supplemental 2014 study has been submitted. TY LIN went to the site and did a field visit. They looked at the location of all the Stop signs, the cut-thru routes, the speed limit signs, geometrics and traffic observations for each possible cut-thru route within the Eastbrooke and Greenhurst Road neighborhoods. TY LIN representatives used a GPS which recorded time and distance during the peak time and they drove all the routes local times. Mr. Boglioli referred to a chart he submitted regarding a comparison of the drive times and distances. The conclusion was that every shortcut route was either the same distance or longer than just going directly on Greiner Road to Harris Hill. Every shortcut route was slower as well. So it will not be a shortcut nor will it save anyone time to use the cut-thru routes.

Mr. Boglioli said another issue raised in 2010 was that people would turn right out of the driveway onto Greiner Road, left onto Vista, circle around using Red Clover and come out onto Greenhurst to get back to the Transit Road intersection. They ran the same cut-thru analysis for this route and found that it takes almost three (3) minutes to make that maneuver as opposed to making a right onto Transit at the shopping center and you're at the intersection in 44 seconds. The three (3) minute route will not be an effective cut-thru route for people to use.

An additional issue that was identified in 2010 was truck traffic and that trucks would come out onto Greiner Road. Mr. Boglioli said this is an existing shopping center, the truck routes are already established. The majority of the trucks will come from the thruway which is located to the south. The truck driveway is the southernmost driveway, they make their deliveries behind the building, then go around the outskirts of the building and back to the signal to head back to the thruway. The access driveway is not designed to accommodate trucks. Generally the trucks make their deliveries in the morning or off peak times so they are not contending with Transit peak time traffic. The access road would not assist the trucks in getting back to the thruway, it is not a movement they would make. The trucks will continue to use the routes they take now.

In conclusion, Mr. Boglioli said this application is supported by the prior Town Board approval and Town study which was done separate and apart from this application. There will be no additional traffic on Greiner Road. It will significantly improve the Maple/Greiner/Transit intersection. It will improve pedestrian facilities on Greiner Road above where they are now. It will result in no pass-by or cut-thru impacts. It will result in improved convenience and safety for the community and it will reduce traffic on Transit Road.

Mrs. Salvati asked if the applicant plans on having a number of stop signs at the top of the new road going into the plaza to control traffic in that vicinity. Mr. Boglioli explained that there will be signs so there will be a direct route and no one queues back into the road. There is already a stop sign coming out from behind the plaza. Mrs. Salvati asked if there will be any kind of sign at the end of the driveway at Greiner Road saying "no left turn". Mr. Boglioli said yes that will be put on the "pork chop" that is installed. Mrs. Salvati asked what the applicant is doing to achieve cross access to the other properties that they do not own along Transit Road. She said that is a concern and the Board wants to see all properties along Transit Road have cross access in some way. Mr. Boglioli said they would agree to have cross access with Delta Sonic but there is a 12' grade difference. That leaves two or three other properties that do not have cross access and Benderson Development is happy to discuss it with them.

Mr. Todaro referred to the traffic going eastbound in from Transit Road and if there will be an additional lane to make a right. Mr. Boglioli said there will be a pass-thru lane on both sides and a center turn lane. The study does not anticipate a stack up of traffic on Greiner Road.

In response to Mr. Bigler's question regarding the demolition of the residence, it is clarified that Benderson Development will remove the residence that is on the property; they own that property. Mr. Bigler asked who will maintain the southern sidewalk for snow removal, etc. Mr. Boglioli said Benderson agreed to remove the snow on the southern sidewalk. It is a liability to have their employees cross the road to maintain the sidewalk on the north side; if they could work something out with the Town they would be willing to move across the street.

Mr. Pazda asked why the applicant is not providing a sidewalk for the Vista residents. Mr. Boglioli said they stopped at Greenhurst because they are able to walk around. If the Board would like, they can look into extending the sidewalk to Vista.

Chairman Sackett noted that the Planning Board has received approximately 24 letters from the community, all but one were against the project. Several issues were cited in the letters.

Mr. Pazda asked if the applicant is still in agreement to an access to Sheridan Drive. Mr. Boglioli said yes, the reason they cannot put it through now is because they do not own the Uniland property.

Gueseppena Bugenhagen, of 8065 Greiner Road, voiced her concern regarding safety. She will be most immediately impacted by the construction around her. She and her husband purchased her home in 2006 with the intent that they liked the idea of not having a side neighbor. She and her husband go out on calls in the evening due to their professions, so the house was ideal and strategic for their needs. They did not anticipate the projection of this. In 2010/2011 they were approached by a Benderson liaison with a proposition, but they declined it. Then it was taken off the table for a couple years. She said the difficulty with this project is that at no point are they ever considered in this decision. Traffic will be coming by her house in two directions, they will be subjected to more noise and air pollution and more traffic issues. At peak times now the three vehicles at her house have to be delayed when exiting her property to go towards Transit Road. She has not seen any environmental studies and wants to know what the projection of noise and air will be. Will she have to live with her windows closed? What is the real use going to be when people come up and down the road, what happens when there are accidents, what happens when debris starts getting thrown out the window. Ms. Bugenhagen said she was burglarized last year. She is concerned for her personal safety because the design as it stands is not protecting her from anything. Her privacy is eliminated. She will have to make some decisions that will be fiscally harmful to her.

Laura Saraceno said she moved here 24 years ago, the BJ's plaza is behind her. When she moved here there was nothing there, she moved here because Clarence was a country place. Now it's no better than the city. She cannot take her grandchildren for a walk on Greiner Road. People will cut thru Eastbrooke. Mr. Benderson does not need this, there are holes on Greiner Road, and every year that street will have to be repaired. Why don't they repair it now? She objects to this and is concerned with the traffic. She asked if anyone would like to live in that area and she bets that none of the seven Board members live near there. Mr. Van Nest noted that all the members live in Clarence. She invited any member to come and sit in her area on a Saturday or Sunday between 10am and 2pm and try to cross the street at that time; it's not safe.

Arman Afshani and his son Ethan are present, they live at 4963 Eastbrooke Place. The house was built in 2002, they chose that area because it is a quiet residential area amongst a wonderful community with a fantastic school system. They oppose the Benderson proposal for an access road from the Eastgate Plaza to Greiner Road. It will cause congestion and aggravation for the residents. Mr. Afshani referred to the study prepared by TY LIN International, page 713 in Exhibit A, letter J, and read, "Will the

proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services.” The box next to this question was checked “no”. This, to Mr. Afshani, is an indication of how flawed the study is. TY LIN is based out of Rochester, the residents live in this area and travel it every day. He asked the Board to accept his and his neighbor’s views with more credibility over an out-of-town company. Exhibit E on page 38 referred to the value of medians noting that they promote safety and efficiency by limiting conflict points and requiring right-in and right-out driveways. The section of Transit Road between Main Street and Sheridan Drive has medians and there are no traffic problems or relatively few. Has this been explored between Sheridan and Maple? This would not affect anyone’s home values or introduce safety issues to children. He read another quote from the study, “The construction of the proposed driveway is not anticipated to change regional travel for customers of Eastgate Plaza.” Mr. Afshani is not willing to base the future value of his home and the safety of his children on an anticipation statement from a company based in Rochester. Appendix G, which contained pictures of that area at peak times, is laughable. The picture showed no cars at all, anyone who lives there knows that there is significant traffic there already. It is difficult to make a left turn onto Greiner Road from Eastbrooke Place. He suggested installing more medians and install more traffic lights between Sheridan and Maple; to slow the traffic down on Transit Road is not a bad thing. He voiced his concern for the safety of the children in the neighborhood. Eastbrooke will become a cut-thru to Sheridan Drive. He is aggravated that the tax paying citizens must be here again to plead with the Board about this ridiculous proposal. This is clearly a flawed band-aid solution to a problem that Benderson has created and become wealthy off of it.

Andre Thomasula, of 5113 Eastbrooke Place, said in the last census the combined population in Clarence and Newstead was 39,000. The population of the Town of Amherst was 122,000. He maintains to the Board that many people using the plaza live in the Town of Amherst. To say that Eastbrooke Place would not be used as a cut-thru to Sheridan Drive is laughable. Amherst residents will use Eastbrooke Place to avoid Transit Road. His street has a speed limit of 25 and no sidewalks. His daughter was struck and killed on a bicycle in 1995 on Greiner Road on the shoulder where that egress is planned. He does not want Eastbrooke to become a thoroughfare for Amherst residents to come home from shopping. Mr. Thomasula said people don’t use GPS’ to go shopping, they know where the Eastgate Plaza is. Let the residential street remain residential, keep Transit Road retail traffic on Transit Road.

Sal Territo, of 8064 Red Clover, is a registered nurse and works all hours of the day and night. He said there will be a back-up of traffic. Traffic is heavy from 10am to 7pm and on the weekends it will be worse. This proposal is not the answer.

Josephine Woloszyn, of 8064 Greiner Road, is concerned with the traffic being right in her window as she lives across the street from the proposed access. It will be a nightmare to make a left hand turn from Greenhurst to Greiner. There should be a signal light in that area.

Shawn Sheehan, of 5163 Eastbrooke, is concerned with the neighborhood impact. With regards to the study, she assumed that the preparer does not live in Buffalo because everyone knows that people who come from Cheektowaga, Lancaster and Depew use Harris Hill Road to avoid Transit Road. She doesn’t believe they took into account all the people who will be using Harris Hill that currently use it now. People will now take Harris Hill to get to Greiner to get to the plaza. This will immensely impact the traffic on Greiner. She referred to the study which indicated the tenant mix of the plaza has remained the same, this is untrue. LA Fitness recently bought out the BAC, there are 1,000’s more people who will be coming to LA Fitness. Sidewalks will not reach the children who live in Loch Lea, Ledge or Clearview. Once the nice weather comes, children walk on Greiner Road. The accident analysis talked about Greiner Road only, it did not talk about the major accidents on Transit and Greiner, there have

been many. Those will now move over onto Greiner. Ms. Sheehan said people will use Eastbrooke as a cut-thru.

Dr. Ismet Hallac owns property on Greiner Road. In 1984 Transit Road was a two-lane highway and Greiner Road was unheard of. The problem is not safety it is increasing traffic, and the traffic will continue to increase. The access road from the plaza to Greiner road would ease it somewhat. The sidewalks are going to make it much safer for everybody. He thinks it is proper to make the connection.

Peter Sabalski lives on Vista Avenue and said if you couple the cars that are growing coming out of that parking lot with the mega church on Greiner and Harris Hill and a third church that is between Harris Hill and Vista you get gridlock. There will be a minimum of at least 200 cars between 9am and 1pm, you cannot turn off any of those roads against traffic. A turning lane coming out of the plaza is planned going east onto Greiner, a turning lane is also proposed going onto Greenhurst and Vista. With a sidewalk being proposed, as a pedestrian who is going to cross three lanes of highway? Why not put another lane and a traffic light at the southernmost drive of the plaza. Who will plow the sidewalks when Benderson sells the property again? Does the new owner accept responsibility or can he say he doesn't want it? Does the sidewalk increase the value of the home and if it does who is paying the tax on it? Mr. Sabalski said he rides a motorcycle and sometimes he can reach out and touch someone as they pass him it gets so close. The fog line is a driveway down the road. Traffic is going to be impossible on that section of road. He asked the Board to consider the people and children who live in the area.

Alexander Hallac, who owns property at 8074 Greiner Road, thinks the traffic study proved that this will be a good project and would help with the traffic flow.

Jeff McMahon, of 4933 Eastbrooke Place, voiced his concern with the traffic increase. He said the applicant is only concerned with filling their parking lot with more cars at the resident's expense. He referred to a street on the plan and said it will look like a thruway off ramp. The people across the street on both sides will have a steady flow of lights shining in their windows from the vehicles exiting on the other side of the street. He said there should be two lights on the south side of the plaza. People will come out of the plaza and use Eastbrooke and with no sidewalks it is dangerous. The police can only do so much.

Henry Lee, of 5142 Eastbrooke, referred to the traffic study in which he said an assumption was made that there would be no increased traffic on Greiner. The presumption there is that there will not be any change in the traffic pattern. If you examine the reason why Benderson continually tries to bring this up is clearly they want to increase the traffic to Eastgate Plaza. Therefore if the traffic to Eastgate Plaza is increased, even if the traffic pattern remained the same, there would still be more traffic onto Greiner. The other presumption is that there will not be a shortcut through Eastbrooke, clearly when the study was done they followed the speed limit. The concern is that people are not going to be following the speed limit sign of 25 mph. They will be speeding down the street and that is dangerous especially given there are not sidewalks and there are families with young children in the neighborhood.

Dave Augustine, of 5023 Eastbrooke Place, is an engineer by trade and questions an engineering presentation that uses absolute statements like all and none. It is engineeringly incorrect to use absolutes like that. Mr. Augustine did a test of his own where he started at Greiner and went to Sheridan; that was .9 miles. Then he went up to Harris Hill and back to where Eastbrooke starts. There is a 1.1 mile savings by going Eastbrooke. People will travel Eastbrooke even with the small amount of mileage it saves.

Wendy Whiting lives on Ledge Lane and said her street will be impacted much more significantly than Eastbrooke Place will be. Ledge Lane is the only street between Transit and Harris Hill that cuts through from Sheridan directly to Greiner. Anybody who wants to get to Eastbrooke has to go down Ledge Lane first. This is a family neighborhood with children, dog walkers, joggers and skate boarders. The study shows that they are feeding 12% of the traffic back onto Greiner going eastbound, that is putting that traffic right on her street, Ledge Lane. People are not going to go Harris Hill to get to Sheridan because the cars stack up there. She does not know if the traffic report studied Harris Hill, Sheridan or Ledge Lane. She did not see Ledge Lane referenced in any of the studies. She would like to know what 12% means, what are the actual numbers? She agreed that the main intent is to increase traffic and profits. Transit Road is a State road, they would have to go to the State to get any work done on that road. Benderson Development was on notice when they bought this property, they knew that Transit was the main road. They bought it, they developed. With regard to the studies, there is a subdivision going in with an additional 350 cars estimated and there is an entrance right on to Greiner, where do you think those cars are going to go? That study didn't take that increased traffic into consideration. There is a lot of development going on. Was the average annual daily traffic study done? Were there vehicle counts done with pneumatic tubes? What about statistics that deal with traffic control devices? If that manual determines that a traffic signal is appropriate, Greiner is a County road and the County will not cover the expense of that, Clarence taxpayers will have to pay for that. There are no sidewalks on Ledge Lane, there was no information that addressed studies that were done on pedestrians, what is the volume of pedestrian traffic? Did they look at schools? She thinks the traffic studies are flawed, Benderson was on notice and she asked the Board to take that into consideration.

Daniel Gamin, 5287 Shadyside Drive, said he and his wife use Greiner Road on a daily basis and the traffic on Greiner Road has been increasing on a daily basis. He referred to the subdivision that will generate 151 patio homes, anywhere from 151 to 300 new cars travelling Greiner road every day. There is another 240 acre subdivision under development now that will put more cars on Greiner Road. There are several other potential developments along Greiner Road that are going to occur in the next few years that will put more cars on to Greiner Road. Greiner Road is a County road, in the past 10 years the County has not taken pride in maintaining the roads anymore, they wait until they fall apart before they will repair them. Greiner Road is in rough shape now and needs to be serviced. This proposal has been brought up in the past and was turned down, why is it coming up again?

Joe Ciminelli, of 5153 Eastbrooke Place, said in 1994 he was part of the neighborhood team that worked with Bella Vista who developed the plaza originally before they sold it to Benderson. One of the stipulations at that time was there would be no exit on Greiner. They fought long and hard to negotiate with developers at that time that the only way this plan will go forward is if there is no exit on Greiner. He sent an e-mail with an attachment, they were neighborhood minutes, he does not have Town Planning Board minutes, what has changed since then? Traffic has increased, he shares all the concerns previously stated. He said the study supports his case saying that there will be an increase in percentages here and there on Greiner. The traffic goes to the wide lane of Transit Road where it can handle the traffic, not to Greiner Road which is a two lane road. Add a turning lane on Greiner and that will increase the safety hazards there because it is really a two lane road that you're trying to convert into a three lane road. With regards to the shortcuts and the timing, people are going to speed through there. He asked why Benderson wants to do this. Their ulterior motive is to increase traffic to their plaza. Opening that road up also opens up to extra parcels so now they can sell more property, build little out parcels on those other properties; this is where the motive is. He implored the Board to protect the citizens of Clarence and not approve this project.

David Hejmanowski, of 8100 Greiner Road, has lived there for 17 years. He watches the traffic flow every day. He has had the rear end of his truck smashed into because of someone cutting over his lot. His driveway is a cut-thru on a regular basis, daily. Someone cut through and ran over his brand new grass that he just planted. Traffic will increase, and with that the garbage that ends up on his corner lot will increase. He noted that for the past 6 years garbage has collected at the berm that Benderson installed; no one cleans it, it is left as a dump. The increased noise levels are a concern, he has to replace the windows on his house and he will do so with windows that don't open because of the noise. He could hear the music from Frog Hairs when he had his windows open. He hears the music from the speaker system that was installed on the top of the BJ's plaza, it plays from early in the morning until late at night. He hears the garbage trucks that go into the plaza at 6:00am. He would not appreciate this access road near his house. On a daily basis he cannot have his driveway sealed without people coming through his driveway and going through the barrier. He has to block his driveway off at each end so his daughter can play in the driveway. This little egress is not going to stop it. He encourages the Board to consider the people who live in this Town and in this area. The board will increase the amount of anguish and anxiety that he has to live with every day by the increased amounts of traffic.

Mrs. Hejmanowksi agreed with everything her husband said and went on to say that she saw the berm today and it is filthy, Benderson is not too concerned about that. Every day she has to pick up the trash in her front yard. She voiced her concern regarding the M & T Bank driveway saying people try to make a left out of there, too. Walgreen's also has a left-hand turn that needs to be considered.

Greg Sheehan, of 5163 Eastbrooke, submitted documentation and referred to a 1994 Buffalo News article that said building this whole complex was based upon no exit to Greiner. The article is on file. He thinks this is like a handshake agreement; you can't break a handshake agreement ever unless we come back and say we want it. He referred to Benderson's application and noted the pictures show no traffic on Greiner Road, he said that's because the pictures were taken in a snow storm in January. His wife took pictures this past Sunday and you can see all the traffic, those pictures are on file. We can't have any more traffic on Greiner, if the driveway goes in it will just seep out into the neighborhoods. He also voiced his concern with exiting Walgreen's saying no one will ever be able to make a left out of Walgreen's if the access drive is put in. He referred to page 35 and 38 of the Transit Road Management Corridor study in which it suggested medians on Transit Road would help the problem. It seems that some cross access was done but one of the biggest offending retail places is Delta Sonic; this is probably causing most of the grief on Transit Road. He thinks this should be looked at to get the traffic in another way. The traffic light at Transit and Greiner would have to be modified.

Mark Dunlap, of 5331 Greenhurst, said this project has been based on the assumption that there will be no new traffic on Greiner. He referred to the study in which it was indicated that 3% of the traffic would come from East Amherst and use the access drive and 7% of the plaza traffic comes up Maple from Amherst and will use the access drive. This is an increase of 10%. All this additional traffic into one lane presents a problem. He will probably not ever make a left out of Greenhurst again if this goes through.

Mr. Santarelli, of 5093 Eastbrooke, has lived there for 25 years. He asked about an exit from the plaza going south onto Sheridan. Sheridan seems to be equipped to not need to be modified and would accept all the traffic. He understands that Benderson doesn't own the property but he doesn't think anyone needs to throw Mr. Benderson a benefit to help him afford that property because he is buying up everything else on the other side of the development. Where are the traffic studies for that potential access road? Mr. Santarelli said he was part of the 1994 neighborhood group who dealt with the Town

and the developers when Walmart went in. There was a handshake agreement that said Walmart and that plaza would not be built if there is an access to Greiner.

Kevin McNerney, of 8225 Greiner Road, moved here 14 years ago and uses the Benderson plaza quite a bit. He said Benderson must have understood that there was no access to Greiner Road when he bought the plaza. Mr. McNerney bought his house knowing that it is a busy street, which he doesn't mind. He owns a trailer and almost every night when he comes home he is unable to pull out in the street and back it in. Once he had to wait 8 minutes to get his truck pulled out into the street to swing it in to back the trailer in. Every night he backs his truck into his driveway because it is hard to get out onto Greiner Road, actually any time of the day is hard to get out onto Greiner. Sunday night at 7:00pm it took him 3 minutes to back out of his driveway. He has to deal with Evangel church traffic, Eastern Hills Wesleyan traffic, Northgate traffic, traffic from 2 new developments and he understands something maybe going in at Greiner and Harris Hill. He supports his neighbors on Ledge Lane and Eastbrooke. He walks a lot and has seen cut-thru traffic grow immensely on Ledge Lane and Eastbrooke. He referred to the GPS study and said if you use your GPS one time you're going to find a way to get someplace quicker. He would like to see a study done on how many people cut through where Walmart is, go around the back of the building and come out at the exit where the BJ's gas station is to get back on to Transit to beat all the traffic; he has done it many times. There is such a bottle neck at Applebee's, too. Sheridan Drive would be a better option. He is opposed to the access to Greiner.

Karen Okonoswki-Dunlap is here on behalf of all of her neighbors that spoke this evening. She and her neighbors have worked hard to come up with a positive solution to remedy the situation and close this chapter of the Eastgate Plaza access to Greiner Road. She asked that the Planning Board seriously consider the recommendations and work on the problem, which is Transit Road. She noted that they did not have to come up with solutions, they could have just said "no" and walked away. As an additional request they are asking that the abandoned home and the adjoining land be made habitable again and not the eye sore that it is now. As it stands it is an open invitation for kids to hang out. This doesn't paint a good and welcoming impression of the Town of Clarence. She asked that the issue be put to rest and legitimately drop it from any future consideration, conversations or potential actions. If the Board chooses to make an otherwise unpopular decision and move forward with the application she expects that every step of the process will be followed to the letter and with full disclosure of all the next steps. Hopefully, this will not include widening Greiner Road to accommodate many of the upcoming projects discussed tonight.

Brian Lamphron, of 5073 Eastbrooke, said he is representing his family but first speaks as a member of the Harris Hill Volunteer Fire Company. He submitted a letter that states the HHVFC takes no position on this proposal. The letter is on file. There was some confusion prior to this letter because the past Chief had incomplete information when he provided his opinion. Mr. Lamphron said the Fire Chief assured him that had he known the complete plans with no light or an uncontrolled intersection he would have not been in favor of it. He said the current Chief is not in favor of it either. It is Mr. Lamphron's opinion as well as the current Chief's that there will be increased accidents in the area. He said Eastbrooke is already a cut-thru and people speed down the street. People will go left out of the access drive, no matter what type of traffic control is there.

Anthony Ditsious, of Vista Avenue, has lived there for 50 years. He said to travel down Vista, Red Clover and then Greenhurst is a built-in U-turn. He voiced his concern for the safety of those who walk, ride bicycles and play in the street. The cars making the turn cannot see the children until the last second. When he bought his property Greiner Road was a residential road, not a commercial road. He said please don't make it a commercial road; and don't try to put in a third lane and say it is a residential road, that

is a modification to the road. It is not fair to the residents. The neighbors in the area are opposed to the access road. Home values will be depreciated because of the heavy traffic. Air pollution is a concern. Here is a solution: as you come out on Sheridan Drive the traffic diminishes as you approach Transit Road. The number of vehicles drops off significantly once you pass Transit Road. Mr. Ditsious reads from a document, "We the residents of those streets that I mentioned are officially putting all of the Clarence Town Planning Board members on notice at this time, April 9, 2014." He said he has a copy of the document for Town Clerk Nancy Metzger with carbon copies to the Clarence Bee, the Buffalo Evening News and the Planning Board. The document is on file. Mr. Ditsious will submit the same document and an additional petition to the Town Clerk's office.

Don Ross, of 5083 Eastbrooke, said he has lived there for more than 20 years. He implores the Planning Board to support the neighbors who spoke this evening and not bend to the pressure of this organization and reject this proposal forever. It is not a good idea, it is one of the worst ideas he has ever heard.

Mr. Boglioli would like the Board to refer the proposal to the involved agencies and receive their comments back before addressing any of the concerns. This project, in itself, is not going to generate new traffic, this is verified in the study. He addressed the speeding concern and said when a study is done you have to abide by the law, they can't go speeding through neighborhoods to do the study; that's not how the study works.

ACTION:

Motion by Wendy Salvati, seconded by Paul Shear, pursuant to Article 8 of the Environmental Conservation Law, to seek Lead Agency Status and **commence** a coordinated review among involved agencies on the proposed Eastgate Plaza access to Greiner Road. This Unlisted Action involves the construction of an access road from Greiner Road to the existing Eastgate Plaza and including upgrades to Greiner Road to provide center turn lanes and sidewalks as depicted in concept proposal.

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|-----------------|-----|----------------|-----|
| Gregory Todaro | Aye | Richard Bigler | Aye |
| George Van Nest | Aye | Timothy Pazda | Aye |
| Wendy Salvati | Aye | Paul Shear | Aye |
| Robert Sackett | Aye | | |

MOTION CARRIED.

Meeting adjourned at 10:46 p.m.

Carolyn Delgato
Senior Clerk Typist