

Town of Clarence
Planning Board Minutes
Wednesday May 2, 2012

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

Larry Engasser
Traditional Neighborhood District

Requests Approval for a 1-lot Open Development Area at 8346 County Road.

Item 2

Frank Giumpa
Commercial

Requests Development Plan Approval for a new office building at 10060 Main Street.

Item 3

Affordable Senior Housing Opportunities of New York, Inc.
Commercial

Requests Amended Concept Plan Approval of a proposed Senior Housing project at 8040 Roll Road.

Item 4

Spaulding Green TND
Residential Single Family

Requests Preliminary Concept Review of a 43+/- lot Traditional Neighborhood Development located on the south side of Clarence Center Road.

Item 5

Spaulding Green Phase 11 (eleven)
Residential Single Family

Requests Preliminary Concept Review of a 33+/- lot Open Space Design Development located on the north side of Greiner Road.

Chairman Al Schultz called the meeting to order at 7:30 p.m.

Councilman Peter DiCostanzo led the pledge to the flag.

Planning Board Members present:

Chairman Al Schultz
2nd Vice-Chairman Wendy Salvati
George Van Nest
Paul Shear

Vice-Chairperson Robert Sackett
Timothy Pazda
Richard Bigler
Gregory Todaro

Planning Board Members absent: none

Town Officials Present:

Director of Community Development James Callahan
Planner Brad Packard
Councilman Peter DiCostanzo
Deputy Town Attorney David Donohue

Other Interested Parties Present:

B. Dickinson	G. Mondello
P & C Hufnagel	Edith Clouse
Joe Clouse	Frank Giumpa II
Paul Wheeler	Mark Lozinak
Maureen Crotty	Howard F. Melahcom
Larry Engasser	Dan Michnik
Bill McGrath	Charlie Greene
Jack Hesslink	Marilyn Hesslink

Motion by Timothy Pazda, seconded by Wendy Salvati, to **approve** the minutes of the meeting held on April 18, 2012, as written.

Paul Shear	Abstain	Richard Bigler	Aye
George Van Nest	Abstain	Timothy Pazda	Aye
Wendy Salvati	Aye	Robert Sackett	Aye
Al Schultz	Aye		

MOTION CARRIED.

Chairman Schultz explained the procedure stating that Jim Callahan will introduce each agenda item. The applicant and the Planning Board will discuss the project. It will be clarified what action is in front of the Planning Board for each item. Before any action is taken anyone in the audience is invited to speak on the project.

Item 1

Larry Engasser Traditional Neighborhood District	Requests Approval for a 1-lot Open Development Area at 8346 County Road.
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DISCUSSION:

Jim Callahan provided the background on the project noting that it is located on the north side of County Road, east of Stahley Road. It is existing vacant land located along an existing private drive in the Swormville Traditional Neighborhood District. Per the Subdivision Law, the Planning Board has final approval authority for Open Development Areas.

Chairman Schultz said input from the environmental review has been obtained.

Larry Engasser, of 8354 County Road, is present.

Wendy Salvati suggested some type of vegetative screening between the proposed Open Development and 8376 County Road. Mr. Engasser said he has already planted four (4) new trees in that area.

Mrs. Salvati noted that a homeowners agreement will be required because there will be a shared driveway, the agreement must address access and maintenance. Mr. Engasser understands this.

ACTION:

Motion by Robert Sackett, seconded by Paul Shear, pursuant to Article 8 of the Environmental Conservation Law, to **accept** the Part 2/3 Environmental Assessment Form as prepared and to **issue** a Negative Declaration on the proposed Engasser 1-Lot Open Development Area at 8346 County Road. This Unlisted Action involves the development of a 1-Lot Open Development Area in conformance with local subdivision law requirements. After thorough review of the submitted application and Environmental Assessment Form (EAF), it is determined that the proposed project will not have a significant impact upon the environment.

Paul Shear	Aye	Richard Bigler	Aye
George Van Nest	Aye	Timothy Pazda	Aye
Wendy Salvati	Aye	Robert Sackett	Aye
Al Schultz	Aye		

MOTION CARRIED.

Motion by Robert Sackett, seconded by Paul Shear, to **approve** the Engasser 1-Lot Open Development Area located at 8346 County Road as designed with the following conditions:

1. To accept the existing private drive as acceptable access to the new lot.
2. Subject to review and approval of the Erie County Sewer District #5 (ECSD#5) for connection to the ECSD #5 sanitary sewer system.
3. Subject to review and approval of the Erie County Water Authority (ECWA) for connection to the ECWA potable water supply system.
4. Subject to open space and recreation fees on the future building permit.
5. Subject to a homeowner’s agreement, reviewed and approved by the Town Attorney’s Office, regarding access and maintenance of the driveway.
6. Subject to review and approval by the Landscape Committee of the final landscape plan.

Paul Shear	Aye	Richard Bigler	Aye
George Van Nest	Aye	Timothy Pazda	Aye
Wendy Salvati	Aye	Robert Sackett	Aye
Al Schultz	Aye		

MOTION CARRIED.

Item 2

Frank Giumpa
Commercial

Requests Development Plan Approval for a new office building at 10060 Main Street.

DISCUSSION:

Jim Callahan provided the background on the project noting that it is located on the north side of Main Street, west of Pine Ledge Drive. It is existing vacant land located in the commercial zone. The proposed project received a Negative Declaration under the State Environmental Quality Review Act (SEQRA) on March 2, 2011 and a Concept Approval on the same date. An area variance was granted on March 8, 2011 to allow reduced side yard setbacks per this final design.

Frank Giumpa is present.

Mrs. Salvati referred to the paved area on the western side of the structure that sits behind two parking spaces; she asked why he is paving there. Mr. Giumpa said originally when they thought they needed a dumpster at the site; it was going to go there. Now they realize they won't have that much garbage and do not need a dumpster. He agreed that this area can become lawn area.

Mrs. Salvati noted that the plan indicates that the detention area is going to wrap around the two existing trees at the front of the property. Mr. Giumpa said that was the intention, but the person who is going to clear the land said those trees are near dead. Mr. Giumpa does not have a preference and will do whatever the Town wants. After the October storm those trees did not bloom very much even though they were trimmed. Mrs. Salvati said the trees are not dead and she wants to see them remain. Chairman Schultz noted that there is a master forester on the Landscape Committee who is very practical about saving trees, as part of the Landscape Plan he can make an assessment on those trees.

Mr. Giumpa may put a sign up in the future; he is aware that he needs approval for a sign. At this point he has no idea on the location of a sign.

Mr. Shear asked if the applicant planned on running the sidewalk from the west side of the property over in front of the additional parking spots or will that be left alone in case it is needed in the future. Mr. Giumpa said he would do whatever the Board wants him to; he knows that the Board would like to connect the parking lots. If the Board wants him to extend the sidewalk along the additional parking spots he will.

Chairman Schultz said he would like to see the pavement on the side removed.

ACTION:

Motion by George Van Nest, seconded by Timothy Pazda, to **approve** the Development Plans on the proposed Giumpa Office Building located at 10060 Main Street submitted by Architect Daryl Martin dated 12/14/11 and received on February 15, 2012, subject to the following conditions:

1. Subject to conditions of the Town Engineer including issuance of required PIP permits.
2. Subject to review and approval by the Building Department of construction permits on the project as designed.
3. Subject to the review and approval by the Building Department of any proposed site lighting to ensure it is conformance with the Commercial Site Lighting requirements as per Town Code Section 229-90.1.
4. Subject to review and approval by the Erie County Health Department for on-site sanitary facilities.

5. Subject to Landscape Committee review and approval of the final landscape plan.
6. Subject to Open Space and Recreation Fees.
7. Subject to the deletion of the paved surface on the west side of the building as reflected on the plans to stage the proposed dumpster, this area should remain greenspace.

Paul Shear	Aye	Richard Bigler	Aye
George Van Nest	Aye	Timothy Pazda	Aye
Wendy Salvati	Aye	Robert Sackett	Aye
Al Schultz	Aye		

MOTION CARRIED.

Item 3

Affordable Senior Housing Opportunities of New York, Inc.
Commercial

Requests Amended Concept Plan Approval of a proposed Senior Housing project at 8040 Roll Road.

DISCUSSION:

Jim Callahan provided the background on the project noting that the property is located on the north side of Roll Road, east of Transit Road. It is existing vacant land located in the Commercial and Residential Single Family Zone and approved for Commercial and Restricted Business per recent Master Plan 2015 Amendment. The applicant is present seeking Concept Approval and a recommendation for a Special Exception Use Permit for a multi-family housing senior project. A Negative Declaration under the State Environmental Quality Review Act (SEQRA) was issued by the Town Board on December 7, 2011. An area variance was granted by the Zoning Board of Appeals on April 10, 2012 to allow for 13.9 units per acre density or 125 units. The applicant is present seeking Concept approval on an amended design.

A representative for the project is not in attendance.

ACTION:

Motion by Al Schultz, seconded by Robert Sackett, to **table** agenda item # 3 until the end of the meeting to allow time for the applicant to arrive.

ON THE QUESTION:

It is discussed whether or not the agenda item should be tabled until the end of the meeting because if the applicant does not show, the people in the audience who are interested in this item sat through the entire meeting for nothing.

It is also discussed that the audience could voice their concerns and opinions, and although the applicant is not present to reply, at least the comments would be on the record.

Timothy Pazda is in favor of tabling the item outright or letting the people speak now; he would vote no on this motion. Mr. Shear agreed with Mr. Pazda's statement.

Paul Shear	Nay	Richard Bigler	Nay
George Van Nest	Nay	Timothy Pazda	Nay
Wendy Salvati	Nay	Robert Sackett	Aye
Al Schultz	Nay		

MOTION FAILED.

Mr. Van Nest said that on a complicated project such as this he does not think that it is a good idea to let the public speak without having the applicant and technical representative present to address the issues raised.

ACTION:

Motion by George Van Nest, seconded by Wendy Salvati, to **table** the item until the next Planning Board meeting when the applicant can be present.

ON THE QUESTION:

Chairman Schultz agreed with the motion but indicated the Planning Board will need assurance that the applicant will be present at the next meeting prior to putting the proposal on the agenda. He also advised the audience that they may submit comments via US mail or e-mail to the Planning Office, those comments will be forwarded to the Planning Board members and become part of the record.

The applicant arrived at the meeting.

George Van Nest withdrew the motion, Wendy Salvati withdrew the second.

DISCUSSION:

Jeff Haucks, from Affordable Senior Housing, apologized for being late; he had another meeting to attend in the south towns. He explained that they are looking at 125 units which will include 100 2-bedroom units, 25 1-bedroom units for seniors. The total square footage of the building is 129,630. The tenants are 60-65+ years of age with active lifestyles. They are market rate projects that must be economically competitive in order to be successful. This is not subsidized housing nor is it assisted living. Affordable Senior Housing develops, builds and manages the properties long term. There will be very minimal traffic impact, typically only half of the tenants drive. There are no negative issues or comments from neighborhoods of existing buildings. The 300' buffer to the neighbors is being incorporated into the plan. The site design offers an abundant amount of greenspace with two (2) proposed detention ponds. There is ample greenspace on all sides of the property except the part that abuts commercial use. The existing home lot will be a future commercial rental; this property is an economic factor in the feasibility of the project. It would be some type of commercial office, perhaps a dentist or doctor's office. A benefit to having the house remain is it will reduce the sight lines of the proposed senior housing structure from Roll Road. It would also provide another opportunity for a business entity to operate in the Town.

Chairman Schultz asked when the applicant decided that the current rental property was important to this business. Mr. Haucks said it would have been decided by the time the proposal was in front of the Zoning Board of Appeals. The Affordable Senior Housing representative at the ZBA meeting was not

informed that the rental unit would remain and therefore did not provide accurate information regarding that structure.

Mrs. Salvati asked what the square footage of the building at the road is. Mr. Haucks does not know.

Mr. Sackett referred to the site plan and noted that there are two (2) curb cuts to Roll Road; he asked if these cuts would be eliminated. Mr. Haucks said the curb cut to the existing structure would be eliminated. Mr. Sackett asked if sidewalks would be provided for the residents of the facility that run along the road and up to Transit Road for pedestrian traffic. Mr. Haucks said yes sidewalks will be installed as Mr. Sackett noted, along with sidewalks around the entire building itself.

Alan Kramer, of 8080 Roll Road, is present. His father-in-law lives at 8090 Roll Road. His and his father-in-laws concern is the amount of water that can come into properties on the residential side. He is also concerned with the proposal fitting in to the rest of the community. That is a 3-story building; he owns rental properties and knows that seniors do not like to go up and down stairs. A 3-story structure is very high and he will be able to see it from his residence. He is not totally against the project but he thinks it would be better as a 2-story structure. The building in the front is now going to be commercial, does that mean that he has the right to turn his property into a doctor's office and start renting it out. This was not discussed at the Zoning Board of Appeals meeting. He is also concerned with traffic; Roll Road is a very busy road. He has four (4) small children who will be waiting for the bus every morning; he has seen people pass school buses on this road.

Dorothy Gerstner, of 8050 Roll Road, said that up to her house is zoned commercial and always has been, if there is a doctor's office there, it is already zoned commercial. She has lived at this location for 53 years and thinks this is a good project because it is in the back, on the west side of the property there are the backsides of the stores that are on Transit Road, there are woods and a drainage ditch on the north side, then there is the 300' buffer. Something is going to be built on this land; she thinks this is good because there is not a lot of traffic.

Mrs. Salvati reads a letter from Joseph & Margaret Kleinmann of 5623 Kippen Drive, received May 2, 2012 and addressed to the Planning Board Members, James Callahan and Brad Packard: "We were against the zoning board's decision to amend the density for this parcel. This project is too large and will have a negative impact on our property value. However, it appears that this development will move forward. We are concerned about the affects the current plan will have on our property. We would like the planning board to address how this development will impact the surrounding residential homes and what mitigation measures the developer should consider to limit these impacts. Some of the issues we are concerned about are the developer providing adequate shielding from lighting, (parking lot and head light), drainage, the building's exterior and landscaping should be appropriate for the surrounding community. We are also concerned about the construction noise and dust." The letter is on file.

Chairman Schultz said there is another letter on file from the property owner to the west that noted concerns with traffic.

Anthony Gerstner, of 8040 Roll Road, said this land is not going to stay vacant. He thinks this is an excellent proposal; it is taxed at full value where as patio homes would not. It is on high land, it is on a sewer line. The house he resides in at 8040 Roll Road is 1800 square feet, he will not continue to reside there once the proposal gets approved, but he would if he could.

Mr. Kramer has been asked by his father-in-law to speak on his behalf regarding the bus that pulls in to his driveway to pick up his handicapped daughter every morning at 8:30 am. It is very difficult for the bus to pull in and out of the driveway because of the existing traffic.

Dave Spoth, who owns the farm to the north of the project site, thinks this proposal is a good fit. It is a much better fit than the previous Wegmans project. There is a lot of green space. Three stories is a little tall but in order to make it an economically feasible project, it has to be that high. This is a sewered commercial property; something is going to go there.

Joan Engasser, of 8334 County Road, grew up at 8055 Roll Road, her mother still resides there. She would rather see a senior housing project go in than patio homes down the road. A patio home project will generate more traffic than a senior housing development.

Chairman Schultz asked the applicant if he knows why the drainage ponds were moved from the south side of the project to the east side of the project. Mr. Haucks said the plan is conceptual right now; they could be relocated depending on elevations and topography. The plan shows the proposed location of the ponds based on the real life conditions at the site; the natural layout of the land may dictate otherwise but this is what is being proposed at this time.

Chairman Schultz explained that this project will require a Special Exception Use Permit (SEUP) issued by the Town Board, it will require a re-zoning by the Town Board and it will require Concept Approval by the Town Board. The SEUP and the re-zoning will require a Public Hearing and a Super Majority vote. If this is referred to the Town Board, Chairman Schultz wants it to be a thorough recommendation. Chairman Schultz asked the applicant, if the SEUP is approved, would he be amenable to the Town Board setting a condition on the SEUP approval restricting it to senior housing. Mr. Haucks absolutely agreed with the condition. Chairman Schultz believes that, although there will be traffic in and out of this proposed structure, it is not rush hour traffic. Mr. Haucks said the traffic studies that they have indicate that between peak hours there would only be 17 cars per hour in the morning and approximately 23 cars per hour in the evening. Chairman Schultz said this project will create less traffic than any of the alternative proposals.

Timothy Pazda asked if the applicant thinks he is over parked. Mr. Haucks said no, they want to be sure to have room for guests and visitors. Mr. Pazda said he had concerns with traffic but they have been calmed by the fact that most of the additional traffic will not be during rush hour traffic. He has also spent a lot of time at the senior apartments on Sheridan Drive and he rarely sees a car move when he goes by.

Mr. Sackett noted that the height of the building in close proximity to a residential area is a concern voiced by the neighbors. The design calls for trees on the east side of the parking lot, which will probably not cover the three story building. Mr. Sackett suggested the trees be moved to the other side of the detention pond, this would cover more of the view of the building. Mr. Haucks said he would not be opposed to this suggestion, he thinks it is a viable option. He said 5 of the 7 lots that back into the parcel have either a fence or brush that acts as a buffer. Mrs. Salvati asked if the applicant planned on clearing and landscaping the area closer to Kippen Drive or will it all be replaced with lawn. Mr. Haucks said it will be a natural landscape but there would be some new lawn and grading done.

Mrs. Salvati asked about the lighting at the site. Mr. Haucks said they will use typical overhead parking lot lights and there will be security lights on the structure. He will submit a lighting plan.

Mrs. Salvati said the lights must have the proper shield so the light only goes where the applicant wants it to go.

Chairman Schultz thought the area to the east was to remain natural; it could be enhanced with vegetation that will grow tall. Mr. Haucks said once the ponds are installed, the natural layout would be such that there would be grass between the asphalt and the pond area. Chairman Schultz noted that if the project moves forward it will require Landscape Committee review and approval, which will consist of an onsite meeting prior to any construction. The Committee will walk the property and stake it to decide exactly where vegetation will go.

Mrs. Salvati noted that for the 1800 square foot structure up front, the parking requirements for professional office space is one (1) parking space per 200 square feet, so nine (9) parking spaces would be needed. She is concerned with the area that is proposed for parking because it is one of the few places where there are existing trees on the site. She asked that the applicant work with the Landscape Committee prior to developing a plan to determine how he might be able to lay out the parking area so the trees won't be impacted. Mr. Haucks agreed.

Mrs. Salvati noted that the applicant reduced the number of units from 138 to 125, but the size of the building increased by 1,000 square feet; she asked if the applicant knows why. Mr. Haucks does not know. Mr. Shear asked if the proposed structure will look like the photo that was submitted showing an existing senior housing building. Does the view of porches and patios face the east side at the back of Kippen Drive? Mr. Haucks said yes there will be architectural interest on all sides of the building. The photo was taken within the last 10 years and is representative of a typical design.

Mrs. Salvati noted that the drainage design cannot have any more water that runs off the site than what runs off now. Mr. Haucks said the entire site will be engineered.

Mr. Van Nest said that the Planning Board is a recommending body for this project. The Planning Board has reviewed the project numerous times; Mr. Van Nest would like to move forward with the project.

ACTION:

Motion by George Van Nest, seconded by Paul Shear, to **recommend** rezoning the properties (SBL # 57.09-6-12 and SBL # 57.05-5-8) on the east side of Transit road and north side of Roll Road by extending the Commercial Zone 180 +/- feet east and creating Restricted Business Zoning per the previous Master Plan 2015 Amendments.

ON THE QUESTION:

Mrs. Salvati said the Commercial and Restricted Business zones as previously described in the 2011 Master Plan 2015 Amendment that was approved on September 14, 2011.

Paul Shear	Aye	Richard Bigler	Aye
George Van Nest	Aye	Timothy Pazda	Aye
Wendy Salvati	Aye	Robert Sackett	Aye
Al Schultz	Aye		

MOTION CARRIED.

ACTION:

Motion by Al Schultz, seconded by Robert Sackett, to **recommend** Concept Approval of the Affordable Senior Housing Opportunities of New York Senior Housing Project located at 8040 Roll Road, based upon the submitted design from C&S Engineers dated 4/19/12. The recommendation is conditioned on Landscape Review and Approval of the entire parcel prior to any work on the site. Sidewalks will be provided along the north/south walkway and extending west along Roll Road to connect to the existing sidewalk.

ON THE QUESTION:

Mrs. Salvati clarified that the area at the east of the project site is to remain natural. Sight lighting should be fully screened. Review of the small parking area up front should be done in order to preserve the trees as much as possible. The applicant is to consider looking at moving the proposed trees to the property line.

Paul Shear	Aye	Richard Bigler	Aye
George Van Nest	Aye	Timothy Pazda	Aye
Wendy Salvati	Aye	Robert Sackett	Aye
Al Schultz	Aye		

MOTION CARRIED.

Mr. Haucks understands the conditions.

ACTION:

Motion by Robert Sackett, seconded by Timothy Pazda, to **recommend** that the Town Board issue a Special Exception Use Permit for use as a proposed Affordable Senior Housing Project located at 8040 Roll Road, based upon the previously issued Negative Declaration under SEQRA, the area variance as approved by the Town Zoning Board of Appeals and the Concept Plan as approved by the Town of Clarence Planning Board. The permit is restricted to Senior Housing only.

Paul Shear	Aye	Richard Bigler	Aye
George Van Nest	Aye	Timothy Pazda	Aye
Wendy Salvati	Aye	Robert Sackett	Aye
Al Schultz	Aye		

MOTION CARRIED.

Mr. Haucks understands the motion.

Item 4

Spaulding Green TND
Residential Single Family

Requests Preliminary Concept Review of a 43+/- lot Traditional Neighborhood Development located on the south side of Clarence Center Road.

DISCUSSION:

Jim Callahan provided the background on the project noting that it is located on the south side of Clarence Center Road, east of Creekview Drive as part of the Spaulding Greens Open Space Design Development. The applicant is proposing to develop an extension to the previously approved Open Space Design Subdivision. The proposal was originally introduced to the Town Board on December 21, 2011 and referred to the Planning Board. The Planning Board reviewed the concept on January 11, 2012 and tabled the application to review the density. The applicant is present to continue review of the project as an expansion of the original Open Space Design. The density review has been completed and based upon the Law, the number of units and the percentage of open space meets the minimum requirements of the law.

Dominic Piestrak is present along with Ken Zollitsch from Greenman Pedersen. Mr. Piestrak referred to section A of the proposal and said he tried to encourage people to use sidewalks and make Clarence Center a more walkable community. If you supply people, the businesses will come. He plans on having diversity and mixed use in this development.

Chairman Schultz explained that this project is an Open Space Design Overlay to a Residential zone which means it is under Town Board authority and approval. The Planning Board is a recommending body for this project.

Mrs. Salvati explained that this proposed amendment to a previously approved concept plan for the Open Space Design. The applicant has acquired additional lands, therefore he is seeking to enlarge the project and amend the plan. Those changes will include additional open space off Clarence Center Road and a new housing development with access on Clarence Center Road with additional housing added to the project.

Mr. Pazda voiced his concern noting that the original concept plan was approved years ago and now more land has been acquired and there are additions proposed. He asked at what point this is considered a significant change. This should have been part of the original proposal, because that has been approved and now the Board is being asked to approve another part and another part, he does not think this is fair; it should have been looked at all in totality.

Mr. Piestrak said part of the reason it wasn't included in the original proposal is because there was an issue in Sewer District #2, but there is currently a proposed solution to the problem. Until there was a possible solution there was no use in talking about that property. Mr. Zollitsch said that when the concept was approved, the parcel in question was called out as an exception lot simply because there were some sewer issues. The main focus at that time was the areas that are now under construction.

Mrs. Salvati voice her concern regarding the density of what is being proposed in section B of the plan. She sees the way the land in the area is used and the density of residential development in that area, it is totally different from what is being proposed in B.

Vince Salvatore, of 9725 Clarence Center Road, said the character of proposal A is inconsistent with the existing developments in the neighborhood, it is too dense. It will bring a city landscape to an otherwise suburban rural one. A parcel that size should have 12-15 homes on it. He said this proposal would generate 80 or more cars going in and out of the development on the road that is alongside his property. He is concerned that a development of this type will lead to Clarence Center Road being made into a 4-lane road; this would mean frontage on his property would be taken to facilitate that. It

appears that the road along the east side of his property will have no green buffer; he envisions the snowplows burying the various evergreens he planted there. The southern half of his property is already wet in the spring; he is concerned that this development will turn the southern half of his property into a swamp. The view to the east would change from open fields to a solid row of houses. He is not opposed to development, nor is he opposed to having neighbors, but his proposal is too extreme. There is a natural gas fuel line to the east of this proposal. He feels site A is being squeezed between his house and the gas line. He asked where the stores and restaurants are going to be located that these residents can walk to. Will this be an additional proposal? This would create additional truck traffic and noise. If this proposal moves forward he would have to consider moving. His house was physically moved in 1982 from half way down the street; he bought the house in 1984 and has made considerable updates to it. A copy of his e-mail listing his concerns is on file.

Mike Powers, of Creekview Drive, said this is the wrong project in the wrong place. This is a kind of stealth attack, piece-meal plan that Mr. Pazda referred to that makes for very bad planning decisions. To suggest that Mr. Piestrak did not know what might be done with that property at an earlier time is absurd. Mr. Piestrak is an experienced developer who knew exactly what the possibilities were for that project, but knew if they were proposed at the time of the overall project that it would have been shot down immediately. The density is ridiculous and should not be considered seriously by this group. Mr. Powers referred to the description stated previously that this proposal meets the minimum requirements; Mr. Powers hopes that the town has not begun to aspire to the minimum. The reason we have such a great town is because we made intelligent decisions and have done the right thing for the right reasons. The town is saving greenspace and engaging in smart growth, there is nothing smart about this proposal. If traffic is dumped into the existing neighborhood on Kamner, the existing bottleneck will be flushed with double the density that exists now, which will lead to a horrific problem exiting on to Clarence Center Road. The school generates a lot of traffic and if this proposal goes through traffic will be dumped on the east side of the school and that area will essentially be shut down to town traffic in the morning and probably in the evening as well. The soccer center also generates a lot of traffic at its peak hour(s); to generate more traffic from this proposal would create a disaster. This proposal makes no sense and Mr. Powers strongly encourages all Board members to give this serious thought and to do everything humanly possible to shut this down because this is a very bad idea. Mr. Powers spoke about site A, however he does not know enough about site B to give an opinion.

Rita Grabowski, of 5881 Kamner Drive, has been in Clarence since 1963. She said there are Gypsum Mines on the project site. Her property is also on a Gypsum Mine and when she bought her property she had to sign off on the mineral rights. She feels this is an environmental impact. She did not move to Clarence to be crowded into some community just because someone wants to make extra money. She sees greed. The schools are overcrowded now, more schools will need to be built and then taxes will go up.

Bill Richmond said that when he left the employment of the town the number of building permits for a year was fewer than 100. With this project alone the number is over 75. The proposal off Kamner Drive is ridiculous, it is a terrible idea. The developers just want to line their pockets. He does not like it.

Dave Spoth, of 9815 Clarence Center Road, said this proposal is like a pair of shoes that don't fit. Clarence is a Right-to-Farm community, this proposal just doesn't fit.

Paul Hufnagel, 9715 Clarence Center Road, said there is not sufficient storm drainage in that area. He does not see any retention basins proposed for that area and he doesn't see where the storm water is going to go. The ditches can't handle it on Clarence Center Road. Clarence Center Road is not well disposed to the traffic that has to travel it now; it is dangerous and too narrow. The County recently filled in a groove in the road because the road cannot handle the current traffic. He would hate to see half of his front yard taken up by a four lane if the road had to be expanded to handle the traffic.

Ann McGreevy, 9835 Clarence Center Road, said there is a lot of wildlife that lives in the area of the proposed project site. She noted that it looks like an atom bomb went off back there as there isn't a tree around; there is dirt and sidewalks that curve and a road. Her yard is filled with deer, raccoons, fox and wild turkeys. There is nowhere for the animals to go so they go into people's yards. Or they cross Clarence Center Road and get killed or cause accidents.

Mark Lozinak, of 5930 Creekview Drive, said every car that would turn onto Creekview from Kamner would go by his house. It is way too much volume and dangerous to the children in the neighborhood. The run-off from the proposal would run into the creek and the creek goes right to the top now.

Mr. Piestrak said if he didn't propose an Open Space program and proposed a subdivision instead the number of units would be approximately the same but more land would be disturbed. There would be two entrances on Clarence Center Road. He is willing to produce a drawing to show this.

Mrs. Salvati said in concept this is a wonderful thing but it is a matter of where it is located. She is not sure it should be in the outskirts of Clarence Center because it is not in character with the surrounding neighborhood. Mr. Piestrak asked if the Planning Board could recommend a location for this proposal. Mr. Pazda said it could have been approved with the original plan, but now it is too late. There is a development pattern and now the developers are trying to retro-fit this project. Mr. Piestrak said 5 years ago was not the time or the place for this project.

Mr. Bigler said that when Mr. Piestrak originally came to discuss the Spaulding Green project with the board, he said he would leave the land by Clarence Center Road as is. Mr. Piestrak said that was only because of the sewer problems, he did not say he would leave it as open space nor did he say he would never do anything with it. Mr. Bigler asked if the sewer problems are gone now. Mr. Piestrak said there is an opportunity to fix them. Mr. Shear said the sewer problems are not gone. Inspections are being done on the houses in Clarence Center; his is being done next week. His understanding is that there will be a significant number of homes inspected in and around Clarence Center to determine where their water is going, whether into the septic system or the storm water system. Once the inspections are done and corrections are made, the flow will have to be monitored assuming there has been a significant change. None of this could happen before next spring, because they have to look at fall rain, snow and spring run-off. Currently a moratorium does exist.

Chairman Schultz said Mr. Piestrak is working with the Town Engineer to work on resolutions to end the sewer problem and end the moratorium. There has been no Town Board action to set a moratorium, however, it is clarified that the Town Engineer has stated that he will not approve any project until the issue is resolved.

Mr. Van Nest said that after looking at the original project years ago and reviewing this proposal today and listening to the comments he is not sure that the board is in the position to move forward without further detailed analysis as to whether or not this is going to fit and a good use within the overall context of the Open Space Design. He is not sure the project should be approved as currently designed

and he would not want the board to make a decision and send the applicant through the SEQRA process if the board doesn't think there is reasonable likelihood that the process is beneficial. He thinks additional time and analysis is needed for this proposal.

Chairman Schultz agreed with Mr. Van Nest. He questioned exactly what analysis needs to be done.

Deputy Town Attorney Steve Bengart asked if the Planning Board is asking for further information from the applicant.

Mr. Van Nest said he is not looking for more information from the applicant. He is asking for additional time for the Planning Board to analyze the proposal. Mrs. Salvati agreed and said the SEQRA review will provide standard information, the real issue here is the impact to the community from the perspective of the community character. Chairman Schultz said it is a fundamental issue; does the Planning Board believe that this density is appropriate in that spot.

Mr. Pazda thinks this is an intriguing project but it is just not in the right spot.

Mr. Piestrak said if the town says they don't want higher density than they are saying they don't want walkable communities. Mrs. Salvati said she could walk to Clarence Center now, but there isn't a lot to do there. Otherwise she has to drive everywhere.

Mr. Piestrak said in 20 years Clarence Center will mature with this development and everyone will be a winner. Mrs. Salvati does not think that the 43 unit proposal will enhance the economic prosperity of Clarence. Mr. Piestrak said this proposal is just a start. He said there is no site where the people are going to say bring this to my community.

Mr. Van Nest said the Planning Board's job is to fairly and objectively analyze land use and planning issues and do what they believe to be in the best interest of the community. That means trying to set aside feelings; how a member feels about a project and strictly look at it from a land use and planning perspective. The Planning Board's challenge is compounded by the interest and concerns of the community and the need that the board has to do what is best for the overall community, as well as be consistent with good planning.

ACTION:

Motion by George Van Nest, seconded by Richard Bigler, to **table** agenda items 4 and 5 to provide further opportunity for the Planning Board members to meet at an executive meeting to evaluate the proposal more closely in the context of what this would mean for the development and for the community.

Paul Shear	Aye	Richard Bigler	Aye
George Van Nest	Aye	Timothy Pazda	Aye
Wendy Salvati	Aye	Robert Sackett	Aye
Al Schultz	Aye		

MOTION CARRIED.

Item 5

Spaulding Green Phase 11 (eleven)
Residential Single Family

Requests Preliminary Concept Review of a 33+/-
lot Open Space Design Development located on
the north side of Greiner Road.

ACTION:

Motion by George Van Nest, seconded by Richard Bigler, to **table** agenda items 4 and 5 to provide further opportunity for the Planning Board members to meet at an executive meeting to evaluate the proposal more closely in the context of what this would mean for the development and for the community.

Paul Shear	Aye	Richard Bigler	Aye
George Van Nest	Aye	Timothy Pazda	Aye
Wendy Salvati	Aye	Robert Sackett	Aye
Al Schultz	Aye		

MOTION CARRIED.

Meeting adjourned at 9:35 p.m.

Carolyn Delgato
Senior Clerk Typist