

Town of Clarence
Planning Board Minutes
Wednesday May 30, 2012

Agenda Items 7:00 pm

Approval of Minutes

Item 1

Carol Montante
Residential Single Family

Requests a Negative Declaration under the State Environmental Quality Review Act (SEQRA) for a proposed house/barn demolition at 4805 Shimerville Road.

Item 2

Spaulding Green/Dominic Piestrak
Residential Single Family

Future Phases Discussion.
Note: This item will be a work session of the Planning Board with no formal action to be taken.

Chairman Al Schultz called the meeting to order at 7:00 p.m.

Councilman Robert Geiger led the pledge to the flag.

Planning Board Members present:

Chairman Al Schultz	Vice-Chairman Robert Sackett
2 nd Vice-Chairperson Wendy Salvati (arrived late)	
George Van Nest	Richard Bigler
Paul Shear	Gregory Todaro (arrived late)

Planning Board Members absent: Timothy Pazda

Town Officials Present:

Assistant Director of Community Development Brad Packard
Councilman Robert Geiger
Deputy Town Attorney Steve Bengart

Other Interested Parties Present:

Michael Longo	Paul Hufnagel	Cheryl Hufnagel
Marilyn Hesslink	Charles Daigler	Mark Arnold
Barb Walgate	Dan Walgate	Susan Lozinak
Mickey Druar	Rob Lane	R. Dickinson
R. M. Grabowski	W. Grabowski	Wm McGrath
Holly Hanssel	Eric Vetter	Dan Jones
Holly Jones	Peggy Spoth	

Motion by Robert Sackett, seconded by George Van Nest, to **approve** the minutes of the meeting held on May 2, 2012, as written.

Paul Shear	Aye	Richard Bigler	Aye
George Van Nest	Aye	Robert Sackett	Aye
Al Schultz	Aye		

MOTION CARRIED.

Motion by Paul Shear, seconded by Robert Sackett, to **approve** the minutes of the meeting held on May 16, 2012, as written.

Paul Shear	Aye	Richard Bigler	Aye
George Van Nest	Aye	Robert Sackett	Aye
Al Schultz	Aye		

MOTION CARRIED.

Item 1

Carol Montante
Residential Single Family

Requests a Negative Declaration under the State Environmental Quality Review Act (SEQRA) for a proposed house/barn demolition at 4805 Shimerville Road.

DISCUSSION:

Brad Packard provided the background on the project. The project site is located at 4805 Shimerville Road and the applicant is currently requesting a demolition permit for the removal of a primary residence and barn located at the property. The property is located within the Residential Single Family zoning district and consists of approximately 1.4 acres having 253’ of road frontage onto Shimerville Road. As the structures in question were constructed prior to 1950 and in association with local law provisions, this action would be considered a Type I action under the State Environmental Quality Review Act (SEQRA). This consideration has received a coordinated review, including a referral to the Town of Clarence Historic Preservation Commission. The Commission had the opportunity to review the structures and consider the demolition and have recommended a Negative Declaration under SEQRA concerning their removal. The applicant is present this evening for further comment and is requesting an official determination under SEQRA of the Planning Board.

Architect Michael Longo is representing the Montante family.

Mrs. Salvati asked what the applicant plans to do with the land after the house is taken down. Mr. Longo said the applicant has no plans to re-develop that property; they plan to use it as a natural buffer to their home on the adjacent property.

ACTION:

Motion by Wendy Salvati, seconded by Richard Bigler, pursuant to Article 8 of the Environmental Conservation Law, the Planning Board **issue** a Negative Declaration on the proposed demolition permit for both the existing residence and barn at 4805 Shimerville Road. This Type I Action involves

the demolition of structures built prior to 1950. After thorough review of the submitted Part I and Part II of the Environmental Assessment Form and proposal having included a coordinated review with review and comment from the Town of Clarence Historic Preservation Commission, it is determined that the proposed action will not have significant impact upon the environment.

Paul Shear	Aye	Richard Bigler	Aye
George Van Nest	Aye	Robert Sackett	Aye
Al Schultz	Aye		

MOTION CARRIED.

Item 2

Spaulding Green/Dominic Piestrak
Residential Single Family

Future Phases Discussion.

Note: This item will be a work session of the Planning Board with no formal action to be taken.

DISCUSSION:

Chairman Schultz explained that the applicant proposed to expand the development to the north and to the east. The Planning Board decided to table the project to obtain more information on the proposal. The meeting this evening is to obtain a further understanding of the project, there will be not action taken.

Brad Packard provided the background on the project. The Planning Board will be reviewing 2 sites as depicted on the power point presentation. Site B is an expansion of the existing patio home site project that has currently been approved within the Spaulding Green project site. Site A is to the north of the development and is a proposed row house traditional neighborhood type development. The required open space acreage has been satisfied.

Project Site B is a patio home type project and is in Sewer District #4. Primary traffic impact will be consolidated to the Greiner Road corridor.

Project Site A is in Sewer District #2. The primary traffic impact would be in the Clarence Center Community, specifically Clarence Center Road. The site is currently zoned partially Residential Single Family and partially Agricultural Rural Residential. It is on the south side of Clarence Center Road, east of Goodrich Road within the overall Clarence Center Hamlet. The current zoning of Residential Single Family is a zoning classification that is intended to contain all future and large scale residential developments, specifically in relationship to sewer districts. The intent is to maintain open space while consolidating residential developments. The portion of the site that is zoned Agricultural Rural Residential is envisioned to maintain the rural character of the community in that area. The sum total of the site is approximately 43.7 acres on the south side of Clarence Center Road with +/- 420' of road frontage. The lot yield is 62 total units, which means that is how many lots are allowed there per the code. Mr. Packard explained the details of how the calculations are made. There are not many development constraints on this property. Chairman Schultz said this calculation is applied to any and all projects that come before the Board.

It is clarified that the applicant owns the exception lot on Clarence Center Road.

One development option for this area is a public road extension subject to the oversight and approval of the Town Board. That public road extension would have to incorporate minimum lot areas for the proposed building lots. The maximum number of lots in this type of development would be 43 lots.

Another option would be an Incentive Lot Design. This type of project requires 25% of the land area turned over to a conservation easement. This would have the same lot yield as the public road extension option (43 lots). The average size of the lots would be from 5,000 to 20,000 square feet. The Incentive Lot Design allows for variation in lot size and housing type.

The third option is an Open Space Design Subdivision, which is what the applicant previously proposed. It has the same lot yield at 43. In this particular design pattern 50% of the developable land area has to be preserved via a conservation easement. This option helps with the long term tax burden that is associated with a conventional subdivision whereby those 43 housing units are achieved over the entire balance of the project site. The same number of housing units is serviced and the same tax value is being derived but there is greater infrastructure cost implications as opposed to a densified housing project that offers a variation of lot sizes and housing types. The proposed Open Space Design Subdivision meets the requirements of the law. It also meets the Subdivision of Land Regulations.

Resident concerns were listed and briefly discussed. Included, but not limited to, were the following:

1. Overall project density/lot count.
2. Proposed subdivision type differs from the character of the existing neighborhood and is therefore inconsistent with the desired future community development type.
3. The proposed project presents traffic concerns for both Clarence Center Road and Kamner Drive.
4. There does not exist a sufficient plan for stormwater management on site.
5. The vista to the east for existing Kamner Drive residents will be permanently altered.
6. There may be existing abandoned Gypsum Mines below the project site.
7. There may not existing sufficient school district capacity for the potential student enrollment increase.

Dominic Piestrak is present and explained there will be a 200' buffer on both sides of the entrance road. The buffer behind the existing home is 80'. There is no longer a roadway connection to Kamner Drive, a walking path is proposed in that area now. There is a 110' buffer from the back of Kamner Drive to the ally.

Ken Zollitsch from Greenman Pedersen is present. He explained that the entire development has been shifted to the east which will be closer to the gas line by reducing the buffer to those homes on the east side; this allows a greater buffer to those residents on Kamner Drive. They have eliminated four (4) lots. The road has been shifted to the east as well to take it a bit further from the existing residents. They have elongated the cul-de-sac to allow a larger green center there. There are sidewalks shown throughout the development. The pedestrian path that connects to Kamner Drive will be made wide enough so emergency vehicles can access that path if necessary. This path will be gated off and there will be no vehicle use by the public allowed.

Mr. Bigler said he still has concerns over the sewer. Mr. Piestrak said currently there is a moratorium in Sewer District #2, so he must come up with a solution or he can't do the project.

It is clarified that there are no changes to Site B. Mr. Sackett asked why Site A has to be an extension of Spaulding Green rather than a stand-alone project. Mr. Zollitsch said under the impact statement that area was examined. Mr. Piestrak said at the time there were no solutions to the problems in Sewer District #2 so that area was eliminated. Mr. Sackett asked why these two project sites are being looked at separately but as a link to the whole Spaulding Green project. He said it appears the applicant is sub-optimizing; looking at Site A separate from Site B separate from the entire project, and he is having a hard time with this.

Mrs. Salvati said that in order to get Site A and Site B, the open space that is part of A was being offered because this was all going to be an expansion of Spaulding Green. She referred to the plan that shows 43 lots and asked how the applicant can achieve Site B, because he needs some of that open space. If he does the other plan that makes it separate from this because in order to get 43 lots spread out, if it is still going to be part of Spaulding Green, where is the open space going to be offset? This is a subdivision layout that could be achieved but in order to do that it has to be done separate and apart from Spaulding Green expansion. Mr. Packard noted that, in terms of the Open Space Design, Site A and Site B have to be considered in tandem as an overall expansion of the Spaulding Green site. It would be possible to analyze Site A strictly on its own merits and remove the land area required within project Site A to satisfy B, but that project site was part of the original EIS, it was part of the overall scope of the project. Mrs. Salvati asked where the open space is to satisfy Site B. Mr. Piestrak said you can satisfy that by keeping the jog of land to the east connected. He said Site B does not require a lot of outside open space.

Gregory Todaro joined the dais.

Mrs. Salvati asked why the applicant needs such a big area for Site A and only a little strip for Site B. Mr. Piestrak said he did the calculations and there is adequate open space to either do the sites separate or together. The undeveloped portion of Site A satisfies the requirements for Site B.

Mr. Packard clarified that the open space required for Site B in association with the entire plan is about the width of the southern red line on the site plan that is displayed on the screen.

Chairman Schultz said if and when this moves forward the Planning Board will look at all of Spaulding Green with regards to the density.

The smallest proposed lot size is 50' x 130'.

Mr. Todaro said Site B is out of character because of the proposed density. Site A has other issues but he feels this site is out of character due to the density as well. He asked if Site B could be located more in the center of the entire project. Mr. Piestrak said he wanted to make a walking path that runs through the open space that is centrally located at the site. Also, the patio houses are in the middle of the development. Mr. Piestrak has not talked to the adjacent neighbors of the project site.

Mrs. Salvati thinks that Site B is out of character due to the density.

Mr. Piestrak said the patio home site will have units with no windows on the back or the side of the structure, the owner will not use the backyard and will be 1500 to 1900 square feet.

Mr. Van Nest said this is a trade-off of the Open Space Design Law and what the Planning Board is looking at for community character. The Open Space Design is going to be denser than surrounding

developments, that's the nature of the law. It is not going to be more, it will be equal to or less than what is allowed under existing zoning. The Open Space Law allows for denser congregation of houses. How does the overall project fit into the community and the Master Plan? He does not know that community character and Open Space Design are naturally inconsistent other than what is already recognized by the law. They are allowed and encouraged to be inconsistent. Mrs. Salvati thinks some consideration must be given to how the surrounding land is developed.

Mrs. Salvati favored the roadway connection. Mr. Piestrak said it is not his decision.

Vince Salvatore said with increased density comes increased criminal and non-criminal complaints. What is the potential effect of that level of digging on the surrounding properties? He asked why the discussion is continuing on this proposal.

Chairman Schultz said one reason this proposal is being discussed is because the property is zoned Residential Single Family which would allow for 61 houses under the law, the Planning Board is obliged to follow the law; these are the constraints that need to be considered along with public comment.

Mark Arnold asked for clarification on the location of the wetlands on and around the property. Ken Zollitsch explained that the dotted areas on the plans are wetlands and the other lines are people's lots. Mr. Zollitsch confirmed that the wetlands will not be developed.

Dan Walgate, of Creekview Drive, asked where the sewer district lines end. Mr. Packard does not have that information available in a slide but he believes it ends at the new project. Mr. Walgate said the reason they want to put the sewer in where there is high density is to avoid putting sewer lines into the next road, which is Kraus Road. Chairman Schultz noted that this project can only be done on sewer lots.

Robert Lane, of 5920 Kamner Drive, asked if the area around the proposed walking path is a buffer. It is clarified that it is a portion of the 50% open space requirement, subject to a conservation easement. It will be a landscaped buffer 110' wide. The Landscape Committee will require the applicant to plant many trees there, if there are existing trees the applicant will be required to leave them. Mr. Piestrak said he will leave what is existing, it will remain untouched.

Mr. Van Nest suggested the project go to the Planning Board Executive meeting for discussion on when it should be placed on a Planning Board agenda for further action.

Mr. Sackett noted that no one from the community has spoken for or against Parcel B. He also noted that most of the concerns will be addressed through the environmental review process. Mr. Sackett thinks the next step is to obtain comments from involved agencies.

Mr. Shear suggested that this project be viewed in terms of the Hamlet of Clarence Center as it is an extension of Clarence Center.

Mr. Todaro said when the involved agencies review the project it should be reviewed as a whole.

Meeting adjourned at 8:20 p.m.

Carolyn Delgato
Senior Clerk Typist