

Town of Clarence
One Town Place, Clarence, NY 14031
Planning Board Minutes
Wednesday August 19, 2015

Work Session 6:30 pm
Status of TEQR Coordinated Reviews
Review of Agenda Items
Miscellaneous

Agenda Items 7:30 pm
Approval of Minutes

Item 1

Cobblestone Center Phase II
Restricted Business

Requests Amended Concept Plan Approval of a proposed mixed-use project and a recommendation for a Special Exception Use Permit for the project located at 8584-8590 Sheridan Drive.

Item 2

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

Requests an Amendment to the existing Waterford Village PURD to approve a 77-unit multiple family housing project at Waterford Campus.

Chairman Robert Sackett called the meeting to order at 7:30 p.m.

Director of Community Development Jim Callahan led the pledge to the flag.

Planning Board Members present:

Chairman Robert Sackett	Vice-Chairman Paul Shear	2 nd Vice-Chairperson Wendy Salvati
Timothy Pazda	Gregory Todaro	Steven Dale Jeffrey Buckley

Planning Board Members absent: Richard Bigler

Town Officials Present:

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

Other Interested Parties Present:

Carol Conwall	David LaDuca	Laurie Hauer-LaDuca	Philip Gulisano
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Chairman Sackett noted that in the absence of Planning Board Richard Bigler, alternate Planning Board member Jeffrey Buckley will be participating in all discussions and voting on all agenda items this evening.

Motion by Timothy Pazda, seconded by Paul Shear, to **approve** the minutes of the meeting held on August 5, 2015, as written.

ON THE QUESTION:

Mr. Dale did not complete his review of the minutes so he will abstain from the vote.

Jeffrey Buckley	Aye	Steve Dale	Abstain	Gregory Todaro	Abstain
Timothy Pazda	Aye	Wendy Salvati	Aye	Paul Shear	Aye
Robert Sackett	Aye				

MOTION CARRIED.

Chairman Sackett explained the procedure for the meeting noting that Mr. Callahan will introduce each agenda item. The applicant will have the opportunity to add comments. The Planning Board will then ask questions of the applicant. The audience will then be invited to speak on the project. Any questions and/or concerns noted by members of the audience may be answered by the applicant or by the Planning Board members. The Planning Board will then take an action as they see fit.

Item 1

Cobblestone Center Phase II
Restricted Business

Requests Amended Concept Plan Approval of a proposed mixed-use project and a recommendation for a Special Exception Use Permit for the project located at 8584-8590 Sheridan Drive.

DISCUSSION:

Jim Callahan provided the background on the project noting that it is located on the north side of Sheridan Drive, east of Harris Hill Road. It is an existing previously approved daycare center with two (2) office buildings. The daycare center was constructed in 2009 as part of Phase I. The applicant is seeking an amendment to the previously approved plan to allow for two (2) mixed-use buildings instead of two (2) office buildings. The proposed amendment will require Town Board approval, the Town Board will act as Lead Agency on this action.

Robert Blood from Lauer-Manguso Architects is present along with Anthony Insinna from Doodlebugs and the Cobblestone Center.

Chairman Sackett asked if the units, including the garages, will be sprinklered. Mr. Blood said both buildings including the garages will be entirely sprinklered.

Chairman Sackett noted that changes have been made to the elevations of the buildings, the new submittal is dated August 19, 2015. Mr. Blood said those changes include incorporating more stone along the sides, incorporation of dormer on the parking lot side. The building has been decreased by a couple feet in height. The roof ridge is 33'. Mr. Blood said with regards to the concern of the scale of

these buildings, they have submitted a site rendering which is included in the power point presentation and is on display for all to view. This shows the entire site, in context.

Chairman Sackett asked about the stone wall as screening for the parking. Mr. Blood said they reached out to some masons in the area to obtain a preliminary cost. They are looking at approximately 120 linear feet opposite the parking areas and the estimates ranged from \$15,000 to \$24,000. Chairman Sackett explained that the reason the Board asked for the stone wall is because it provides screening for the residential neighborhood across the street on Sheridan Drive. Chairman Sackett asked the applicant what he would use for buffering if they did not do a stone wall. Mr. Blood said there would be evergreen plant material there. Mr. Insinna said the reason he is not in favor of the stone wall is because he needs a place to store the snow. The site plan shows no snow storage without taking out a lot of parking spots. He used to be a snow plower in the area so he knows about the need to store snow. He suggested putting some evergreens on the south side adding to the trees that are already there. If he put the stone wall in he would be restacking it every year, snow plowers will not be that careful plowing near that wall and it would become an eye sore. It is noted that the present trees depicted on the site plan are small now. Mr. Insinna said they haven't done anymore landscaping at the site because they were anticipating adding these buildings and they would not want to have to take the landscaping down or damage it. As a former landscaper Mr. Insinna is going to make sure it will look good. He has other businesses in Town and has spent a lot of money on landscaping to make them aesthetically pleasing. Chairman Sackett said the Landscape Committee would require the applicant to screen the parking and they will be interested in the proposal. Mrs. Salvati asked how many feet there are between the edge of the septic system and the edge of the parking lot. Mr. Blood said it is 15 feet, which is as far as he could go without impacting the septic system, and providing some room for snow storage. Mrs. Salvati suggested planting a line of shrubs along the edge of the septic system, which will still leave several feet to be able to pile the snow. The goal is to form a visual buffer.

Chairman Sackett asked for details regarding the lighting. Mr. Blood said that it will be the exact same fixtures that exist on the site now that run up the central spine of the entrance road. There would be four new fixtures added in the planting beds at the end of the parking rows. Same style, same height, and same shading. The height would be about 15'. Chairman Sackett said the lights should be as low as possible, but as high as necessary. Mr. Blood confirmed that the lights will be shielded. Mr. Shear said with the apartments above some amount of lighting will be required in the evenings and/or overnight. He asked if there will be wall packs at the entrances. Mr. Blood said yes there will be lighting by the doorways and the enclosed glass section where the stairwells are will have lighting provisions as well. Mrs. Salvati asked if the four (4) existing lighting standards will stay on all night. Mr. Insinna said they shut off around midnight. Mrs. Salvati said due to the residential component the applicant will want to keep lighting on for a certain length of time. There will be security lighting, perhaps soffit lighting. Any wall packs will be shielded.

Mr. Dale stated for the record that he would like to remind the applicant of the guidelines and restrictions of the new code and that he will be required to come before the Planning Board for approval of any proposed retail businesses in this Restricted Business zone. Mr. Blood said yes, they are aware of that.

Carol Conwall of Meadowbrook Road referred to the landscape rendering of the entire development and said it looks big compared to what it is, there won't be all that greenspace that is depicted. It looks like a lot of open space and the buildings look big. She asked if the buildings are in perspective with the elevation of Sheridan Drive. Is everything appropriate when you are looking at the skyline view of it all? Is it to scale of the skyline of Sheridan Drive? She asked the Board members if they have driven down Sheridan Drive to see the property now and what they're proposing to do. She referred to the top

rendering of the project and asked if it will be business or retail. She also asked how wide the buildings will be. She went on to ask if the fire department will be able to get their vehicles in there if necessary. The welcoming station is very large, would a fire truck be able to get on the premises and maneuver around to take care of any issues on the property? She then asked how this development will add to the traffic. It is hard to make a left hand turn onto Sheridan Drive, so no matter where you live on Sheridan Drive, making a left hand turn is going to be difficult. When will the State come in and figure out when to put a turning lane in for people to make left hand turns, or for the people to come out of the side streets? When will the State realize that the road needs to be widened for safety purposes? Especially in the morning when there is bright sunshine, it is a fast paced road, and becomes increasingly unsafe. When will the State look at the Town's overall traffic pattern? The timing of the signals at Harris Hill Road and Shimerville Road needs to be better coordinated.

Laurie Hauer-LaDuca lives at 8585 Sheridan Drive. She is an architect and understands scale and building types and what is required for parking and lighting. This two and half story building is out of scale with the neighborhood. The only other two-story building is the Erie Niagara Building closer to Shimerville Road. She noted that the original concept plan was for a single story professional office building which seems more conducive with the existing Doodlebugs use. The lights go out at 10:00pm for Doodlebugs and Musso Plumbing. This multi-use building is a current trend design seen everywhere, it is proposed everywhere but doesn't fit everywhere. She sees them all down Transit Road but Sheridan Drive is not Transit Road and unless the Board is saying they want Sheridan Drive to become Transit Road, this is not appropriate. Perhaps this should slide closer to Harris Hill Road and Sheridan Drive, which is zoned straight commercial. Currently, when she looks at the parking lot for Doodlebugs it is entirely filled up the center, the parking is 70% filled right now. The lighting for professional office would not need to be on all night. The retail space is going to want to have lights on past 10:00pm, what if it is a bar and open until 4:00am. There has to be lighting for the residents on the second floor. Traffic is an issue, 55-70 miles per hour is the average speed in this area. Another parking signal is needed and Meadowbrook or Wenner and Boncrest. Instead of widening the road she would suggest keeping it the way it is and taking the lanes out to make a turning lane in the middle so there is a single lane either way to slow it down. She is also concerned with the dumpster service and snowplowing, and what time those services will take place. She is concerned with the drainage noting that Cimato filled property by about 8' in 2005/2006 and raised the grade of the road to what it is today. The existing creek got re-routed or covered over and her basement has been unusable since then. She noted that there is a lot of building for the septic, so she questions the amount of area for the septic. She would like to see pine trees as a buffer so she would not have to look at the septic. She would like to see pine trees as a buffer so she would not have to look at the septic. Her concern is if the Concept Plan is approved and it goes to the Town Board, the Town Board will think that the Planning Board thinks it is ok. She asked where, in that transition, do all these comments get considered.

David LaDuca, of 8585 Sheridan Drive, concurs with everything his wife said. The traffic is a huge concern, cars don't stop for the bus that picks up his son. The cars turning into Doodlebugs stack up to his driveway. It is not safe. The proposed plan will generate more traffic later at night, more lighting and more odors. He asked the Board members to look at all levels of this proposal before it goes to the Town Board.

Anthony Tomasula owns the office building at 8660 Sheridan Drive. In the 10 years he has owned the building there have been 14 car accidents in front of his building. This is a dangerous stretch of Sheridan Drive. He appeals to the Town every time there is an accident there to put up a stop sign or something to slow the traffic down, but they say they can't do anything because it is a State highway issue.

Mr. Insinna said the Doodlebugs building is 29' high, the proposed building is 33' high. He confirmed that the drawing is to scale; the greenspace is to scale. He also confirmed that they have proper access for fire trucks, the site has been designed for that. There were 10 fire trucks on site 2 or 3 years ago and they did not have a problem with access.

Mr. Insinna referred to the traffic concern and said the project was already approved for 16,000 square feet of professional office, they are decreasing that to 12,000 square feet and adding apartments above. He does not think there is going to be an increase in traffic created by the change in use. He thinks this project fits in with the character of the neighborhood, they are adding a residential component reducing the commercial component. Next to this project is Musso Plumbing with dump trucks going in and out of the property. Mr. Insinna said he would rather see this proposed mixed-use than more warehousing and dump trucks. He then referred to the parking situation and said at any one time during the day there are 25-30 parking spots filled by the Doodlebugs employees or parents dropping off and picking up their children, there is plenty of parking available. Mrs. Salvati reads from the plan which states there are 143 parking spaces required, the applicant is providing 155 or 156.

Mr. Insinna said they have improved the drainage on the site. They cut 4'-5' of the site and spent \$150,000 in trucking costs hauling the stuff off site. They built the retention area which cost hundreds of thousands of dollars. This was all designed with this future phase in mind. The septic system was also designed for the future phase.

Mr. Insinna knows that he will have to come back before the Planning Board for some uses that will be proposed for the commercial component. If he put a pizzeria in that cooks chicken wings and the odor lingers, his tenants will not want to stay. So he will be very aware of what types of business tenants go in there and will be cognizant of the impacts they will have on the tenants up above. Mr. Blood said the intention is to bring commercial uses into the building that relate to the daycare, for example a dance studio.

Mr. Blood noted that the width of the buildings at the garage end is 48'. At the south elevation facing the street it is 33' wide.

Mr. Insinna does not know the time Modern comes to pick up the dumpsters, but they are picking up now and they haven't had any complaints. He would not want his tenants interrupted by that any more than the neighbors.

Chairman Sackett asked if the applicant has the permit yet from the County for the septic. Mr. Blood said they do not but they have had preliminary discussions. The applicant is aware that they need to obtain a permit. There will be sufficient capacity in the septic systems to accommodate the uses and the twelve (12) residences.

Chairman Sackett noted that this is a new use in this zone, the Board is bound by code that the Town Board passes but it is not a right. The Town Board has to approve this usage. The actual businesses, individually, will have to come before the Planning Board for approval. Chairman Sackett addressed the traffic concerns by saying that it seems to be an existing problem and he suggested calling the authorities to monitor the speed limit. If he lived in that neighborhood he would appeal to the Town to talk to the State, based on hard evidence of violations or accidents, for mitigation. The road is not a Town road so the Town cannot alter it.

Mrs. Salvati said the applicant has worked with the Planning Board to mitigate the concerns of the neighbors. The use is allowed by code and the design of the buildings meets code, so the Planning Board cannot deny the project because the neighbors don't like it however they do try to strike a balance.

Chairman Sackett noted that he visited the site numerous times from both sides of the road. The Board looks at overhead pictures of the community to try and mitigate the impacts the development may have.

Mrs. Salvati noted that the original proposal had a higher requirement for parking and would have generated more traffic.

ACTION:

Motion by Timothy Pazda, seconded by Paul Shear, to **accept** the Part 2 Short Environmental Assessment Form (SEAF) as prepared by the Planning Department.

Jeffrey Buckley	Aye	Steve Dale	Aye	Gregory Todaro	Aye
Timothy Pazda	Aye	Wendy Salvati	Aye	Paul Shear	Aye
Robert Sackett	Aye				

MOTION CARRIED.

ACTION:

Motion by Timothy Pazda, seconded by Paul Shear, pursuant to Article 8 of the Environmental Conservation Law, to **recommend** a Negative Declaration on the proposed Cobblestone Center Phase 2 located at 8584-8590 Sheridan Drive in the Town of Clarence. This Unlisted Action involves an amendment to the existing Special Exception Use Permit to allow for two (2) mixed use buildings. After thorough review of the submitted site plan and SEAF it is determined that the proposed action will not have a significant negative impact upon the environment.

Jeffrey Buckley	Aye	Steve Dale	Aye	Gregory Todaro	Aye
Timothy Pazda	Aye	Wendy Salvati	Aye	Paul Shear	Aye
Robert Sackett	Aye				

MOTION CARRIED.

ACTION:

Motion by Timothy Pazda, seconded by Paul Shear, to **approve** the concept Plan for two (2) mixed use buildings at 8584-8590 Sheridan Drive as per the submitted plans and elevations from Lauer-Manguso Architects dated August 19, 2015, with the following conditions:

1. Lighting to be downcast and dark sky compliant to remove spill to adjoining uses.
2. Landscape review and approval prior to Development Plan Approval.

ON THE QUESTION:

Mr. Shear noted that these buildings in the Residential Business Zone can be either residential or office medical complex. If the applicant revises the plan showing office use for both buildings, that is an acceptable use. If he chooses to make some portion of that retail then that portion will come back to the Planning Board, nominally at 2500 square feet per unit/business, for review.

Jeffrey Buckley	Aye	Steve Dale	Aye	Gregory Todaro	Aye
Timothy Pazda	Aye	Wendy Salvati	Aye	Paul Shear	Aye
Robert Sackett	Aye				

MOTION CARRIED.

ACTION:

Motion by Timothy Pazda, seconded by Paul Shear, to **recommend** an amendment to the existing Special Exception Use Permit to allow for two (2) mixed use buildings per the approved concept plan.

Jeffrey Buckley	Aye	Steve Dale	Aye	Gregory Todaro	Aye
Timothy Pazda	Aye	Wendy Salvati	Aye	Paul Shear	Aye
Robert Sackett	Aye				

MOTION CARRIED.

The applicant understands the actions and agrees with the conditions.

Item 2

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

Requests an Amendment to the existing Waterford Village PURD to approve a 77-unit multiple family housing project at Waterford Campus.

DISCUSSION:

Jim Callahan provided the background on the project noting that it is located on the north side of Roll Road, west of Dana Marie Parkway. It was the previously approved Campus portion of the Waterford Village Planned Unit Residential Development. The applicant is seeking a recommendation for an amendment to the approved plans to accommodate 77 multi-family units with no commercial component. The proposed amendment will require Town Board approval. The Town Board is Lead Agency on this action.

Peter Sorgi, of Hopkins, Sorgi and Romanowski, is present and explained that the project was first approved in 2001 and this portion, which consists of 7.29 acres, was largely commercial and a fairly controversial plan. In 2010 this Board recommended approval for a part commercial and 100 multi-family units. In 2014 this application was filed and started with 92 townhouses, primarily three (3) stories. The applicant worked with various Town boards and departments and revised the plan substantially. The proposal is now for 69 two-story townhouses and 8 one-story townhouses. It will be high-end housing consistent with the current demographics. The applicant has discussed the energy

supply with NYSEG and they are assured there is ample supply for this project. The construction season for this project will last 18-24 months.

Dave Sutton from Sutton Architecture is present and explained there have been several design refinements in order to address the concerns of the Board and the Planning Department. He went on to explain that each unit is an individual unit, townhouse style. The applicant feels there is a strong market for this and that it is a quality design. Each unit will have an attached garage. The exterior materials will be a combination of brick and stone. The siding will be Hardie siding, no vinyl products will be used. Mr. Sutton said there have been some minor refinements made which consist of possibly putting in some glass window units into the garage doors. They are bringing the stone water table around all four sides.

Chairman Sacket asked for clarification on whether there will definitely be glass windows on the garage door. Mr. Sorgi said yes and they would agree to that as a condition of the approval.

Mr. Shear said this project was reviewed by the fire department and the appropriate fire chiefs, and with the adjustments that were made, it now meets code in all respects including location of fire hydrants, radiuses of turns, etc. Mr. Shear said originally he was not pleased with the duplexes, but the applicant has done a nice job cleaning them up and he thanked them for that.

Chairman Sackett stated that the Town Engineer asked Mr. Hopkins whether they would consider lighting Dana Marie by installing lights down Dana Marie, between Roll Road and Covington Drive. Mr. Sorgi said they agreed to light the Roll Road entrance way, there was also discussion about relocating a street light to the intersection of Roll Road and Dana Marie. Chairman Sackett asked about lighting down Dana Marie to Covington Drive. Paul Bliss said he is willing to take part in lighting Dana Marie up to Covington Drive. Chairman Sackett referred Mr. Bliss to the Town Engineer for details on the street lighting plan. Chairman Sackett recommended the applicant have a lighting plan for Dana Marie in place prior to the Town Board's final approval. Mr. Bliss agreed.

Mrs. Salvati asked for details on how this property will be maintained. Mr. Bliss said there will be a management company in place. The management company manages tenants, exteriors, garbage, etc. A maintenance person is on site eight hours a day and on call the remainder of the time. Mr. Todaro asked if there are bylaws. Mr. Bliss said there will be leases and apartment guidelines for tenants to abide by. Mr. Sorgi said it is easier to enforce a lease than a Homeowner's Association Agreement because you are actually talking about someone else's property.

Mr. Pazda asked for details on the garbage plan. Mr. Bliss said there are two (2) buildings designated for garbage, one at the southeast corner of the lot and the other at the southwest corner. The garbage will be placed in those building and will be picked up from there as well, they will not have totes, garbage bags or cans at any of the residences. The residents are required to get their garbage to those areas, and/or they have a garbage valet system, where the garbage can be picked it up at the tenant's door.

Mr. Dale asked for confirmation on how long the project will take. Mr. Bliss said it will take approximately 18-24 months. Mr. Dale asked what the energy demand is for this project. Lowell Dewey, of C & S Companies, noted that energy supplier said they had sufficient power along the frontage so the applicant did not plan on calculating what the demand is. Energy efficient fixtures, lighting, etc. will be used. Mr. Sorgi noted that what was recommended in 2010 was 100 multi-family units, plus 16,000-20,000 feet of commercial and the energy demand was met; this proposal is substantially less. Mr. Dale said this project originally came forward several years ago, other projects have come forward since then

and are now in the process of being constructed. Those other projects are also going to be using energy. Mr. Sorgi said they will obtain a letter stating there is ample capacity for this project.

Mrs. Salvati requested the applicant introduce universal design features, she thinks it would be a great thing to add to this project. Mr. Sutton agreed noting that the proposal is for two-story townhouses but they do have several units that are specifically designed towards an aging community and/or someone with limited mobility. These are the ranch-style end units. They are trying to integrate various age groups and lifestyles to live together; the units that are two-story are taking on design friendly features. They have found that even people without limited mobility enjoy a well-designed unit that accommodates all ages and abilities.

Chairman Sackett asked for clarification on the number of units. Mr. Sorgi said there are 69 two-story units and 8 one-story units.

Mr. Dale asked for an explanation on how the applicant will handle the surface water for this project. Mr. Dewey said they have to comply with the Storm Water Pollution Prevention Plan for anything over an acre. This site was accommodated off-site with an oversized detention pond years ago, the applicant has permission to access and drain to that pond. They also have oversized pipe and a plan for erosion protection during construction. They have complied completely with the Storm Water Pollution Prevention Plan requirements. Mr. Sorgi noted that they have an easement from Essex Homes to help out with that as well.

Phil Gulisano of Monaghan Lane said about a year ago he presented to the Board approximately 75 signatures from the neighborhood, all of whom are against this project. Over the course of this past year he sees nothing significant that has changed. The primary objections remain. He said the project is completely out of character with the neighborhood, the overwhelming density and size of this is nowhere else in the Town of Clarence. Even though the buildings have been reduced from three (3) stories to two (2) a lot of neighbors are still concerned. He went on to note that two (2) of the units are 9 buildings connected together, which are huge buildings. Many other buildings of six (6) connected together, and there's just a concern that this corner is completely out of context with anything else that's in Clarence. If this was on Main Street, on Sheridan Drive or on Transit Road, it would be completely appropriate. But here it is not. These buildings are five (5) or six (6) times the size of anything else within a 4-6 mile radius of this neighborhood. It is out of context with anything around here. If this concept as a whole is permitted, there is nothing stopping it from going all over the Town, and he doesn't think that's what the Town wants. He understands that there have been a number of traffic studies done as a result of the high density of these apartments. He guesses that the last thing people would want to do is put up Stop signs on Roll Road to further clog the traffic, although that might aid in the traffic traveling North on Harris Hill, Stop signs will only make matters worse. He appreciates the change in zoning and the decrease in units however there are a lot of other things going on in this area such as a 100+ patio home development going in, and to add the density for this project is too much. Mr. Gulisano met with Mr. Bliss last spring and he raised a lot of these concerns with him directly. There's really nothing to take in to consideration the fact that if anyone wants to get to Clarence Center, can go right up Dana Marie right through our neighborhood, and just add more traffic to that area. He referenced the discussion on how these are going to be "high end" townhomes. They are apartments. What assurances does he have that these are going to be "high end" and fit in with the neighborhood? Mr. Gulisano said he had assurances from Mr. Bliss in April that he was going to finish obligations he owed Mr. Gulisano's neighborhood from over ten years ago. Mr. Bliss said he would take care of Renaldo Circle and never did, which forced the neighborhood to file a lawsuit against him and other partners. What assurances are there when Mr. Bliss makes a promise? Because all of the other promises have been broken. The neighborhood is

concerned about Mr. Bliss's reputation based on past performance of broken promises, Mr. Gulisano said none of the neighbors believe Mr. Bliss. If this project goes forward everyone wants some assurances that this will be "high end". Mr. Gulisano doesn't think anyone wants a garbage dump right at the corner of Dana Marie Parkway and Roll Road. That is the main entrance, and one of three main entrances to his neighborhood; it seems unnecessary. He does not want to see a garbage dump every time he goes in to his neighborhood.

Carol Conwall of Meadowbrook Road is concerned with the increased traffic this project will bring. She noted there are thirty-one (31) three-bedroom units, which means there will be children living in this complex, which will burden the school system. Where will the buses be? She also questioned snow removal. She asked what the price range is for these units. If people know what they are going to be paying, then they will know if they are "high end". If they're townhouses, there will not be any Section 8 housing coming in. If seniors are expected to live in this community, there are only eight (8) one-story complexes. If you want to keep our aging here in Clarence, that is not a lot of places for them to live.

Anthony Tomasula lives at 5902 Corinne Lane. He said he echoes everything Phil Gulisano said. He likes some of the improvements he has seen with this project, but as a homeowner in the area he would like some assurance that the "high end" materials and improvements will be carried through. What assurances does he have that if they are unable to rent these properties, that they won't lower the rent to sell off the property? He stared at an unfinished gazebo for two (2) years which is now falling down, and is unsafe for my children to play on.

Chairman Sackett stated that when there is a private conversation with a developer it is not as binding as being on the record. The purpose of having these hearings, having them taped, having a written record, making motions and asking developers if they agree is to produce assurances that the residents are talking about. It is the Planning Board's job, in partnership with the Town Board, to have assurances sufficient to which guarantee the promises that have been made. When a resident talks to the developer what they tell you is a private conversation and the Town is not part of that contract, therefore the Town is not able to give you that assurance.

Mr. Sorgi said in terms of assurances there is the certificate of occupancy. If the project is not built exactly as they say it is going to be built on approved plans, the Town will not give them the Certificate of Occupancy and nobody moves in, this will result in the loss of a lot of money. They have not applied for Section 8. Deputy Town Attorney Steve Bengart said, on behalf of the Town of Clarence, the Town does not care whether someone applies for Section 8 or not, this is not a town that decides who should and who should not live here based on income. Mr. Sorgi said the rental expectations are for "high end". This makes sense because of the demographics of Clarence. The rent cannot be lowered because the applicant would never get his money out of them; it is a substantial investment. Mr. Bliss said the rent for the single story units 1-2 bedroom would be \$1,500 up to \$1,900 for a 3-bedroom.

In terms of people who live in this area and what their expectations were of what this would be, Mr. Sorgi noted that these plans were approved in 2001. In 2001 they were substantially denser and had a commercial component. Subsequently the density has been substantially reduced. Anyone who buys a house in a planned unit development receives notification about what the development is going to be and what it is approved for, those approvals that they received when they bought their house are substantially denser than what the applicant is asking for currently. This represents the fourth reduction, it is a substantial reduction, to the approved plan. Mr. Sorgi said the reason for the rentals is not only demographics but there is a growing number of people who do not want home ownership because they want their freedom of not having to sell that one day. He also noted that this project will not receive a

tax break, as is customary in a condo association. They do not think there will be a lot of school age children. All the tax dollars will be going to the school district, this will be a benefit to the school.

Mr. Dewey said the stretch of homes that backs up to Covington Drive has room for snow storage behind those homes. There is also snow storage at the ends of every bend, after that the snow will have to be trucked away. It is confirmed that there is a snow removal plan that will clear the snow for the usage of the occupants. With reference to the question on school busses, Mr. Dewey said a school bus can make every turn a fire truck can and they have approval from the Fire Chief for this project; they widened the radii to accommodate the biggest fire truck there is. It will be up to the school district as to whether they travel onto private roads.

Chairman Sackett noted that Roll Road is a County road. The County reviewed the traffic study with the Planning Board and it was the County that determined the mitigation that was necessary was a Stop sign, it was not the Planning Board.

Mr. Bliss explained that the garbage dumpster will be enclosed on all four (4) sides. There will also be a building for recyclables. There will be a roof over the recyclable area but no roof above the dumpster area because the dumpster has to be removed. The sides will be brick to match the building and there will be landscaping and a berm in the area. The walls are higher than the dumpsters.

Mrs. Salvati noted that the height of the buildings, at one time, was three (3) stories. The Town Board and the Planning Board reacted to that and revisions were made.

Mr. Pazda asked for an explanation on a portion of the plan. Mr. Bliss explained what Mr. Pazda was referring to is the building where the back flow preventer will be housed for the project. Mr. Pazda asked if the middle part is the second garbage facility, Mr. Bliss said that is correct. Mr. Pazda asked why the primary garbage facility is located on the indicated corner instead of on the corner of Dana Marie. How often will it be dumped? Mr. Bliss said Water Department wanted to bring in the line where the back flow preventer is depicted, that is why it is located there. The Planning Board Executive Committee asked the applicant to move the dumpster location because of the residents near that area. Mr. Bliss said the garbage will probably be picked up twice a week but they can go more than that if needed. Attorney Steve Bengart noted that neither he nor Mr. Callahan have any recollection of the Planning Board Executive Committee asking for a relocation of the garbage facility. Mr. Shear clarified that the discussion regarding the relocation was due to Mr. Dale’s suggestion to move those two (2) first buildings up to give them more room and access to that from the sidewalk. Mr. Dale confirmed.

ACTION:

Motion by Wendy Salvati, seconded by Steve Dale, to **accept** the Part 2 and 3 Environmental Assessment Forms as prepared.

Jeffrey Buckley	Aye	Steve Dale	Aye	Gregory Todaro	Aye
Timothy Pazda	Aye	Wendy Salvati	Aye	Paul Shear	Aye
Robert Sackett	Aye				

MOTION CARRIED.

ACTION:

Motion by Wendy Salvati, seconded by Steve Dale, pursuant to Article 8 of the Environmental Conservation Law, to **recommend** a Negative Declaration on the proposed Waterford Campus/Landings Planned Unit Residential Development (PURD) amendments. This Unlisted Action involves an amendment to the overall PURD to allow for 77 residential multiple family units in the Campus/Landings portions of the PURD. After thorough review of the submitted site plan and EAF, including an updated traffic study, it is determined that the proposed action will not have a significant negative impact upon the environment.

Jeffrey Buckley	Aye	Steve Dale	Aye	Gregory Todaro	Aye
Timothy Pazda	Aye	Wendy Salvati	Aye	Paul Shear	Aye
Robert Sackett	Aye				

MOTION CARRIED.

ACTION:

Motion by Wendy Salvati, seconded by Gregory Todaro, to **approve** the amended Concept and Development Plans for the Waterford Campus and Landings as per the submitted site plan from C&S Engineers dated 6/2/15 with the following conditions, which conditions shall apply and be applicable to the applicants and its successors and/or assigns:

1. The maximum density of the project shall be 77 units and there shall not be any commercial/retail space as was depicted on the Development Plan previously approved by the Town Board on July 10, 2010 which depicted up to 100 multifamily units and 16,000 to 20,000 square feet of first floor commercial space.
2. No buildings shall be constructed on the project site with a height of more than two-stories (35' as per the maximum height allowed in a Residential Single Family Zone).
3. The Landscaping Plan for the project requires the approval of the Landscape Review Committee prior to final Town Board action.
4. Lighting shall be installed in close proximity to the driveway entrance to the project site onto Roll Road as depicted on the latest updated version of the amended Development Plan/Site Plan prepared by C&S Engineers. In addition, the applicant agrees to work with the Town and New York State Electric and Gas (NYSEG) to provide street lighting along Dana Marie Parkway from the intersection of Roll Road to the intersection with Covington Drive. A final lighting plan for Dana Marie Parkway from Roll Road to Covington Drive shall be developed prior to final Town Board action.

ON THE QUESTION:

Mr. Sorgi confirmed that the applicant understands the motion and conditions and agrees with them.

Jeffrey Buckley	Aye	Steve Dale	Aye	Gregory Todaro	Aye
Timothy Pazda	Aye	Wendy Salvati	Aye	Paul Shear	Aye
Robert Sackett	Aye				

MOTION CARRIED.

ACTION:

Motion by Wendy Salvati, seconded by Steve Dale, to **recommend** to the Clarence Town Board, an amendment to the existing Planned Unit Residential Development (PURD) to allow for 77 multiple family residential units as per the approved Development Plans for Waterford Campus and Landings.

Jeffrey Buckley	Aye	Steve Dale	Aye	Gregory Todaro	Aye
Timothy Pazda	Aye	Wendy Salvati	Aye	Paul Shear	Aye
Robert Sackett	Aye				

MOTION CARRIED.

ACTION:

Motion by Wendy Salvati, seconded by Gregory Todaro, the architectural style shall be as per the submitted elevations from Sutton Architects dated 8/18/15. Garage doors for all structures shall be architecturally enhanced with windows and design elements to soften the front elevations.

ON THE QUESTION:

Mr. Sorgi confirmed that the applicant understands the motion and conditions and agrees with them.

Jeffrey Buckley	Aye	Steve Dale	Aye	Gregory Todaro	Aye
Timothy Pazda	Aye	Wendy Salvati	Aye	Paul Shear	Aye
Robert Sackett	Aye				

MOTION CARRIED.

Chairman Sackett noted that a motion was passed by the Town Board on August 12, 2015 that requires the Planning Board to look at the need for a noise ordinance in the Town of Clarence. He wants the residents to know that the Planning Board is working on this.

Chairman Sackett closed the meeting in honor of former Planning Board Chairman Roy McCready who recently passed away.

Meeting adjourned at 9:05 p.m.

Carolyn Delgato
Senior Clerk Typist