

Town of Clarence  
One Town Place, Clarence, NY 14031  
**Planning Board Minutes**  
Wednesday August 6, 2014

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

**Agenda Items 7:30 pm**

Approval of Minutes

**Item 1**

Michael Pfentner  
Agricultural Rural Residential

Requests Minor Subdivision Approval to create one (1) new residential building lot on Croop Road SBL #45.00-1-43.

**Item 2**

Sharon L. Corbett  
Agricultural Rural Residential

Requests Minor Subdivision Approval to create one (1) new residential building lot on Keller Road SBL #45.00-2-52.

**Item 3**

Russell Sciolino  
Traditional Neighborhood District/  
Agricultural Floodzone

Requests an Action under the State Environmental Quality Review Act (SEQRA) associated with the proposed demolition of a structure built prior to 1950 at 7715 Goodrich Road.

**Item 4**

Open Space Design Development Overlay

Discussion on amending Article XIII of the Zoning Law.

Chairman Robert Sackett called the meeting to order at 7:30 p.m. Steve Jagord, of the Bee Newspaper, led the pledge to the flag.

Planning Board Members present:

Chairman Robert Sackett  
2<sup>nd</sup> Vice-Chairperson Wendy Salvati  
Richard Bigler  
Steven Dale

Vice-Chairman Paul Shear  
Timothy Pazda  
Gregory Todaro

## Town Officials Present:

Director of Community Development James Callahan  
 Junior Planner Jonathan Bleuer  
 Deputy Town Attorney Steven Bengart

## Other Interested Parties Present:

Michael Pfentner	Danielle Cummings
Eliner Trapper	Richard Pfentner
Robert Dickinson	Dan Gamin
Patti Gamin	Sharon Corbett
Dan Corbett	Russ Sciolino

Motion by Gregory Todaro, seconded by Richard Bigler, to **approve** the minutes of the meeting held on July 16, 2014, as written.

Steve Dale	Aye	Gregory Todaro	Aye
Richard Bigler	Aye	Timothy Pazda	Aye
Wendy Salvati	Abstain	Paul Shear	Aye
Robert Sackett	Aye		

**MOTION CARRIED.**

Chairman Sackett explained the procedure for the meeting saying it will begin with Mr. Callahan providing a brief history on each agenda item. Each applicant will have the chance to address the Board. The Board will ask any questions they have of the applicant. The public will then have the opportunity to speak on the agenda item. The applicant will address any questions raised by the public. The Board will then take appropriate action.

**Item 1**

Michael Pfentner  
 Agricultural Rural Residential

Requests Minor Subdivision Approval to create one (1) new residential building lot on Croop Road SBL #45.00-1-43.

**DISCUSSION:**

Jim Callahan provided the history on the proposal noting that it is located on the north side of Croop Road, east of Strickler Road. This is existing vacant farmland located in Agricultural Rural Residential Zone. Per the Subdivision Law the Planning Board has final approval authority for Minor Subdivisions.

Mr. Pfentner is present.

Mr. Shear noted that this approval would split the property into three (3) separate sections. The maximum that can be done, as a Minor Subdivision, is four (4), beyond that the rules change for approvals on further splits on the property. Mr. Pfentner understands.

Chairman Sackett said there are swales on the property and asked if they are for drainage. Mr. Pfentner said yes and went on to say that the proposed split is at the highest point of the property, everything

slopes down to the ditch. There is no ditch in front of the house. There is a ditch east and west of the property. The swales are for farming purposes as some of the property is farmed.

**ACTION:**

Motion by Richard Bigler, seconded by Wendy Salvati, pursuant to Article 8 of the Environmental Conservation Law, to **issue** a Negative Declaration on the proposed Pfentner Minor Subdivision. This Unlisted Action involves the minor subdivision of land to create one (1) new residential building lot in the Agriculture Rural Residential Zone on the north side of Croop Road, east of Strickler Road. After thorough review of the submitted survey and SEAF, it is determined that the proposed action is consistent with Master Plan 2015 and will not have a significant negative impact upon the environment.

Steve Dale	Aye	Gregory Todaro	Aye
Richard Bigler	Aye	Timothy Pazda	Aye
Wendy Salvati	Aye	Paul Shear	Aye
Robert Sackett	Aye		

MOTION CARRIED.

**ACTION:**

Motion by Richard Bigler, seconded by Gregory Todaro, to **approve** the Minor Subdivision application of Michael Pfentner to create one (1) new residential building lot in the Agriculture Rural Residential Zone as per the submitted site plan/survey, subject to the following conditions:

1. Review and approval of Town Highway Department for any future curb cuts/access from Croop Road for future development of the lot.
2. Review and approval of the Erie County Health Department for on-site sanitary facilities associated with future development of the lot.
3. Review and approval of the Town Building and Engineering Department for any future construction on the lot.

Mr. Pfentner said he understands and agrees with the conditions.

Steve Dale	Aye	Gregory Todaro	Aye
Richard Bigler	Aye	Timothy Pazda	Aye
Wendy Salvati	Aye	Paul Shear	Aye
Robert Sackett	Aye		

MOTION CARRIED.

**Item 2**

Sharon L. Corbett  
Agricultural Rural Residential

Requests Minor Subdivision Approval to create one (1) new residential building lot on Keller Road SBL #45.00-2-52.

**DISCUSSION:**

Jim Callahan provided the history on the proposal noting that it is located on the south side of Keller Road, east of Salt Road. It is existing vacant land located in the Agricultural Rural Residential zone. Per the Subdivision Law the Planning Board has final approval authority for Minor Subdivisions.

Dan Corbett, Sharon’s husband, is present.

Mr. Shear noted that this is the second split on this property, creating a total of three (3) lots. To maintain a Minor Subdivision the maximum is four (4). Mr. Corbett said he thought there was a time period for this restriction, over five (5) years. Mr. Callahan clarified that NYS Reality Subdivision restriction is four (4) lots under 5 acres in a three (3) year period. The Minor Subdivision category in the Town Law allows four (4) simple splits, after that it becomes a Major Subdivision which is more complicated in terms of approvals, it does not mean it can’t be done. Mr. Shear said the applicant needs to understand that it changes the rules once it is considered a Major Subdivision.

**ACTION:**

Motion by Gregory Todaro, seconded by Wendy Salvati, pursuant to Article 8 of the Environmental Conservation Law, to **issue** a Negative Declaration on the proposed Corbett Minor Subdivision. This Unlisted Action involves the minor subdivision of land to create one (1) new residential building lot in the Agriculture Rural Residential Zone on Keller Road, east of Salt Road. After thorough review of the submitted site plan/survey and SEAF, it is determined that the proposed action is consistent with Master Plan 2015 and will not have a significant negative impact upon the environment.

Steve Dale	Aye	Gregory Todaro	Aye
Richard Bigler	Aye	Timothy Pazda	Aye
Wendy Salvati	Aye	Paul Shear	Aye
Robert Sackett	Aye		

MOTION CARRIED.

**ACTION:**

Motion by Gregory Todaro, seconded by Wendy Salvati, to **approve** the Minor Subdivision application of Sharon Corbett to create one (1) new residential building lot in the Agricultural Rural Residential Zone as per the submitted site plan/survey, subject to the following conditions:

1. Review and approval of Town Highway Department for any future curb cuts/access from Keller Road for future development of the lot.
2. Review and approval of the Erie County Health Department for on-site sanitary facilities associated with future development of the lot.
3. Review and approval of the Town Building and Engineering Department for any future construction on the lot.

Mr. Corbett said he understands and agrees with the conditions.

Steve Dale	Aye	Gregory Todaro	Aye
Richard Bigler	Aye	Timothy Pazda	Aye
Wendy Salvati	Aye	Paul Shear	Aye
Robert Sackett	Aye		

MOTION CARRIED.

**Item 3**

Russell Sciolino  
Traditional Neighborhood District/  
Agricultural Floodzone

Requests an Action under the State Environmental Quality Review Act (SEQRA) associated with the proposed demolition of a structure built prior to 1950 at 7715 Goodrich Road.

**DISCUSSION:**

Jim Callahan provided the background on the project noting that it is located on the east side of Goodrich Road, north of Delaware Road. It is an existing residential property located in the Agricultural Floodzone. The applicant is proposing to demolish the existing home and barn for a future residential project. As the structures proposed for demolition are both built prior to 1950 the Action is considered a Type I Action under the Town Law. The Planning Board will act as Lead Agency on the SEQRA Review.

Russell Sciolino is present.

Mr. Pazda asked what the applicant plans on doing there once he tears everything down. Mr. Sciolino said they will be applying for a permit to build a single family home on the property that is south of the barn. The garage, which is circled in yellow on the diagram, is in good condition and will remain, it will be remodeled to match the house. The original house and the original barn has to go. Mr. Sciolino's plans are to turn the house over to Clarence Center to burn it down. The barn will be dismantled. Mr. Shear noted that Mr. Sciolino will be donating the star and the date that is on the barn and on behalf of the Preservation Committee, he thanks Mr. Sciolino for doing that. Mr. Sciolino said it is amazing what the Historical Society has done with the historic items, he is also donating the star on the other side of the building. Mrs. Salvati said the Commission reviewed this request and they approved it with the condition that they requested the donation of the star and date. He will donate anything else that he thinks is fit to go to the Historical Society.

**ACTION:**

Motion by Wendy Salvati, seconded by Timothy Pazda, pursuant to Article 8 of the Environmental Conservation Law, to **issue** a Negative Declaration on the proposed Sciolino Demolition Permit. This Type I Action involves the demolition of structures built prior to 1950. After thorough review of the submitted request and Short Environmental Assessment Form, including coordinated review with the Local Historic Preservation Commission, it is determined that the proposed action will not have a significant negative impact upon the environment.

**ON THE QUESTION:**

The applicant has agreed with the recommendation from the Historic Preservation Commission to donate the historical marker and date located on the top apex of the barn along with the abstract of title for the property. Mr. Sciolino said he agrees with this.

Steve Dale	Aye	Gregory Todaro	Aye
Richard Bigler	Aye	Timothy Pazda	Aye
Wendy Salvati	Aye	Paul Shear	Aye
Robert Sackett	Aye		

MOTION CARRIED.

**Item 4**

Open Space Design Development Overlay	Discussion on amending Article XIII of the Zoning Law.
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**DISCUSSION:**

Jim Callahan provided the history on the project noting that on February 12, 2014 the Town Board asked the Planning Board and Planning Department to analyze the Open Space Design Development (OSDD) Overlay within the Town’s Zoning Law. The Planning Board and the Planning Department have reviewed the projects completed under the OSDD and have reviewed the legislation. The proposed amendments to the Code are presented for discussion and possible recommendation.

Chairman Sackett said the discussion will refer to Sections 107 and 108 of the Code. §107 lists intent, the recommendation does not change the intent, it clarifies it. The first intent is what should be preserved and the second lists what should be protected. The word “allowed” has been changed to “encouraged” in the third and fourth intent. In the sixth intent it has been made clear in terms of what adequate and economic meant. The Board wanted to reduce the public long term costs associated with infrastructure maintenance.

Chairman Sackett said in §108, subsection 10 language has been added to (1) strengthen the agreement between the Homeowners Association and the Town to protect the Open Space, (2) to require a baseline study so that the condition of the open space is documented with respect to the natural features and (3) if there are sidewalks, the burden of maintaining them, including snow removal, on the Association. These are the three major recommendations the Planning Board will send to the Town Board. Other recommendations are primarily in terms of language. Items 14 and 15 compliments 8 and 9. Item 15 minimizes long term costs, this parallels the intent. The Board has strengthened the use of photography, if it is used it will be a delimiter in terms of discussing the density. Language has been added to item 13 to back up the intent of a variety of home sizes.

Mrs. Salvati noted that the language should be changed on item 14 to, “Compliment the character of surrounding homes and natural features.”

Mr. Shear said the Board also took issue with the potential for encroachment of specific land owners into the intent.

Mr. Dale referred to section (f): “Land subtracted out in the calculations of subsection (A) (6) (a), (b), (c) and (d) cannot be included in the Open Space requirement.” He suggested the last “the” be changed to “this”. This same change would also occur in the “B” section, the incentive section.

**ACTION:**

Motion by Wendy Salvati, seconded by Steve Dale, subsequent to the Town Board’s request on February 12, 2014 to review the Open Space Design Overlay within the Town Zoning Law, and pursuant to Article 8 of the Environmental Conservation Law, to **recommend** a Negative Declaration to the Clarence Town Board on the proposed amendments to Article XIII, Chapter 229 of the Code of the Town of Clarence-Open Space Design Overlay Zone. This proposed amendment is considered minor and clarifies requirements for pursuing an Open Space Design Development.

Steve Dale	Aye	Gregory Todaro	Aye
Richard Bigler	Aye	Timothy Pazda	Aye
Wendy Salvati	Aye	Paul Shear	Aye
Robert Sackett	Aye		

MOTION CARRIED.

**ACTION:**

Motion by Wendy Salvati, seconded by Steve Dale, subsequent to the Town Board’s request on February 12, 2014 to review the Open Space Design Overlay within the Town Zoning Law, to **recommend** to the Clarence Town Board the proposed amendments to Article XIII of Chapter 229 of the Code of the Town of Clarence as developed and approved by the Planning Board after review by the Town Attorney’s Office.

**ON THE QUESTION:**

Mr. Dale suggested the second sentence in §229-108 (A) (6) (f) and (B) (6) (f) be revised to: “The land subtracted out in calculations [Subsection A (6)(a), (b), (c), and (d)] cannot be included in **this** open space requirement.”

Mrs. Salvati agreed to add this to the motion, Mr. Dale also agreed to the addition to the motion.

Steve Dale	Aye	Gregory Todaro	Aye
Richard Bigler	Aye	Timothy Pazda	Aye
Wendy Salvati	Aye	Paul Shear	Aye
Robert Sackett	Aye		

MOTION CARRIED.

Meeting adjourned at 8:02 p.m.

Carolyn Delgato  
Senior Clerk Typist