

Town of Clarence
Planning Board Minutes
Wednesday September 5, 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

Carl Binner
Residential Single Family

Requests Minor Subdivision Approval to create one (1) new residential building lot at 9275 Roll Road.

Item 2

Michael Powers
Agricultural Rural Residential

Requests Minor Subdivision Approval to create one (1) new residential building lot at 5685 Kraus Road.

Item 3

Spoth Farm Market/Dave Spoth
Major Arterial

Requests a Building Permit and Architectural Approval for the construction of a new accessory structure at 5757 Transit Road.

Item 4

Jim Dorigo
Industrial Business Park

Requests Preliminary Concept Review of a proposed Dog Kennel at 9775 County Road.

Item 5

Multi-Family Residential
Code Recommendation

Discussion.

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

Councilman Robert Geiger led the pledge to the flag.

Planning Board Members present:

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

Vice-Chairman 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
Councilman Robert Geiger
Councilman Patrick Casilio
Deputy Town Attorney Steve Bengart

Other Interested Parties Present:

Matthew Richards
Steve Dale
Jill Metz
Dave Spoth
Noel Dill
Carl Binner
Ben Olivieri
Harold Erbacher
Frank Rivett

Motion by Robert Sackett, seconded by Timothy Pazda, to **approve** the minutes of the meeting held on August 1, 2012, as written, with the following correction(s):

-Within the fourth paragraph under agenda item #1, the spelling of “Mary Shuby” is corrected to read, “Mary Schutte”. She resides at 9560 Maple Street.

| | | | |
|-----------------|---------|----------------|-----|
| Paul Shear | Aye | 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 of the meeting noting that Jim Callahan will introduce each agenda item; the Planning Board will then discuss it with the applicant. The actions that are available to the Planning Board will be noted with each agenda item. The public will have an opportunity to opine.

Item 1

Carl Binner
Residential Single Family
Requests Minor Subdivision Approval to create one (1) new residential building lot at 9275 Roll Road.

DISCUSSION:

Jim Callahan provided the background on the project. It is located on the south side of Roll Road, east of Thompson Road and is existing vacant land. Per the Subdivision Law the Planning Board has final review authority for minor subdivisions.

Carl Binner, of 5795 Thompson Road, is present and explained he purchased the parcel with the intent of splitting it into two (2) building lots. It meets the requirements of the building lots of the Town of Clarence. Chairman Schultz asked why the property was cleared, graded and topsoil piled off to the side without approval. Mr. Binner said he understood that the building permit was put into place so at that point the clearing and grading was done. Chairman Schultz asked if there could be a building permit without subdivision approval. Mr. Callahan said there could be a building permit on the parent lot if that is the way it was presented, but not without the split occurring.

Harold Erbacher, of 5549 Thompson Road, asked if this is the ultimate plan for the site, having only 2 families there. Mrs. Salvati said the applicant does not have enough frontage to allow him to create any additional lots. She confirmed that two (2) lots are the most that can go there.

Chairman Schultz said this is an Unlisted Action under SEQRA, which means it requires an assessment under the NYS Environmental Quality Review Act.

ACTION:

Motion by Timothy Pazda, seconded by Paul Shear, to **accept** the Short Environmental Assessment Form (SEAF) as prepared and **issue** a Negative Declaration on the proposed minor subdivision located at 9275 Roll Road. After thorough review of the submitted site plan and SEAF, it is determined that the proposed action will not result in any significant adverse environmental impacts.

| | | | |
|-----------------|-----|----------------|-----|
| 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 Timothy Pazda, seconded by Paul Shear to **approve** the Binner Minor Subdivision located at 9275 Roll Road with the following conditions:

1. Review and approval by the Town Building and Engineering Department related to any future building construction on the property.
2. Review and approval by the Erie County Department of Public Works related to future access drives/curb cuts for property development.
3. Review and approval by the Erie County Health Department related to any future on-site sanitary sewer facilities.
4. Future home construction subject to Open Space and Recreation fees.

ON THE QUESTION:

Mrs. Salvati noted that the applicant must make sure he has a building permit.

| | | | |
|-----------------|-----|----------------|-----|
| 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

Michael Powers
Agricultural Rural Residential

Requests Minor Subdivision Approval to create one (1) new residential building lot at 5685 Kraus Road.

DISCUSSION:

Jim Callahan provided the background on the project noting that it is located on the east side of Kraus Road, north of Greiner Road. It is an existing agricultural lot located in the Agricultural Rural Residential Zone. The applicant is proposing to split the property to create an additional agricultural building lot. Per the Subdivision Law, the Planning Board has final review authority for Minor Subdivisions.

Chairman Schultz noted that this project will require action under the NYS SEQRA.

Michael Powers is present and explained he wants to split the property so he can build a house on one parcel and have a farmer do some farming on the lot next to that.

Jill Metz, of 5745 Kraus Road, wants to make sure that a one-family house is going there. She also wants to know if there will be any other structures on the property.

Mr. Powers confirmed that the plan is for a single family house. The previous plan was for 6 or 8 houses to be jammed onto this parcel so this plan will be pleasant for his neighbors.

Mary Pellitieri, of 5565 Kraus Road, asked if the farm with the house and existing barn will be rented or sold.

Mr. Powers said the "L" shaped parcel has the house will be rented. If he can get one of the community farmers to farm the property the barn will probably be used for their vegetables. Mr. Powers has title to the entire parcel and just wants to split off a building lot.

Mr. Powers said there is a creek on the other side of the street; he thinks all the land is within 100' of that and there will be no development there.

ACTION:

Motion by Robert Sackett, seconded by Richard Bigler, to **accept** the Short Environmental Assessment Form (SEAF) as prepared and **issue** a Negative Declaration on the proposed minor subdivision located at 5685 Kraus Road. After thorough review of the submitted site plan and SEAF, it is determined that the proposed action will not result in any significant adverse environmental impacts.

| | | | |
|-----------------|-----|----------------|-----|
| 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 Robert Sackett, seconded by Richard Bigler, to **approve** the Powers Minor Subdivision located at 5685 Kraus Road with the following conditions:

1. Review and approval by the Town Building and Engineering Department related to any future building construction on the property.
2. Review and approval by the Erie County Department of Public Works related to future access drives/curb cuts for property development.
3. Review and approval by the Erie County Health Department related to any future on-site sanitary sewer facilities.
4. Future home construction subject to Open Space and Recreation fees.

| | | | |
|-----------------|-----|----------------|-----|
| 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

Spoth Farm Market/Dave Spoth
Major Arterial

Requests a Building Permit and Architectural Approval for the construction of a new accessory structure at 5757 Transit Road.

DISCUSSION:

Jim Callahan provided the background on the project noting that it is on the east side of Transit Road, north of Highland Farms Drive. It is an existing farm market located in the Major Arterial Zone. The applicant is proposing to construct an accessory structure. Per the Zoning Law, the Planning Board has final review authority for this new construction.

Chairman Schultz said this is a Type II Action which doesn't require any action under SEQRA.

David Spoth, of 9815 Clarence Center Road, and Ed Spoth, of 8270 Clarence Center Road, are present. Mr. Dave Spoth explained that they are looking to construct a 64' x 40' pole barn with a 12' x 64' lean-to off the south side. The building will be used for seasonal storage and equipment. This proposal is to replace a building that they are going to lose because they are selling the piece of property that it sits on.

Paul Shear asked for clarification on whether the parcel consists of one (1) contiguous piece of property or two (2) separate pieces. Mr. Dave Spoth said it is two (2) separate pieces of property, there are two (2) deeds and two (2) separate legal descriptions.

Mrs. Salvati voiced her concern asking if the applicant can put just an accessory structure on a tax parcel. Deputy Town Attorney Steve Bengart suggested combining the deeds and making that a condition of the approval, if the Planning Board is so inclined and if the applicant does not have an issue with it. Mrs. Salvati said typically an accessory structure cannot be put on a piece of property without a principle structure.

Mrs. Salvati asked why the accessory structure is located in the back corner of the property and not closer to the parking area. Mr. Dave Spoth said he cannot foresee what the business may become and he would not want to put the structure in the middle of something and then have it in the way in case of possible future expansion.

Chairman Schultz asked if the applicant would be amenable to meeting with the Landscape Committee to discuss putting in some shrubbery and trees behind the structure to screen it from the neighbors. The south side of the property does not need landscaping as there is a beautiful field flowers there. Mr. Dave Spoth said he would not have a problem landscaping the east side.

Mr. Dave Spoth explained that he wants to go with more earth tones for the materials of the building so it will blend in better with the neighborhood. He is also contemplating wainscoting in different shades of brown or grey. The roof will be an earth tone as well.

ACTION:

Motion by George Van Nest, seconded by Paul Shear, to **approve** the architectural style and recommend that a building permit be issued for the construction of a new accessory structure at 5757 Transit Road subject to the following conditions:

1. Review and approval by the Landscape Committee on any required landscape buffering.
2. Open Space and Recreation Fees.
3. A combination of the two (2) existing deeds into one (1) deed to make the parcels one (1) for tax map and other purposes.
4. Wayne's coating is to be used in the construction of the building.
5. Earth tones are to be used in the construction of the building.
6. A Landscaping Plan for the east side of the property is to be submitted, reviewed and approved by the Landscape Committee.

ON THE QUESTION:

Chairman Schultz reiterated that the applicant stated he would use earth tones as the color of the materials for the structure and he would landscape to the east end of the property, not to the south because of the wide open space and the flowers that grow there. Timothy Pazda would like to see the use of Wayne's coating become a condition on the approval.

Mr. Dave Spoth asked for clarification on the Landscape Plan approval.

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

MOTION CARRIED.

Chairman Schultz explained that the Landscape Committee will meet the applicant on site to discuss landscaping. Details will be put in writing, the Landscape Committee will sign that document and it will become part of the file. The time frame to complete this is flexible.

Item 4

Jim Dorigo

Industrial Business Park

Requests Preliminary Concept Review of a proposed Dog Kennel at 9775 County Road.

DISCUSSION:

Jim Callahan provided the background on the project noting that it is located on the south side of County Road east of Goodrich Road along the previously approved private drive identified as Killdeer Lane. It is an existing vacant parcel within a previously approved Commercial Open Development Area. The applicant is proposing to construct a dog kennel and is present to introduce the concept to the Planning Board. The application was forwarded by the Town Board on August 22, 2012. The Planning Board will have site plan review authority for this project.

Chairman Schultz said this project also requires an action under SEQRA.

Michael Metzger, of Metzger Civil Engineering, is present along with one of the clients, Jim Binner. Mr. Metzger explained that the property is 2 acres in size and the proposed T-shaped building is 3600 square feet. The front portion of the building, the top of the "T", would be offices and the solid portion in the back is where the kennels would be. The roof of the building will extend out beyond the limits of the walls of the building to provide shelter on the outside portion of the kennels. There will be an 8' tall solid vinyl fence at the rear of the office portion of the building and will extend out quite a distance. This provides an exterior area for the dogs to run around in. The vinyl fence provides a noise barrier as well. The nearest home is over 2200' away from the proposed facility. Any noise concerns from the dogs would be taken care of through distance and the fence. The dogs do not have full access to the outside all the time, access would be at the discretion of the operator.

Mr. Binner explained that at night the dogs would be inside and would not have access to pen outside. There are 50 total units. The interior walls of the pens are solid. The size of the pens vary as they will house different sized dogs.

Chairman Schultz voiced his concern with noise and the neighbors to the north and south. He asked the applicant if there is anything they can do if they start to receive complaints regarding noise. Mr. Metzger said there may be opportunity to do something with sound dampening; however the applicant does not think there will be any issue with noise.

Mr. Binner clarified that there will be concrete under the vinyl fence so there is no opportunity for a dog to escape by digging under the fence. The kennels inside are made of fiberglass panels. The applicant has done a lot of research to find the best material for the kennels.

Chairman Schultz said the Town Engineer was made aware of this project and he does not see a drainage issue.

Mr. Binner said there will be radiant heat from the floors so the dog's paws stay warm.

ACTION:

Motion by Paul Shear, seconded by George Van Nest, to **accept** the Short Environmental Assessment Form (SEAF) as prepared and **issue** a Negative Declaration on the proposed Concept Plan to construct a Dog Kennel at 9775 County Road in the Industrial Business Park Zone. After thorough review of the submitted site plan and SEAF, it is determined that the proposed action will not result in any significant adverse environmental impacts.

| | | | |
|-----------------|-----|----------------|-----|
| 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 Paul Shear, seconded by George Van Nest, to **approve** the Concept Plan for the proposed Dog Kennel located at 9775 County Road with the following conditions:

1. Development Plans to be submitted for Planning Board review and approval must be in substantial conformance with approved Concept Plan.
2. Subject to appropriate fees.

ON THE QUESTION:

Mrs. Salvati suggested that a condition of the approval be that alternative materials be used to mitigate noise should serious problems arise. Deputy Town Attorney Steve Bengart said a trigger should be identified. Mr. Van Nest agreed that a trigger should be identified and asked Mr. Metzger if his research leads him to believe that the proposed fence material is an adequate sound barrier. Mr. Metzger said he is very confident of that. Mr. Shear said there are code enforcement officers that can address the noise issue if arises. The conditions remain as is.

| | | | |
|-----------------|-----|----------------|-----|
| 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

Multi-Family Residential
Code Recommendation

Discussion.

DISCUSSION:

Jim Callahan provided the background on the agenda item noting that it was referred by the Town Board at the annual public hearing on Master Plan 2015 to have the Planning Board look at Multi-Family Residential Development uses. The Planning Board has been working to develop an update to the existing Multi-Family Residential Zoning Code. Several public meetings related to the development of an overlay zone for multiple family residential uses have led to the draft that is under discussion at this meeting. A work session was held last week to debate the concepts for the proposed overlay zone. The Planning Board is proposing to forward the concepts to the Town Board for consideration of a zoning code update.

Chairman Schultz said the Planning Board decided that a series of principles for the multi-family code needed to be forward to the Town Board. It does not require a SEQRA review. Chairman Schultz' intent is to forward the principles to the Town Board so they can review it, make changes if desired, and send it back to the Planning Board so they can then develop a code that will encompass the specifics. The Planning Board's first meeting on this was in April 2012; they have listened to public comments, Town Board comments and have debated it amongst themselves.

Mr. Van Nest noted that this is **not** a draft local law; this is the outline of the potential for discussion by the Town Board if they chose to go in that direction. At that point it would come back to the Planning Board for drafting and there would be an appropriate time for public comment at a public hearing for a proposed local law.

The following is discussed:

General Strategy

Proposal would establish "overlay zones"

- Similar in application to the "open space design"
- Town Board control over location and design features.
- More restrictions and design features than the current "Special Exception Use Permit" regulation. Restrictions came from Town Board comments.
- Two separate overlay districts are proposed: Traditional Neighborhood and Commercial/Restricted Business zones.
- Multi-Family development is not allowed in the Major Arterial zone.
- Multi-family uses within residential zones are adequately addressed in those regulations and are not included.
- There is no specific Senior Housing distinction – Senior Housing must be considered the same as normal multi-family since shifting demographics could require a change in use in the future.

Principal Features

- Multi-family use will only be allowed on lots within sewer districts. An exception mechanism is available which could allow restricted multi-family development on unsewered lots in the Commercial zone.
- Screening requirements are enhanced, including from public roadways.

- Underlying zoning regulations (buffers, setbacks, etc.) apply in all cases.
- Interconnectivity to adjacent commercial and residential development is required to the maximum extent possible.
- Two (2) parking spaces are required per unit. At the discretion and recommendation of the Planning Board, additional open space in lieu of parking can be approved; this option should be considered when the project is designated as “Senior Housing” with lower parking needs.

Traditional Neighborhood Zone

1. Small scale, low density (maximum density - 4 units per acre; no more than 16 units on any land parcel).
2. Two (2) acre minimum lot size for the consideration of a Multi-Family Overlay Design.
3. Scale and design standards compatible with Hamlet features.

Commercial and Restricted Business Zones

1. Unit Density to be determined based on entire parcel acreage.
 - Density varies according to size of units:
 - ✓ 1 bedroom – 12 units per acre
 - ✓ 2 bedrooms – 10 units per acre
 - ✓ 3 bedrooms or greater – 8 units per acre
2. Minimum Lot size for consideration of a Multi-Family Overlay Design to be 5 acres.
3. Multi-family developments in commercial zones will require a "commercial component" (minimally 25% of the entire parcel acreage), establishing these as essentially "mixed use"; interconnectivity with other residential and commercial uses is required.
 - a. Part or all of this percentage can be saved as “green space” for later commercial development; this reserved commercial green space is in addition to the required overall project site open space as per lot coverage calculations.
 - b. Upon recommendation of the Planning Board, the Town Board will designate which part of the property is to be “green space” and which part will be “commercial development” at the time of Concept Plan Approval.
4. Multi-family developments in these zones will require 30% (20% with required interconnections as per the underlying zoning regulations) of the land be devoted to “green space”.
5. Unsewered lots: In special cases, the Town Board, upon recommendation of the Planning Board, may allow multi-family uses on unsewered lots within the Commercial zone. These circumstances include:
 - Maximum 70% lot coverage.
 - Minimum 50% commercial use of developable land (35% of the total lot).
 - Maximum on-site waste treatment of 7500 gpd, including residential and projected commercial waste (this requirement, combined with the minimum commercial use, would typically yield a maximum of 16 housing units, regardless of site acreage).
 - Super majority vote of the Town Board

Note: Multi-family housing is not allowed on unsewered lots within the Restricted Business zone.

6. Lots under 5 acres: The Town Board may, upon recommendation of the Planning Board, allow multi-family development within commercial zones on land parcels less than five (5) acres, but greater than two and one-half (2 ½) acres in size. This use:

- Must be a fully integrated mixed use; for example commercial use on bottom level with apartment(s) overhead; “reserving land area” for commercial use (preceding item 3. a.) will not be allowed in this instance.
- Maximum multi-family density will be six (6) units per acre.
- Buildings will be limited to two (2) stories.
- Must meet all other criteria spelled out in preceding items 1 – 5.
- Requires a super majority vote of the Town Board.

Lou Visone said there has been a set of laws in place for a while and he doesn't know where this change is coming from. This seems a lot more restrictive than the laws that are in place now. He thinks the existing laws are fine.

Chairman Schultz said the reason the Planning Board is evaluating this is because the Town Board asked the Planning Board to come up with a multi-family development code that makes sense.

Paul Stevens owns property on Main Street and notes that there are no sewers there and the lots that he has purchased are less than an acre. He rents apartments and offices; it is very difficult to rent the offices out without something to pay for the building. Chairman Schultz noted that in some areas a residential revenue stream is needed so that the rent can be set at the right level for the buildings below.

Michael Metzger thanked the Board for taking public comments into consideration. He is concerned about the limitation on the acreage because it really will restrict or prevent a lot of the redevelopment that is needed in specific areas such as Main Street. He is also concerned with the limitations that are being put in the TND on the number of residential units that are allowed. He said it seems to fly in the face of the whole concept of the TND design. Chairman Schultz noted that the residents in that area are adamant about keeping the hamlet look and keeping it small. Mr. Metzger is concerned with the size limitation on the septic system. He said 10,000 shouldn't be the limit; he thinks the people who are in place to govern those things should decide the limit. He is concerned with the limitation of 25% commercial development. There is segregation between people who develop residential projects and those who develop commercial projects. He does not want to see portions of land in the Town's valuable commercial areas relegated to something that may not work. With regards to Open Space he asked that the Town not relegate portions of commercial areas to open space just because someone can't develop the 25% commercial.

Noel Dill asked why have a limit on the lot size at all. If it has to be a super majority by the Town Board, that is more than enough protection.

ACTION:

Motion by Robert Sackett, seconded by Paul Shear, to recommend **approval** of the concepts associated with the proposed update to the Multiple Family Residential Zoning as prepared by the Planning Board to the Town Board.

ON THE QUESTION:

Wendy Salvati is not content with having a bottom limit of 2 ½ acres in size. She thinks the size of the property itself will create the limitation because there are other sufficient standards in place under #5,

in addition to the fact that there are other setback requirements. Richard Bigler and George Van Nest agreed with this.

ACTION:

Motion by Wendy Salvati, seconded by Richard Bigler, to **eliminate** the 2 ½ acre limit and end the sentence with “less than 5 acres” under item #6 of the draft outline.

ON THE QUESTION:

Chairman Schultz said he wants the 2 ½ or the 1, but the Super Majority and the fact that this will be done site by site takes care of it.

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

MOTION CARRIED.

DISCUSSION:

Chairman Schultz asked for input on item #5 Unsewered Lots. Mrs. Salvati said she struggles with it because she does not want to see an over abundance of septic systems but she understands that there must be some flexibility; she thinks an escape clause is needed because this is very restrictive. Chairman Schultz noted that this may be needed in order to develop the Main Street corridor. However, he has a concern that if someone develops an apartment complex in an unsewered district and puts in a septic system and it fails after they’ve bailed out, it has happened in the past. If it is a store or a business the agencies will shut it down. If it is a single family residence, it has to be fixed. What do you do if it is an apartment with 20-30 people living in it? Mr. Van Nest said there is nothing here that will get that high, numbers-wise. He went on to say that there are DEC regulations in waste water management systems with a multitude of design criteria and standards. He would entrust to the appropriate engineers of the Department of Health and the Town to make sure the standards are up to date and meeting technology requirements today would be ensured and if not the appropriate steps would be taken. He is not sure where the figure 7500 came from and questioned whether or not the Town is in the position to make that determination.

ACTION:

Motion by George Van Nest, seconded by Robert Sackett, to **eliminate** the 7500 gpd limit under draft outline #5 Unsewered Lots and replace it with the following: “The maximum on-site waste water treatment be established by appropriate regulatory agencies and engineering standards for design criteria for waste water management systems.”

ON THE QUESTION:

Chairman Schultz said there is other protection in the law including a Super Majority vote by the Town Board.

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

MOTION CARRIED.

Richard Bigler thinks the unsewered lots section of the outline is necessary.

DISCUSSION:

Wendy Salvati referred to the TND section of the outline and does not agree with limiting the size to 2 acres; there are many lots in the TND that are smaller and could be developed. Jim Callahan explained that under the current law if there is an existing store front or an existing house that you want to convert to apartments, it is allowed, up to eight units per acre. The outline is for the larger lots in the TND.

Mr. Van Nest noted that the Planning Board is supposed to be objective and do the best they can from a land use planning standpoint. As a Board they are charged with making solid land use decisions. He would strike the TND section of the outline and leave the TND Multi-Family section of the law as is. Mrs. Salvati agreed. Chairman Schultz said if the TND section of the outline is stricken then "TND" needs to be added to bullet number 6 under General Strategies. Mrs. Salvati agreed.

Mr. Shear voiced his concern saying there is an issue with the potential for the purchase of 2 or more pieces of adjacent property, that property could be leveled and 8 apartments per acre put up. He thinks this is inconsistent with the concept of a TND. Mr. Callahan said that would need a Super Majority Special Exception Use Permit Approval by the Town Board, it is not an as-of-right. Mrs. Salvati does not think this is going to happen; TND has been the way it is since it was adopted.

ACTION:

Motion by Wendy Salvati, seconded by George Van Nest, to **eliminate** the TND section in the proposed draft outline and revise the sixth bullet under General Strategies to read: Multi-family uses within Residential Zones and **TND** are adequately addressed in those regulations and are not included. Cosmetic changes will be made to the draft outline reflecting this change.

ON THE QUESTION:

Mr. Sackett is against this action. He said the principle features of interconnectivity and sewers are important. He feels the Principle Features and General Strategies are worth sending to the Town Board. Chairman Schultz agreed with Mr. Sackett.

Mr. Pazda said it bothers him the way the Planning Board is doing this. It seems to him that they are forwarding a draft of a code not a concept. It is clarified that this is not a code. Mrs. Salvati said they are sending concepts to the Board.

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

MOTION FAILED.

Mr. Shear said Residential and Commercial properties are not necessarily funded by the same organizations. If a part of the property is agreed upon by the Town Board to reserve it for Commercial, there should be a deed restriction so there is an opportunity to sell or transfer that portion of the property to allow someone to develop that other than the original applicant.

ACTION:

Mr. Sackett and Mr. Shear agree to amend their original motion to include the actions listed above.

ON THE QUESTION:

Mr. Pazda said he is concerned about proposing a code that is too restrictive; he thinks it should be flexible so the Board does not chase away a future project that they are not thinking of at this time. He is concerned with sending this draft outline to the Board as it is currently written.

Mr. Callahan said this is not a major impact; there is not a huge amount of land that this will impact. There are approximately 10-12 properties overall that it will affect.

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

MOTION CARRIED.

Meeting adjourned at 9:15 p.m.

Carolyn Delgato
Senior Clerk Typist