

Town of Clarence
Planning Board Minutes
Wednesday January 26, 2011

Work Session 6:30 pm

Roll Call
Update on Pending Items
Zoning Reports
Committee Reports
Miscellaneous

Agenda Items 7:30 pm

Approval of Minutes

Item 1

Benderson Development/Eastgate Plaza
Major Arterial

Requests Site Plan Approval to construct an access road from Greiner Road to the Eastgate Plaza.

Item 2

Rock Oak West/Stephen Development
Commercial

Requests Concept Plan Approval of a proposed expansion to an existing manufactured housing park at 9735-10065 Main Street.

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

Councilman Peter DiCostanzo led the pledge to the flag.

Planning Board Members present:

Chairman Al Schultz	Vice-Chairperson Wendy Salvati
2 nd Vice-Chairman Richard Bigler	Timothy Pazda
George Van Nest	Paul Shear
Gregory Todaro	

Planning Board Members absent:

Robert Sackett

Town Officials Present:

Director of Community Development James Callahan
Planner Brad Packard
Councilman Peter DiCostanzo
Town Attorney Steven Bengart

Other Interested Parties Present:

William Tupay	Janine Torba	Anna Milone
Doreen Borschel	Carol Hansen	Jim Dahn
Mary Lou Schlierf	William Adamczyk	Andre Thomasula
Karen Dunlap	Michelle Eschborn	Frank Gerno
Randy Rozelle	Mark Stevenson	Alan Goldstein
Marjorie J Reidell	David Augustine	Thomas Young
Deborah A Brent	Pamela Koss	Robert Karaszewski
Jacob Schachtner	Walter Z Woloszyn	William R. Brado
Bernard Kolber	Gary Morog	Francis N. Rogala
Anthony Ditsious	Anne Scharf	Denise A. Rogala
James Rydzynski	Mike Nowak	Rosemary Vazquez
Maria Tupay	Josephine Woloszyn	Keri Kapuscinski
Mary Adragua-Halstead	Richard Halstead	Martin Ford
Paul Corbelli	Alex Soda	William Donohue
Carol Howrie	Shawn Sheehan	Elmer Gerbracht
Greg Sheehan	Alyssa Wojciechowski	Bill Lederhouse
Linda Thomasula	Charles E. Bernd	Sandra Bush
Tom Bush	Stephen Vujcec	Paul Drof
F. George Hage	Helen B. Patrzyc	Janet Santarelli
Pat DiGraco	Irene Zimpfer	Jacob Zimpfer
Angelyn Delgato	Al Schweitzer	Tom Puglisi
Cindy Puglisi	Charles Weimer	Tony Sindoni
Theresa Ross	Donald Ross	Ward Caldbick
Danielle Buchbinder	Arman Afshain	Mark Balcom
Tracy Reed	Bob Geiger	Al Esperson
Carl Schaefer	Dolores Liberto	Darryl Remsen
Barb Rusin	Donna Mattes	David Rusin
Eugene H. Roth	Pat Schanzer	Jeff Borton
Debbie Geraci	C J Schmidt	Gloria O'Neill
Brenan Soy	Joan Kapuscinski	Ryan Mills

Chairman Schultz explained that the alternate Planning Board member Gregory Todaro will be filling in during Planning Board member Robert Sackett's absence. Mr. Todaro will participate in all discussions and vote on all agenda items this evening.

Motion by Wendy Salvati, seconded by Gregory Todaro, to **approve** the minutes of the meeting held on January 12, 2011, as written.

Gregory Todaro	Aye	Paul Shear	Aye
George Van Nest	Aye	Timothy Pazda	Aye
Richard Bigler	Aye	Wendy Salvati	Aye
Al Schultz	Aye		

MOTION CARRIED.

Chairman Schultz explained that under the new Town Code that went into effect January 1, 2011, decisions regarding agenda item 1 will be in the purview of the Planning Board. The Planning Board has the authority to accept, reject or table the project. Jim Callahan will provide an introduction on the project, the applicant will speak and then the public will have the opportunity to speak.

Item 1

Benderson Development/Eastgate Plaza
Major Arterial

Requests Site Plan Approval to construct an access road from Greiner Road to the Eastgate Plaza.

DISCUSSION:

Jim Callahan provided the background on the project which is located on the south side of Greiner Road, east side of Transit Road. It is an existing retail plaza located in the Major Arterial zone. The applicant is proposing to construct an access drive to the existing plaza from Greiner Road. Per the Zoning Law, the Planning Board has final approval authority on site plan amendments. The project was referred by the Town Board on November 17, 2010 and initially reviewed by the Planning Board on December 8, 2010. The proposal was tabled at the December 8, 2010 Planning Board meeting pending receipt of additional information. The applicant is present seeking a final determination on the submitted application.

Eric Recoon, Vice-President of Development and Leasing for Benderson Development, is present. James Baglioli, attorney and Director of Benderson's Right to Build process, is also present. Dennis Kennelly, of TY LIN International and the lead senior engineer for Benderson Bill Rae are present as well. Mr. Recoon explained that this process emanated from a Town Board request about five (5) years ago. The applicant recently re-acquired the property that would allow pursuit of the access road. This is a standard access management process that is done routinely in municipalities throughout the country. This is something that is done when there is a clogged major artery; Transit Road is a perfect example. Mr. Recoon pointed out that the people coming from the east heading west down Greiner Road are currently required to go onto Transit Road; they are required to take two (2) lefts to get into the plaza and must use the intersection at Transit Road and Greiner Road. These elements can be eliminated if the access management plan is approved. Those in favor of the access drive include the NYS Department of Transportation. Transit Road is a state road. Greiner Road is a county road and Erie County Highways, Department of Public Works is also in favor of the access drive. The Harris Hill Fire Department noted traffic and safety as considerations behind their approval of this access drive. A previous Town Board/Planning Board was in support of this access road to alleviate congestion on Transit Road. The two (2) adjacent neighbors have provided documentation to the Town in support of the access road. TY LIN was hired by Benderson and conducted a traffic study which states that the traffic on Greiner Road today will remain unchanged by this access road. Mr. Recoon noted for the record that just because a developer hires a consulting firm to perform a study does not mean that the developer can "write" that study or document. The Town felt it would be appropriate to hire an independent engineering firm to review the traffic study, that engineering firm confirmed the results of the traffic study indicating that there will be no meaningful increase in traffic on Greiner Road. The Clarence Bee conducted a poll and the results showed 79% of respondents in favor the access road.

Mr. Recoon said there are three (3) primary areas of concern and are the greatest concerns of the nearby residents. The items are (1) increased traffic, (2) pedestrian safety, and (3) left turn exits out of

the shopping center. Mr. Recoon explained that a change has been made to the plan that will no longer permit a left turn exit; the only exit from the access road is to the east, a right turn lane.

Dennis Kennelly, of TY LIN International, is a professional engineer licensed to practice in New York. Mr. Kennelly explained that they conducted two (2) pieces of the traffic study. The studies included a full access with left turns out. After hearing the concerns of the board and the neighbors an updated study was conducted in December 2010. When conducting a traffic study the busiest hour of the day and week is looked at. There is no new building going up, there is no new traffic coming to the site, these are already folks on the road that are headed to the center. Mr. Kennelly addressed the issue of traffic cutting through the neighborhoods; he said it will take longer to cut through the neighborhoods; typically people go to the plaza to shop at numerous places, not just a "one stop" trip and then leave the plaza. Currently there are no sidewalks only a shoulder for pedestrians, the traffic study recommended a sidewalk be installed on the south side of the road; this will make the area safer for pedestrians. Mr. Kennelly said the Town's traffic consultant, Nussbaumer and Clarke, did an independent traffic study and came to the very same conclusions that TY LIN's study showed. Once again, there will be no traffic increase on Greiner Road; people will not be cutting through the neighborhoods because it is a lengthy detour to that. Mr. Kennelly explained that his study used a calculated number for the peak hour factor, this number just happened to be the same as the default number for the study. Nussbaumer and Clarke suggested using higher numbers, but that would be less conservative who would make the results more beneficial to the case TY LIN is trying to make. TY LIN assumed three (3) or four (4) cars would come across to Greenhurst, Nussbaumer and Clarke thought that assumption was too many; people would not really do that. Nussbaumer and Clarke thought perhaps the Board would have the applicant look at additional intersections; however Nussbaumer and Clarke concluded there is really no impact to the surrounding intersections and the further out you go will produce no impact in those places either. If more traffic studies were done they would not change the results.

Mr. Kennelly said the traffic study suggested sidewalks on the south side of Greiner Road; Benderson is now proposing those sidewalks and more. Currently people are walking in a 6' wide shoulder; there is a 12' traffic lane on each side. If the lanes are widened to put in the turning lanes as proposed, that would take up the 6' wide shoulder, so Benderson is proposing five feet (5') of grass area on the outside of the curb, five feet (5') of walk and there is few feet left over all within the right-of-way. No property would need to be acquired. On the south side of the project, they are looking to extend the sidewalk west approximately 230'. From the proposed driveway a sidewalk would extend to Eastbrook Place, which would be approximately 800' of sidewalk. There is also a sidewalk proposed on the north side of Greiner Road between Walgreens and Greenhurst Avenue. This takes care of the major concern of pedestrian safety in the area. The proposed roadway is as follows: between the 66' right-of-way lines there would be a three foot (3') buffer area, five foot (5') sidewalk, five foot (5') tree lot, eleven foot (11') travel lane, ten foot (10') turning lane, another eleven foot (11') travel lane and the same on the other side. This takes the pedestrians out of the roadway; they will be much safer than they are now.

Mr. Bigler said if there are five (5) or six (6) cars stacked, turning into the plaza and a vehicle was on Greenhurst Avenue how would that vehicle turn left from Greenhurst Avenue onto Greiner Road. Mr. Kennelly said there is no increased traffic; when the turning slots are added people slow down to move over, this creates more gaps for people to get out. With people turning left into the plaza it actually opens up space for someone to turn left off of Greenhurst Ave. The left turn conditions will actually improve coming off of Greenhurst Avenue heading into Clarence with the proposed access drive.

James Baglioli said that Benderson is willing to agree to a declaration of restrictive covenants, a copy is on file. This would be a deed restriction filed against the property to forever bind Benderson from expanding the driveway. Benderson would be willing to execute the restriction as a condition of approval before the driveway goes in.

Wendy Salvati does not see how this proposal will improve Transit Road. She asked why Benderson wants to put in this access road. Mr. Recoon said the reports show that approximately 13% of the traffic that is coming from the east to this shopping center would be able to use and benefit from this access route. So, if 13% of the cars that are going to this shopping center are not going to have to go on to Transit Road, there is an improvement. Mr. Recoon is saying that the access drive would provide an incremental improvement over the condition that exists today. Benderson wants to improve the congestion challenges faced by the shopping center. This will benefit the customers and employees of the center, this will create a safer environment within the confines of the shopping center. Getting traffic off Transit Road is a beneficial sideline of this proposal. Mrs. Salvati asked what the plans are for the house that is immediately to the east of the access drive. Mr. Recoon said it is not owned by Benderson, it is owned by a gentleman who has gone on record as supporting this access drive. Behind that home is a rental property that Benderson owns, there is no commercial plan for this property. The property that is to the west between the access drive and current salon is vacant land owned by Benderson; there is no plan for commercial development of this property either. Ms. Salvati asked if the applicant would be adverse to consideration of no development of those properties at any point. Mr. Recoon said he understands if the Board imposes that restriction and he will relent to the Town's wishes, however, Benderson would not want that to be forever restricted.

Mr. Kennelly made a clarification to the proposed lane measurements: there is an eleven foot (11') lane and a two foot (2') shoulder.

Mr. Van Nest asked if the applicant could explain the improvement to traffic this access drive would create. Mr. Kennelly reminds everyone that there is no increased traffic on Greiner Road and said the improvements are relative to the safe pockets of the left turn lanes, the vehicles in these lanes are out of the main traffic flow. Traffic will be a little slower in this area because people are slowing down to make a turn; this will also create gaps in traffic that they don't have now.

Mr. Todaro asked what the proposed length of the turning lane is. Mr. Kennelly said coming from the west it is 100' long, 150' long coming into the plaza and another 100' on the east end.

Mr. Pazda asked who will maintain the sidewalks. Mr. Recoon said if the Town required Benderson to maintain the sidewalks, they would agree to it. This would include clearing snow in winter time; Benderson would treat it as a property management issue.

Mr. Shear asked for clarification on what the 13% is a percentage of? Mr. Kennelly said he is talking about the percentage of cars coming to the plaza. With all the people coming to the plaza, 13% are coming from the east on Greiner Road. Mr. Shear asked if there is a definitive number. Mr. Kennelly said it depends on what peak hour you are looking at. In the morning peak hour it would be 26 cars per hour making the left. In the PM peak hour it would be 105 cars and on Saturday's peak hour it is 149 cars making the left. Mr. Shear asked how many vehicles will be queued to turn left and what does that mean for the left turn out of Greenhurst. Mr. Kennelly said there will be fewer conflicts that there are right now.

Mr. Pazda asked how one knows that 13% of the vehicles go to the plaza; does someone sit and count them? Mr. Kennelly said yes that is how it is done.

Chairman Schultz said any land use action in New York State requires an assessment under the New York State Environmental Quality Review Act (SEQRA). The first action the Planning Board needs to take is an assessment under this act. The SEQRA looks at environmental impacts of the proposal and the first action is to see if these impacts are clearly addressed or not. Environmental impacts of NYS include community reaction and traffic among other issues.

Chairman Schultz said information should be and is accessible, although that is not how it was in the 1990's and prior. He wants to assure everyone that the Town was never delaying on this proposal. Many of the paper files had to be dug out of the archives and that takes time.

Forty-three (43) different individuals have been heard on this proposal via letters, e-mails and meetings. Three (3) people expressed support for the project and forty (40) expressed opposition. There are 117 people who have signed petitions in opposition to the project. The vast majority of the people expressing concern are from the Greenhurst/Vista area and Eastbrook and Ledge Lane area. Three (3) concerns repeatedly come out: (1) Pedestrian and bicycle safety on Greiner Road; concern regarding the six foot (6') shoulder being reduced to two feet (2'). (2) The impact on Greiner Road traffic; the westbound queue coming into the site will exacerbate an existing problem at rush hour near Greenhurst. (3) People will find the eastbound egress fairly easy and will cut down Eastbrook and Ledge Lane, or they will turn left into Vista and come around to Greenhurst and exit there.

Chairman Schultz reads a letter from Reverend Roth which stated that if the bottle-neck on Transit Road is to be solved, something needs to be done on Transit Road not Greiner Road. He also talked about the quality of life and how this proposal may or may not affect it. Reverend Roth wants a decision, up or down, without any booing or cheering. Chairman Schultz asked the audience to honor Reverend Roth's request.

Ward Caldbick, of 5315 Greenhurst Road, said that 13% of the traffic traveling west on Greiner Road is 2% of the traffic that would empty on to Transit Road. Using Benderson's study, if you decrease traffic at peak periods from 2000 cars an hour to 1900 cars, this will make no difference to the people driving on Transit Road but will impact the environs on Greenhurst and Eastbrook. It is naive to believe that there would be no additional traffic at that section of Greiner Road. What they are not accounting for is the traffic coming from Williamsville traveling east on Maple Road, if these people are going to the north end of the plaza they will continue on Greiner Road and turn right into the plaza. The same thing will happen with people traveling south on Transit Road from East Amherst, they will turn down Greiner and right into the plaza. This creates additional traffic concerns.

Danielle Buchbinder, resides on Vista Avenue, and said she has never heard anything about the impact of this proposal on the shoppers at the Eastgate Plaza. The new access road is directly in line with the path that goes between the stores and the parking lot, which means any new traffic in the plaza through that access road will run through this path and the shoppers will be less safe.

Josephine Woloszyn, of 8064 Greiner Road, thinks this will create a big increase in traffic coming from Williamsville and East Amherst. Currently, there are a lot of people who turn around using her driveway; she thinks this will increase.

David Beckinghausen, of 8036 Greiner Road, also thinks there will be increased traffic in the area. He is also concerned about added congestion coming south on Transit Road trying to make a left onto Greiner Road. The left lane will hold seven (7) cars, the thru traffic will be bound up. Mr. Beckinghausen asked how delivery trucks will be restricted from using this access drive.

Greg Sheehan, of 5163 Eastbrook, said the southbound traffic that is now making the left onto Greiner Road will have a longer green arrow traffic light, this will back-up traffic even more on Transit Road. He would like to see a DOT study.

A member of the audience asked if there is a clear goal as to what the Town sees Greiner Road as. If the access road is built it will take commercial and dump it into a residential area. The gentleman who opened up this whole thing by selling his property to Benderson owns those four (4) rental properties and also owns businesses on Transit Road. She is sure he has no qualms about selling that and opening a Tim Horton's or whatever along Greiner. She hopes that the Town has a plan of how they want it to look because this is just the first step in opening it up.

Darryl Remsen, of 4894 Ledge Lane, said a traffic study was done for the original Eastgate Plaza project; the study said there would be no impact on Transit Road. Mr. Remsen said how can one depend on the traffic study, has anyone looked at Ledge Lane, Eastbrook and other adjoining streets. They weren't able to mitigate the impact back then, what makes them think they can do it now.

Andre Thomasula, of 5113 Eastbrook Place, wants to address concerns regarding pedestrian and bicycle safety, not just on Greiner Road but on Eastbrook as well. In June 1995 his 17 year old daughter was riding her bike from Eastbrook Place, she was unable to cross Greiner Road because of the level of traffic at 3:30 pm. The shoulder was 8' wide not 6'. She was struck head on by a careless driver. At a subsequent meeting, after her death, the state trooper showed pictures of the accident and said Mr. Thomasula's daughter was riding 2' from the curb, which put her 6' away from the drive lane. He finds a contradiction in the applicant's presentation, one representative said there will be no increase in traffic while the other said 13% will use the access drive, you can't have it both ways. Mr. Thomasula's concern is the people leaving the driveway. There will be a right turn only out of the plaza and the first street people encounter will be Eastbrook where people walk their dogs, their children and grandchildren in the street. There are no sidewalks on Eastbrook Place. Mr. Thomasula contends that people going west into Buffalo and the Tonawanda, as well as southbound to Lancaster and Depew will use that egress to totally avoid Transit Road. There is not enough sidewalk in the plan to save everyone, there are going to be increased fatalities. He suggested putting a traffic light at the Wal-Mart entrance of the plaza. If Mr. Thomasula has other suggestions he is encouraged to put them in writing and submit them to the Planning and Zoning office.

William Lederhouse, of 5123 Eastbrook Place, referred to the comment made about never being allowed to turn left out of the access drive onto Greiner Road. He submits a letter from 1995 addressed to Daniel Herberger which states no ingress or egress to Greiner Road, this is what the developer agreed upon and the Town Board or the Planning Board wanted at that time. He submits the paperwork.

Al Schweitzer is concerned with the shoulder being cut down to 2 or 3 feet. He lives on Greiner Road and entertains often. The overflow of the vehicles that don't fit in his driveway parks on Greiner Road. If the shoulder is cut down and a turning lane is put in, the road will be narrower; where will the people park? Does the Board expect Mr. Schweitzer to tell his friends to park on Greenhurst and Vista, and

clog those streets up? It is a great idea to lengthen the turning lane on Transit Road, as Mr. Pazda previously suggested. Benderson owns the other side of Transit Road, why don't they widen that?

David Augustine, of 5023 Eastbrook Place, said there are no sidewalks or safety zone for the kids who are playing on Eastbrook Place on a summer Saturday afternoon, which the traffic study indicated was the busiest time. It is ludicrous for anyone to believe that people will go up Greiner one or two more miles to Harris Hill Road and not use Eastbrook Place to cut over to Sheridan Drive. He asked how much this project is going to cost Benderson.

Martin Ford, of 5190 Fox Trace, said his son was hit by a car 3-4 years ago on Greiner Road. He was on the shoulder which is 6'-7' wide. If you take the shoulder down to 2' how many more kids are going to be hit?

Karen Okonowski-Dunlap said since Transit Road is the issue she asked the Planning Board to look at making corrections on Transit Road and not Greiner Road or Sheridan Drive. She suggests building a median in the center of Transit Road or a turning lane in front of the mattress store. As far as the back areas of all the businesses that are in the front of the plaza, she suggests opening this up so people who are shopping in one of those stores can exit into the plaza and go to those stores in the back. She suggested building medians or dividers for the parking lot. She also suggested putting signage up in the neighborhoods such as "children at play" and traffic signs. She submitted the petitions and photos of what traffic is like on Sundays, this documentation has become part of the file.

Ismet Hallac owns property in the vicinity. He owns a house one mile up on Greiner Road and when he spends time there he shops at the Eastgate plaza. All the people that will use the access drive are residents of Clarence.

Robert Karaszewski, of 5362 Greenhurst, asked why Benderson is so concerned with relieving traffic on Transit Road. If any traffic is relieved on Transit Road it will be dumped on Greiner Road in front of his street, he will not be able to turn left. People sitting there will create car fumes, this is an environmental issue. Another environmental issue will be the safety of the kids.

Reverend Roth spoke with Gary Z. at the Erie County Highway Department and asked if signs could be put up to remind people that it is a State law that side roads are not to be clogged. Gary advised Reverend Roth that the ground is frozen so the signs will not go up now but they will be installed in the spring. There are almost 1500 homes north and south of Greiner Road, many of them have two (2) cars. This makes for a crowded neighborhood served by only 3 east/west roads. Reverend Roth asked the Planning Board members if, knowing what they know now, any one of them would sell their home and move into a home on Greenhurst, Vista, Ledge Lane, Red Clover or Eastbrook. Or would any of them recommend buying a home in this area to any of their adult children.

Pam Koss grew up on Vista and owns property there now. She finds it nearly impossible to make a left turn out of Vista on to Greiner Road. She does not see how the proposed left turning lane will slow and create gaps in traffic, it will create a line of traffic waiting to make a left turn with continued forward traffic going east and west. She did not hear anything in the traffic study about those people heading north that will now cut through that plaza to access that access road during the holiday traffic and during the summer months.

Debbie Brent has lived on Greenhurst for 22 years. She voiced her concern saying it is human nature for people to automatically go to the left to get on to Transit Road. She is concerned for safety reasons.

ACTION:

Motion by Wendy Salvati, seconded by George Van Nest, in consideration that the proposed Benderson access road has potential to impact the surrounding community, although certain information has been presented to this Board it appears that additional information, particularly with respect to traffic, community character and public safety, is still needed to enable the Planning Board to make a well reasoned decision with respect to potential impacts to the environment. It is **recommended** pursuant to Article VIII of the Environmental Conservation Law the Planning Board issue a Positive Declaration to further assess potential significant impacts associated with the proposed action, to consider, but not be limited to, traffic congestion in the Greiner Road corridor creating hazardous conditions for local residents in the Vista/Greenhurst/Eastbrook Place neighborhoods, pedestrian and bicycle safety in the Greiner Road corridor near the intersection of Transit Road and other locations in the vicinity of the access road, traffic exiting to the east on Greiner Road from the proposed access road and the potential for U turns or the utilization of Vista Avenue or Eastbrook Place for egress. The rationale for issuing this Positive Declaration is related to the potential significant impacts that are identified and the ability of the proposed mitigation to address these concerns. The general scope of the required environmental impact statement would be to weigh potential positive impacts associated with the construction of the proposed access road against potential negative impacts thus balancing the level of service impacts against residential neighborhood impacts.

ON THE QUESTION:

All submitted correspondence from the applicant, all hired consultants and the public, including all Town Board and Planning Board meeting minutes to be included as a part of the record and as a basis for final action.

Mr. Pazda explained that this is the first action that needs to be taken; the SEQRA Law needs to be followed. This happens before the project is approved, denied or tabled. A Positive Declaration means more information is required.

Mrs. Salvati said there will be opportunities in the future for the public to offer additional input.

Mr. Callahan noted that under the SEQRA Law the applicant is responsible for the costs associated with the Draft Environmental Impact Statement (DEIS).

Gregory Todaro	Aye	Paul Shear	Aye
George Van Nest	Aye	Timothy Pazda	Aye
Richard Bigler	Aye	Wendy Salvati	Aye
Al Schultz	Aye		

MOTION CARRIED.

Chairman Schultz explained a Positive Declaration means that the applicant is required to develop an Environmental Impact Statement to review all of the potential negative impacts which have been

identified. In particular, to identify those things that are negative and find if there is a way to mitigate those items. When this is done there will be a Draft Environmental Impact Statement that will be available to the public.

The Planning Board will be the Lead Agency for the SEQRA Review.

Item 2

Rock Oak West/Stephen Development
Commercial

Requests Concept Plan Approval of a proposed expansion to an existing manufactured housing park at 9735-10065 Main Street.

DISCUSSION:

Jim Callahan provides the background on the project. The property is located on the south side of Main Street east of Gunnville Road. It is an existing manufactured housing park, the applicant is proposing an extension within that commercial zoning classification. A Negative Declaration under the State Environmental Quality Review Act (SEQRA) was issued by the Town Board on January 19, 2011 on the full scope of the project. The applicant is present seeking Concept Approval and recommendation for a Special Exception Use Permit (SEUP) on the manufactured housing park expansion plus a recommendation for that SEUP.

Chairman Schultz clarified that manufactured housing remains in the complete purview and authority of the Town Board, thus the Planning Board will be making a recommendation to them.

Noel Dill and Paul Stephen of Stephen Development are present. Mr. Dill explained they are proposing 71 lots. These lots will be larger than the existing lots and the roads in the expansion will be wider as well. Stephen Development has agreed with the DEC that they will construct a new septic system for this property. There will ultimately be an egress to Main Street added.

Mrs. Salvati asked if the home will be demolished where the proposed road through the front parcel is planned. Mr. Dill said when it comes time to put the access road in, it is anticipated that it would not impact that home. That property is separated from this proposal. The house will be to the west of the road.

Chairman Schultz said a letter from the Homeowners Association was received and is on file.

James Murphy, president of the Rock Oak Homeowners Association, said they are not against the expansion; however they do have concerns about the construction of the new area. The number one concern is if the septic system is going to be large enough to handle the new development, Mr. Noel just addressed this. Mr. Murphy wants the construction road in place before any construction begins. The Rock Oak Homeowners Association wants a guarantee that there will be no construction vehicles through Sandringham. Blasting will be a problem. Mr. Murphy is hoping that the drainage issue will be taken care of. The project engineer should be housed in the new section. Mr. Stevens has agreed to bring in a sweeper and the residents appreciate that. Mr. Stevens is a caring landlord and the residents think their concerns will be addressed.

Richard Ehlers, resident of Rock Oak West, voiced his concern that it will be years before the construction road is able to be used by the residents. He is also concerned with water issues in the existing park that should be addressed before any expansion is allowed.

The roads in the development are private roads.

Chuck Bern, Chair of the Board of Trustees for the Presbyterian Church at 9675 Main Street, is not familiar with a Master Plan for sewage in this part of Town. The Church is on rock and is still using a septic system. There needs to be special attention made to septic system for the proposal because of the rock in the area. The church did not blast when their septic system was installed. The top four-five feet of rock was highly weathered so it was easy to bust up.

Mr. Dill said blasting was used in the first phase of Rock Oak; there was only one area that needed to be blasted in the second phase. There may be some blasting with this proposal but it would be far away from any homes; there are regulations that stipulate blast surveys. Wherever possible, they prefer to hammer the rock out.

Mr. Dill said they would like to build all the roads out at the same time. At the culmination of the project there will be a finished egress there. The construction road will be converted to a vehicle road once the construction is done. The detention pond and septic system will be in place prior to any homes being built.

Mr. Pazda asked what the status is for installing a traffic light at Kraus Road. Mr. Callahan said as part of the coordinated review the DEC advised there is no warrant for a signal at that location.

Chairman Schultz asked if there are steps that can be taken to limit the dust during construction. Mr. Dill said there are things they can do to limit the dust, like wetting down the area. Mr. Metzger said the Phase II SPDES requirements mandate that dust is controlled as part of the weekly inspections that will be done by his office. If the dust is not being controlled it will be brought to the attention of the owner and the contractor and the information goes into the reports. At any time the DEC can stop by and look at the reports and if they see an ongoing problem the applicant will be in violation and will be addressed. Mr. Metzger confirms that there will be a new septic system built for this project. The storm water management at the proposed park cannot adversely affect the drainage of the existing park.

ACTION:

Motion by Wendy Salvati, seconded by Timothy Pazda, to **recommend** approval of the request for Concept Plan Approval of a proposed expansion at the existing manufactured housing park at 9735-10065 Main Street.

ON THE QUESTION:

The motion includes all the information in the Revised Part III of the Negative SEQRA Declaration, it also includes steps to control dust. The applicant is to follow blasting regulations. The applicant must work with the Town Engineer to make sure nothing new will exacerbate the drainage problems at the existing park. All roads are to be paved as soon as practical. The applicant will provide a drawing to the Town indicating the location of the construction road. All submitted correspondence from the applicant, all hired consultants and the public, including all Town Board, Planning Board and TERQ Meeting minutes to be included as a part of the record and as a basis for final action.

Gregory Todaro	Aye	Paul Shear	Aye
George Van Nest	Aye	Timothy Pazda	Aye
Richard Bigler	Aye	Wendy Salvati	Aye
Al Schultz	Aye		

MOTION CARRIED.

ACTION:

Motion by Wendy Salvati, seconded by George Van Nest, to **recommend** the Town Board pursue the Special Exception Use Permit for the Manufactured Housing permit as required by law.

Gregory Todaro	Aye	Paul Shear	Aye
George Van Nest	Aye	Timothy Pazda	Aye
Richard Bigler	Aye	Wendy Salvati	Aye
Al Schultz	Aye		

MOTION CARRIED.

Meeting adjourned at 9:33 p.m.

Carolyn Delgato
Senior Clerk Typist