

Town of Clarence
Planning Board Minutes
Wednesday March 18, 2009

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

K & A Landscaping
Restricted Business

Requests recommendation on Change-In-Use
from Residential to Commercial showroom for
landscaping/ponds at 8905 Sheridan Drive.

Item 2

Shadow Woods
Residential Single-Family

Requests Concept Approval for a proposed Open
Space Design Subdivision west of Goodrich
Road, north of Keller Road.

Item 3

Ranchview LLC/Rubino Brothers
Residential Single-Family

Requests Concept Approval for a proposed Open
Space Design Subdivision at the southwest corner
of Clarence Center and Shimerville Roads.

Vice-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:

1st Vice Chairman Albert Schultz
Timothy Pazda
Richard Bigler

2nd Vice Chairman Wendy Salvati
George Van Nest
Gregory Todaro

Planning Board Members Absent:

Chairman Gerald Drinkard

Jeffrey Grenzebach

Other Town Officials Present:

Planner Brad Packard
Deputy Town Attorney David Donohue

Councilman Peter DiCostanzo

Other Interested Parties Present:

Nancy Latona	George Hermance
Tom Hanifin	Ken Thompson
Sean Hopkins	William Schutt
Allen Gozdalski	David Chiarolanza
Fred Cimato	John Rubino
Joe Rubino	Chris Carollo
Stan Pril	

In the absence of Chairman Drinkard, 1st Vice-Chairman Al Schultz will preside over the meeting. In the absence of Planning Board Member Jeffrey Grenzbach, Alternate Gregory Todaro will participate in all discussions and vote on all agenda items this evening.

Motion by Wendy Salvati, seconded by Timothy Pazda, to **approve** the minutes of the meeting held on March 4, 2009, as written.

ON THE QUESTION:

Mr. Schultz notes the following corrections to the minutes:

- Page 2009-11, 1st paragraph, 11th line down shall read, “**Mr. Metzger states that** there are requirements from the Erie County Department of Environmental Planning that will not allow sanitary sewer or pump stations for subdivision that have less than **50 or 75** lots.
- Page 2009-12, 2nd paragraph, 3rd line shall read, “Mr. Schultz points out that originally the applicant asked for four (4) lots, not three (3), the fifth being the remainder **of the parcel**. 4th paragraph, last sentence, delete the word “**intercedes**” and replace it with “**intercepts**”.

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

MOTION CARRIED.

Mr. Schultz explains that the Planning Board is a recommending body that may vote to refer agenda items to other committees such as the TEQR Committee, Fire Advisory and Traffic Safety for their study and comment. The Planning Board may move to table an agenda item for more information. The Planning Board may vote to recommend an action to the Town Board with conditions. The Town Board is the governing body and as such will have the final vote on all items. The meeting will be conducted based on Robert’s Rules of Orders. Comments, questions and dialogue will become public record. The procedure for agenda items starts with Brad Packard introducing and providing a brief history of the item. The applicant will then have the opportunity to speak on the project. The Planning Board members will then have an opportunity to ask questions. The public will be offered the opportunity to speak on the subject; all commentary will be addressed to the Planning Board and will be limited to three (3) minutes. The applicant will then have the opportunity to respond to the public comment. A motion will be called for with a roll call vote.

Item 1

K & A Landscaping
Restricted Business

Requests recommendation on Change-In-Use
from Residential to Commercial showroom for
landscaping/ponds at 8905 Sheridan Drive.

DISCUSSION:

Brad Packard provides the history on the project. It is located on the south side of Sheridan Drive east of Shimerville Road. It is an existing residential property with two (2) existing residential structures in the Restricted Business zone. The applicant is proposing to convert the one residential structure to a landscape and pond display business. The application was forwarded from the Town Board for recommendation on change in use.

Allen Gozdalski, owner of K & A Landscaping and Ponds, is present. He has owned the property for approximately four (4) years. He would like to move his landscaping and small pond business from the Main Street location to this location. The truck issue has been addressed by proposing over 6,000 square feet of fencing; the trucks will be parked behind the fence on the property. 1200 square feet of fencing will be at 8905 Sheridan Drive and 5100 square feet will be installed at 8895 Sheridan Drive. There is a 30' NYSEG easement running through the middle of the property, nothing can be built under the power lines. 15' on each side of the easement can only be grass, blacktop or landscaping, no structures. The back entrance of the project site will be gated and will run parallel with the existing gate that is there now. This entrance is for Mr. Gozdalski's personal use only as he currently lives in the house at 8895 Sheridan Drive. The other structure on the property will be remodeled. On the 8905 Sheridan Drive retail side of the property he plans to install a 30' x 40' matching fenced in area. This will be a 6' stockade fence to house materials and park trucks. Mr. Gozdalski said he receives 7 to 8 truck loads of material a year, rarely a semi. He owns a fork lift and uses it to move materials as needed. Mr. Gozdalski said there will be a few lights on the front of the property, there will be neither flood lights nor lighting standards.

Mr. Schultz explains a Temporary Conditional Permit is required; the permit will set forth conditions to protect the neighbors. Mr. Gozdalski understands. There will be 76% green space on the property. Landscape improvements will be made to the property which includes decorative ponds, a uni-lock walkway and stamped concrete in front of the blacktop. He intends to plant trees in the back along the fence line. A few trees will be removed from 8895 Sheridan Drive as they are damaged.

Mr. Pazda asked for details on the hours of operation. Mr. Gozdalski explains his business is open from April to Thanksgiving; he is closed from December through St. Patrick's Day. April to Labor Day is his busiest season. The hours are from 10:00 a.m. to 6:00 p.m. on weekdays. Saturdays are from 9:00 a.m. to 5:00 p.m. Sunday hours are only in the Spring time and run from 10:00 a.m. to 2:00 p.m. The retail side will only be opened on the weekends.

Mr. Schultz saw nine (9) trucks at Mr. Gozdalski's Main Street location. Mr. Gozdalski said the trucks that have plows on them will not be moved to the Sheridan Drive location, they will be stored in the off-season at a facility on County Road. He will have 5-6 vehicles and 3-4 trailers stored at the Sheridan Drive location. Trees will be planted along the fence so most of the cube van will be hidden.

The ponds that will be installed on the property measure 7' x 7', 8' x 10' and a 10' x 18'. Mr. Gozdalski is ready to start his project now, estimating 45 days of construction; he hopes to make the move by Memorial Day 2009. He understands that a Public Hearing is required.

Ms. Salvati asked where the stone would be stored. Mr. Gozdalski said it will be stored within the fenced area, near the trucks.

Mr. Schultz reads a letter from the Tamrowski family of 4630 Shimerville Road. They have lived across from Mr. Gozdalski's property for 14 years and there has never been a problem from Allen nor his employees. The property has always been maintained since Mr. Gozdalski has lived there, he's made big improvements on the landscaping and the property is kept neat and clean. The only concern could be the traffic from K & A. Mr. Tamrowski was told entering and exiting would be from Sheridan Drive, other than that there would be no problem for Allen to move his business to 8905 Sheridan Drive. The letter is signed by Daniel Tamrowski and dated March 17, 2009.

ACTION:

Motion by Wendy Salvati, seconded by George Van Nest, to **recommend** the Town Board issue a Negative Declaration under SEQRA for the proposal to relocate K & A Landscaping to 8895/8905 Sheridan Drive. This recommendation is based on the Short Form EAF, and the fact that, while this move represents a change-in-use from current site usage, it is similar to past practices on the site.

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

MOTION CARRIED.

ACTION:

Motion by Timothy Pazda, seconded by Wendy Salvati, to **recommend** the Town Board issue a Temporary Conditional Permit for the relocation of K & A Landscaping to 8895 and 8905 Sheridan Drive pursuant to Clarence Code Section 229-13. Depending on the outcome of the requisite public hearing, the Planning Board believes that the proposal is consistent with the Town's Comprehensive Plan and the compatibility with the surrounding residents can be insured by the following conditions:

- 1.) There will be no commercial traffic introduced to Shimerville Road, commercial access will be on Sheridan Drive only. This will be enforced by gating the residential access driveway on Shimerville Road.
- 2.) The landscape vehicle storage will be limited to five (5) to six (6) vehicles with three (3) to four (4) trailers. All vehicles will be stored within the fenced area.
- 3.) Landscaping will include decorative ponds, uni-lock walkway and subject to the final approval of the Landscape Committee. Trees will be added as necessary for screening of higher vehicles.
- 4.) The ponds will be small decorative ponds.
- 5.) The hours of operation will be nominally between 9:00 a.m. and 6:00 p.m. April to December.
- 6.) Lighting will be shielded and downcast; there will be no flood lights on the site.
- 7.) All material storage will be in fenced areas.
- 8.) Signage will be subject to Sign Committee approval.

ON THE QUESTION:

Ms. Salvati suggests the conditions reflect all lighting at the site will be directed downward/shielded. Deputy Town Attorney David Donohue points out that the Temporary Conditional Permit is good for one year, the Town Board then has the option of renewing it for a one to five year period; the renewal is not automatically a five year period.

Mr. Van Nest suggests, if the applicant needs expanded hours of operation further than what is stated under the conditions, he make that request to the Town Board.

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

MOTION CARRIED.

Mr. Gozdalski advised the Planning Board that he previously applied for garage permits; however they are off the table at this point.

Item 2

Shadow Woods
Residential Single-Family

Requests Concept Approval for a proposed Open Space Design Subdivision west of Goodrich Road, north of Keller Road.

DISCUSSION:

Brad Packard provides the history of the project. It is located on the west side of Goodrich road north of Keller Road and is in Clarence Sewer District #2. It was originally referred from the Town Board on September 12, 2007. The Planning Board previously referred this project for environmental review on February 20, 2008. The Town Board a Negative Declaration in reference to this project on March 11, 2009.

Sean Hopkins, of Hopkins & Sorgi PLLC, is representing the applicant. William Schutt, of William Schutt and Associates is present along with David Chiarolanza, Gerry Czamanski and Fred Cimato.

Mr. Hopkins explains the property site consists of 68 acres. In 2007, the density determination was settled at 64 lots. The original plan was for two (2) phases; however the plan has changed and Phase II has been eliminated. The current plan has reduced the wetland impact to one tenth of an acre. Only .24 acres of the adjacent area will be impacted; this is the pump station. The wetlands were re-delineated and were found to have grown from 17 acres to 24 acres; this does not change the density calculations. The current plan no longer requires any impacts on any residential lots on the 100' adjacent area. There is 75% open space in the plan and patio homes are the intended type of home in the subdivision.

Mr. Schutt clarifies that there was never a plan to abandon the Keller Road pump station. The plan was to facilitate the future abandonment of that pump station by Clarence Sewer District #2. The applicant has had meetings with the Clarence Town Engineer, Amherst Town Engineer and the NYS

DEC. A preliminary design for the pump station has been submitted to the NYS DEC and to the Clarence Town Engineer.

Ms. Salvati referred to the deed restricted areas on the plan and asked how the applicant will insure that those areas are not touched. Mr. Hopkins explained that each lot will have a survey with the conservation area recorded as part of the transaction; an association will need to be formed.

Mr. Pazda asked Mr. Hopkins to explain the plan for recreation as it relates to this project. Mr. Hopkins said the DEC does not want the applicant to do anything in the wetland area and it was requested that the wooded area along the south property line be left as natural as possible, so there are no opportunities for active recreational space.

The northwest corner of the parcel will never be developed as it was used in calculating the density for the project. Mr. Hopkins is in agreement if deed restrictions need to reflect this.

Mr. Schultz referred to the EAF Part III in which it is suggested that the Town of Clarence put a weight limit on Goodrich Road.

Nancy Latona, of 6440 Goodrich Road, is concerned with the traffic this project will generate; she wonders if traffic studies have been done yet. She is also concerned with drainage; there is a lot of water behind her house right now. Another concern is the size of the buffer between her property line and the back yard of the proposed lot; how big will the buffer be? A major concern of Ms. Latona's is the road that is being proposed next to her property, she asked how much space is between her driveway and the proposed road. What will the road entrance look like? Will there be a hot box next to her driveway? Her quality of life is going to be turned upside down. How many years will the construction vehicles travel the roadway next to her property? She would like the buffer left as natural as it is now, the addition of trees would be welcome.

Tom Hanifin, of 9364 Pinyon Court, is also concerned with the traffic and the safety of the many children in the neighborhood. He said there is a lot of water at his lot line, if this project moves forward he is afraid the water will be pushed further on his property and may have damaging effects on the foundation of his house.

Mr. Schutt said the slope on the parcel is due north, away from Pinebreeze Court. He hopes that the project's infrastructure will improve the water issues for both the neighbors who spoke. He has worked closely with the Town of Clarence on drainage. Mr. Hopkins said the engineering firm must demonstrate the rate of run-off water will not increase with this project. He also explains there will be 100' of buffer on either side of Ms. Latona's property plus an additional 40' in the rear. Mr. Schutt said there are no provisions for a hot box. Mr. Hopkins said the setback at the south end of the parcel has been increased so that the closest lot to the edge of the conservation easement is 112'. A traffic study has been completed by Greenman Pedersen and reviewed by the TEQR Committee, Erie County Department of Public Works and the NYS DOT. All three of these involved agencies determined that the project will not have a significant adverse environmental impact in terms of traffic and there was no need for mitigation.

Mr. Hopkins said the property along the back of Ms. Latona's land will be left natural. The applicant will preserve as much vegetation as possible on the north side of Ms. Latona's property where the location of the road is proposed. Mr. Pazda asked the applicant to work with augmenting existing landscaping and to work with the Landscape Committee. Mr. Hopkins understands that this

project will be referred to the Landscape Committee and their approval is required. Mr. Bigler said the landscaping needs to be delineated early on in the project so it can be marked off.

Mr. Hopkins notes that a conservation easement is shown for both sides of Ms. Latona’s lot.

ACTION:

Motion by Wendy Salvati, seconded by Richard Bigler, to **recommend** Concept Plan Approval for a proposed Open Space Design Subdivision west of Goodrich Road, north of Keller Road.

ON THE QUESTION:

Mr. Todaro notes to the Town Board that EAF recommended reducing the weight limit on the Goodrich Road corridor. Mr. Schultz said there must be assurance, up front, that the entire parcel be maintained; the northwest corner never to be developed. He suggests it stay part of the parcel. Mr. Van Nest is not sure the Planning Board has the authority to restrict this. Deputy Town Attorney said there will be a map of the land with a deed restriction for the northwest corner.

The following conditions are added to the motion:

- 1.) The Town Board is requested to look into restricting weight limit on the Goodrich Road corridor.
- 2.) There will be a deed restriction on this parcel such that the vacant land on the northwest portion of the property which was used for calculation of density can not be further used except for open space, regardless of ownership.
- 3.) The land immediately south of the entrance driveway and Ms. Latona’s property are to be protected and remain in its natural state.
- 4.) Subject to Recreation and Open Space Fees of the Town of Clarence.
- 5.) A Homeowners Association Agreement needs to be cleared through the Town Attorney’s Office.
- 6.) Any area’s not to be developed will be protected by orange fencing to ensure they aren’t cleared.

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

MOTION CARRIED.

Item 3

Ranchview LLC/Rubino Brothers
Residential Single-Family

Requests Concept Approval for a proposed Open Space Design Subdivision at the southwest corner of Clarence Center and Shimerville Roads.

DISCUSSION:

Brad Packard provides the history on the project. It is located on the southwest corner of Shimerville and Clarence Center Roads and in Clarence Sewer District #6. The project was referred from the Town Board on September 12, 2007. The Planning Board previously referred the project for

environmental review on October 17, 2007 and on November 19, 2008. The Town Board recently issued a Negative Declaration on March 11, 2009.

Sean Hopkins, of Hopkins & Sorgi PLLC, is representing the applicant. Joe and John Rubino are present as well. Mr. Hopkins said the project is 28.39 acres. He summarizes that originally the Town Board issued a Positive Declaration, litigation was commenced on behalf of the project sponsor and the court said the record submitted did not provide enough information to support the Positive Declaration decision. The project was referred back to the TEQR Committee by the Town Board where it underwent an extensive environmental review under the SEQRA process. A major issue is the sanitary sewer capacity. The TEQR committee wanted to make sure the project was acceptable in terms of sanitary sewer capacity so they sent Freedom of Information Law (FOIL) requests to involved agencies. Mr. Hopkins has copies of all the responses and they indicate that there is capacity for the project. Mr. Hopkins refers to the Part III of the EAF where it states that sanitary sewer capacity has been evaluated in great detail. It also states that once the project reaches Development Plan Approval all the engineering documentation will be reviewed again by all the involved agencies. The applicant has provided 4 to 1 mitigation; the project is only allowed to use one gallon for every four gallons of sanitary sewer capacity freed up. A wetland permit was submitted to the Town proposing less than 3/10's of an acre wetland impact. The entire 200' of frontage is being preserved along both Clarence Center and Shimerville Roads; the Rubino's are considering plantings and preserving as much of the vegetation as possible. They have also agreed to provide a 30' wide strip of property for the future north south connection to the Town's recreational trail along Shimerville Road.

Mr. Schultz asked for clarification on the work that was done a few years ago to free up the sewer capacity. Mr. Hopkins reads from the Negative Declaration which indicates the project entailed the upgrading of the existing 24" sanitary interceptor sewer to a 36" sewer. The project included the upgrading of a permanent public sanitary sewer easement permitting activities required for construction, operation and maintenance of such sanitary sewer.

Mr. Van Nest said he is struggling with issue of whether or not the Town will grant this request given the out of district situation. The problem is the Negative Declaration was granted a week or two ago, the Planning Board members do not have the minutes, so it is unknown if this is a situation the Town Board is going to approve given the other concerns in District #5. He is not sure how the Planning Board acts on this issue tonight in the absence of more definitive information and if the Town Board is going to move forward with regards to the sewer connection itself. Mr. Hopkins said there was no detailed discussion at the Town Board meeting and he thinks the Town Board relied on the information in the Part II and III of the EAF. Mr. Van Nest said assuming there was no elaborate discussion at the Town Board meeting and assuming the project is to move forward, is the Town Board willing to take this step relative to the connection. He's not sure the Planning Board is in the position to answer this question. There is an implication that by issuing the Negative Declaration the answer would be yes but it puts the Planning Board in a difficult position. Ms. Salvati said the Planning Board would be more comfortable if the decision as to whether sewer will be granted or not is made. Then the Planning Board can move forward with what they would normally do. Mr. Van Nest said he is willing to send the project off for Concept Approval, Development Plan preparation if the Town Board is actually going to take this step. Mr. Hopkins asked why this can't be part of the recommendation for Concept Plan Approval. Ms. Salvati said it would have made sense to bring the Town Board in right from the beginning. Mr. Hopkins said the applicant was told to find a solution; they went to Erie County #5 and were told they needed to work with the Town of Amherst, this is what they did. Ms. Salvati said they are struggling with the fact that they had hoped the decision on sewer would have been made before the project came back to the Planning Board.

John Rubino feels they have addressed the sewer issue completely. It has been through the SEQRA process three (3) times, Erie County has responded positive. Ms. Salvati said she understands that but no one asked the Town of Clarence first about a sewer that was planned for a district that is under the authority of the Town of Clarence. Mr. Rubino said he has a contract in writing between Erie County and Clarence saying that he can use the sewer on Clarence Center Road, he does not understand what the problem is.

Mr. Van Nest said his problem has nothing to do Mr. Rubino as the applicant; frankly, Mr. Rubino has spent way too much time on this project relative to this issue. This issue should have been cited previously at a higher level board. He points out that the contract says “may” use the capacity, not “shall” use the capacity. Unless the Town of Clarence decides it is going to grant the connection to allow the capacity to be used, there is still a question there. Mr. Hopkins said the Town’s Master Sewer Plan should help. Ms. Salvati said the Town’s Master Sewer Plan does not show this property as an area that should be sewerred. Mr. Rubino said that amendment to the Master Sewer Plan was created after the submission of his project.

Mr. Schultz said the sewer issue is not going to be resolved at this meeting. He said the Planning Board can look at the other aspects of the plan and take some type of action or they can refer the project to the Town Board to resolve the sewer issue. Mr. Hopkins said he welcomes any input on the Concept Plan.

Mr. Van Nest asked Mr. Hopkins if he thinks he will get a determination at the Town Board level. Mr. Hopkins said he thinks he will get a determination if requested by the Planning Board.

Town Attorney David Donohue said the Planning Board could make a recommendation to the Town Board for Concept Plan Approval with the recommended changes conditioned upon the Town Board granting access to the Sewer #5. He thinks the Town Board prefers the Planning Board giving them a “whole picture” as it will play a part in the decision for the sewer issue.

Mr. Van Nest said the problem is with the process and has to do with the SEQRA evaluation, how and when it was going to be decided. He said he is not sure the Planning Board members have enough information to make a recommendation on the connection issue. Deputy Town Attorney David Donohue said the Planning Board is not being asked to do this, they are being asked to recommend a Concept Plan and kicking the sewer issue to the Town Board conditioned up them granting access. Ms. Salvati said perhaps the sewer issue should have been decided before it came before the Planning Board.

Mr. Schultz referred to the Negative Declaration in which it states the (sewer) matter will be resolved during Development Plan Review, should the project progress to that stage, at which point the Town of Clarence will coordinate with the New York State Department of Environmental Conservation (DEC) and Erie County Sewer District No. 5 to ensure that there are no existing environmental concerns regarding the execution of this arrangement as presented in concern to this residential subdivision.

Mr. Van Nest said the tenor of this project focused entirely on sewers, as did other projects. The Planning Board spent a lot of time and struggled with what their scope of responsibility was. His problem has nothing to do with the applicant, who is an innocent bystander but for the fact that they have spent a ton of time, a ton of money and don’t have a definitive determination from this Town that “yes we are going to connect” or “no we are not going to connect”. Mr. Van Nest said from his

standpoint as one member of the Board who is asked to approve or not approve a Concept Plan is absolutely ludicrous because that is the cornerstone issue that this Town Board should act upon to be able to move this project forward with certainty for the applicant so that when they spend the time, money and engineering they know they are going to come out the other end with a project that they can connect to the system. The fact that we haven't done that is maddening.

Mr. Rubino said he thought this meeting was to talk about the Concept Plan. They have not received one negative comment about the sewer issue; he would like to get off the sewer subject. Mr. Schultz strongly suggests dropping the issue of sewers at this point. He asked the Board if they want to look at the Concept Plan or not. He asked if the Board wants to forget the whole thing until some sort of opinion on whether or not the Town Board will approve the sewer connection, which they said they will wait until Development Plan approval to do.

ACTION:

Motion by Richard Bigler, seconded by Gregory Todaro, to **recommend** Concept Plan Approval for a proposed Open Space Design Subdivision at the southwest corner of Clarence Center and Shimerville Roads with the caveat that the Town Board resolve the sewer connection issue with regards to extending Sewer District #5 into the area of Sewer District #6.

ON THE QUESTION:

Timothy Pazda said the Concept Plan should be discussed before an action is taken. Richard Bigler agrees. Ms. Salvati suggests that the area that lies in the middle between the lots, inside the circle, be closed up; this is a condition of the motion. Another condition is the area that is in the 200' area that goes out to Shimerville Road and out to Clarence Center Road be left natural.

Richard Bigler withdraws his motion; Gregory Todaro withdraws his second to the motion.

DISCUSSION:

Timothy Pazda referred to the EAF and asked the applicant to clarify his intentions for trails in the project. Mr. Hopkins said he has 200' of frontage along Shimerville Road; they would dedicate a 30' strip that would run the entire north to south strip for the Town's future recreational trail. There is no east west strip identified. Mr. Schultz said in order to make sure the open space remains open space the applicant should consider putting up markers along the northern and eastern edge. He suggests a split rail fence. The applicant will need to work with the Landscape Committee.

Mr. Pazda referred to item #5 of the EAF which talks to pedestrian activity, encouraging walking trips, and reducing walking distances. Additional connections are needed. To mitigate this impact the project should include east-to-west pedestrian pathway from the proposed local road near lots 25, 26 or 27 and terminate the pathway in the vicinity of Candlewood Lane. Mr. Hopkins thinks this means an internal connection through these lots to connect to the bike path is suggested. The applicant will consider this.

Mr. Schultz said the Code says the Town will have to agree on the width of the road, the proposed road looks narrow. Mr. Hopkins said it will be no problem to increase the width of the road.

Mr. Rubino said the plan is for a split rail fence with some plantings at the northeast corner of the property.

Chris Carollo, of 8710 Clarence Center Road, said this is the first time he has been notified of this project, he has owned his property for three years. It is explained to Mr. Carollo that this project has been at the TEQR level for approximately two years; a public hearing has not been held since Mr. Carollo has owned his property. A notification will go out to Mr. Carollo when a public hearing is held.

Clarence resident Stan Pril asked if there are any studies done by the board as far as planning developments with consideration of all the other incomplete developments in the Town. What does the Town consider too much? Mr. Pazda explains that the applicant has the right to develop his property. Mr. Pril would hate to see the Town full of empty houses. He asked if there is a time line that is considered such as when is the area a construction zone, when is it an actual completed project? Mr. Pril is a resident of Waterford and said there are many empty lots.

Mr. Pazda referred to the EAF in which it states...two additional right of way corridors, one to the south and one to the west should be dedicated to the Town for future local road extensions or pathway connections. Mr. Packard said his understanding is that this project would have a right-of-way strip to be conveyed to the Town for consideration for the bike path in the future, the west right-of-way of Shimerville Road and the south right-of-way of Clarence Center Road.

ACTION:

Motion by Richard Bigler, seconded by Gregory Todaro, to **recommend** Concept Plan Approval for a proposed Open Space Design Subdivision at the southwest corner of Clarence Center and Shimerville Roads pending the Town Board resolution of the connection to Erie County #5 Sewer.

ON THE QUESTION:

The following conditions apply to the motion:

- Subject to appropriate fees.
- Elimination of the open space between lots 31-37 and 38-44.
- Subject to Landscape Committee approval, the buffer area along Clarence Center and Shimerville Roads is to be left natural with some demarcation between that buffer area and the lots.
- The roadway is to be expanded to a minimum of 28'.
- A north-south recreational path to run along Shimerville Road.
- A Public Hearing is required.

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

MOTION CARRIED.

Meeting adjourned at 9:34 p.m.

Carolyn Delgato
Senior Clerk Typist