

Town of Clarence  
Planning Board Minutes  
Wednesday April 1, 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**

Master Plan 2015 Proposed Amendments: Discussion.  
a.) Clarence Center Road, east of Transit Road,  
extend Commercial Zone.

**Item 2**

Master Plan 2015 Proposed Amendments: Discussion.  
b.) Transit Road, north of Roll Road, extend depth  
of Commercial Zone.

Chairman Gerald Drinkard called the meeting to order at 7:32 p.m. Councilman Peter DiCostanzo led the pledge to the flag.

Planning Board Members Present:

Chairman Gerald Drinkard  
Jeffrey Grenzebach  
George Van Nest  
Gregory Todaro

1<sup>st</sup> Vice Chairman Al Schultz  
Timothy Pazda  
Richard Bigler

Planning Board Members Absent:

2<sup>nd</sup> Vice Chairperson Wendy Salvati

Other Town Officials Present:

Director of Community Development James Callahan  
Planner Brad Packard  
Councilman Peter DiCostanzo  
Deputy Town Attorney David Donohue

Other Interested Parties Present:

Lois Daigler  
 Barry Boyd  
 Robert Bigos  
 Paul Wheeler  
 Dennis Raquet  
 Douglas Olson  
 Sujata Kishore  
 Khalid Mahrem  
 Mahmoud Mahran  
 Mr. & Mrs. S. Jurek  
 Bob Whetz  
 Holle Forczek  
 Melanie Myers  
 Josephine Coniglio  
 Joseph Kleinmann  
 Chris Falzone

Lynn Collis  
 Brigit Boyd  
 Cynthia Aguglia  
 Christine Quenneville  
 Doug McCallum  
 Scott Zak  
 S. Kumar  
 Rajiv Kishore  
 Wiam Khadra  
 Gary Zunner  
 Mike Valenza  
 Robert Myers  
 Paul Coniglio  
 Joseph Kleinmann  
 Margaret Kleinmann

Chairman Drinkard notes that Gregory Todaro will be sitting in for Wendy Salvati in her absence. Mr. Todaro will participate in all discussions and vote on all agenda items this evening.

Motion by Timothy Pazda, seconded by Al Schultz, to **approve** the minutes of the meeting held on March 18, 2009, as written.

#### ON THE QUESTION:

Mr. Schultz notes the following corrections to the minutes:

- Page 2008-19, under Discussion, 1<sup>st</sup> paragraph, 4<sup>th</sup> line down shall read, “The Town Board **issued** a Negative Declaration in reference to this project on March 11, 2009.”
- Page 2008-21, point #3, shall read, “The land immediately south of the entrance driveway and **the area in the vicinity of** Ms. Latona’s property are to be protected and remain in its natural state.”

Mr. Van Nest offered the following corrections to the minutes:

- Page 2008-23, 2<sup>nd</sup> paragraph, 2<sup>nd</sup> line down shall read, “This issue should have been **decided** previously at a higher level Board”
- Page 2008-23, 6<sup>th</sup> paragraph, 1<sup>st</sup> line down shall read, “Mr. van Nest said the problem is with the process and has **that** to do with the SEQRA evaluation, how and when it was **proposed** to be decided.”
- Page 2008-23, 6<sup>th</sup> paragraph, 3<sup>rd</sup> line down shall include this sentence: “**He said if the project merely moves forward, the town would effectively be kicking the can down the road, without deciding the out of district connection issue.**” (Prior to “Deputy Town Attorney David Donohue said...”)
- Page 2008-23, 6<sup>th</sup> paragraph, 3<sup>rd</sup> line down shall read, “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 **upon** them granting access.

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- Page 2008-23, 8<sup>th</sup> paragraph, 1<sup>st</sup> line down shall read, “Mr. Van Nest said the tenor of this project focused entirely on sewers, as did **a few** other projects **in the area at the time.**”
- Page 2008-24, 1<sup>st</sup> paragraph, 1<sup>st</sup> line down shall read, “... standpoint as one member of the board who is asked to approve or not approve a Concept Plan, **it** 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 they can connect to the **sewer** system.”

Gregory Todaro	Aye	Richard Bigler	Aye
George Van Nest	Aye	Timothy Pazda	Aye
Jeffrey Grenzebach	Aye	Al Schultz	Aye
Gerry Drinkard	Aye		

**MOTION CARRIED.**

Mr. Drinkard 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**

Master Plan 2015 Proposed Amendments: Discussion.

- a.) Clarence Center Road, east of Transit Road, extend Commercial Zone.
- b.) Transit Road, north of Roll Road, extend depth of Commercial Zone.

**DISCUSSION:**

Mr. Drinkard explains that Master Plan changes were requested at the Town Board Meeting in February, for which the Minutes are available. We have input from the Town Board, and documents have been submitted and are being analyzed. Some of the documents were just received today, and we haven’t had a chance to look at them. Much of what we will talk about is how to go about making the modifications to the Master Plan. Last year, at the Master Plan request period, we did an analysis of the whole Transit Road corridor; the Town Board referred one of our recommendations, for “Segment B”, back to the Planning Board for further review.

Mr. Callahan will give a foundational discussion about how the zoning along Transit Road was put into place. Mr. Schultz will put the corridor under discussion into context with a review of what we did last year, and then we'll talk about the projects. All that we talk about, including documentation, will be public record.

Jim Callahan: The comprehensive Master Plan 2015 provides a mechanism for annual review, to ensure that the goals of the community and future land use maps remain current. This annual review begins with the annual public hearing which was held this year on February 25<sup>th</sup>. Two specific requests were made at that annual public hearing for the town to consider amending the future land use map. The Town Board has forwarded those requests for the Planning Board to review. The two requests involve the Transit Road corridor and associated depth of commercial zoning along that corridor, specifically the segment of just north of Roll Road, and the properties just south of Clarence Center Road.

The Planning Board had undertaken a comprehensive review of the entire Transit Road corridor in 2008, and had forwarded a recommendation for amending the future land use map, specifically along the Transit Road corridor. To provide a basis from which to begin an analysis for this year's referrals, I'll briefly describe the history of the Transit Road corridor and then Mr. Shultz will detail last year's study.

Prior to 1975, the Transit Road corridor was zoned agricultural, with areas of commercial based upon projects that had been developed prior to that time, including the Transit Town Plaza and Eastern Hills Mall. In the mid 1970's, the Town Board created the major arterial zoning classification and extended the entire Transit Road corridor as major arterial to the depth of 300' from Wehrle Dr. to Tonawanda Creek. Specific projects along the corridor increased that 300' depth to accommodate larger scale projects on a project by project basis. After the mid 1970's, the town also approved numerous residential subdivisions that back up into the Transit Road corridor including Loch Lea, Transit Valley Acres, Farmington Woods, Rolling Meadows, Forest Creek, Plaza Estates, among many others. These residential projects not only limited the potential for future commercial expansions within the Transit Road corridor, they also provided a different priority for the Town Board to view. In 2001, the Town Board adopted Master Plan 2015, and a future land use map that specifically identified the goals of the community. This plan created protections for existing residential properties while identifying areas for expanding commercial development opportunities, including areas where the depth of the major arterial zone facing along Transit Road could be increased, while maintaining adequate buffers for those existing residential developments. In 2004, the Town Board adopted Land Use Access Management Study Final Report that identified that "transitional zoning" should be developed between single family residential uses and high-end commercial developments to provide a gradual transition into the design and scale of the structure, as well as the intensity of the generated traffic. In places where it is not permissible to create buffers using transition to land use, generous landscaping buffers should be incorporated into the commercial design. Mr Callahan displayed the final report from 2004 and stated that it is available both online and in the Planning and Zoning office. In 2008, the Planning Board undertook a more thorough and comprehensive analysis of the Transit Road corridor, which will be more fully described by Mr. Shultz.

Mr. Schultz: In 2008, the Planning Board received requests from the Town Board to evaluate increasing the commercial depth of two specific parcels along the Transit Road corridor. Rather than look at these in isolation, the Planning Board, along with the Planning and Zoning office, decided to look at the entire corridor and consider the specific requests in the context of what was happening along the corridor. We broke the corridor down into four major segments, and then looked at how the land use had actually evolved, parcel by parcel, within each segment. We also looked at the Amherst side since the character of the area is determined by what is happening on both sides of the street. We

formulated recommendations to the Town Board, based on how the corridor developed historically, and how we could preserve what was there now, while still providing some growth opportunities.

This will be familiar to anyone who has driven along the Transit Road corridor: we start out in the Main-Transit / Sheridan-Transit area with a intense development- big businesses, big parking lots, and lots of traffic. Moving North of Greiner toward Roll, we get into a mixed zone with no major arterial type businesses, but rather a mixture of commercial and restricted business facilities and the intensity changes dramatically. If you were to drive down Transit Road, from North to South starting at Miles Road you would have pretty smooth sailing until you get to somewhere between Roll and Greiner, where traffic increases dramatically, particularly during hit rush hour or on a Saturday.

The area between Clarence Center and Miles Roads is a kind of “country area” with office buildings, doctors’ offices, and so forth; then there is a slight step up beyond Miles Road; the Amherst side of the road displays a very similar character.

The Erie and Niagara County Framework for Regional Growth lists the major concern that big business and intense development has been moving from the city to the East and to the North, leaving behind vacant buildings and a honeycomb of infrastructure that is not being used, while the development pushes out. The framework map of Clarence shows the same pattern as our corridor study, with intense development at Sheridan Drive, dropping down steadily to the North, then picking up once again when you get to Swormville.

Based on our corridor study, we put together six recommendations, four along the Transit Road corridor for the four segments - Greiner to Roll, Roll to Clarence Center, Clarence Center to Miles, Miles to County – and two for the specific requests we had for increased parcel depth... We did recommend increasing the depth of the parcels in both cases because in each case we were able to add restrictions that would adequately protect the adjacent residents. The Town Board accepted five of the six recommendations. The sixth one – Segment B, Roll Road to Clarence Center Road - was sent back to us for a closer look.

Segment B currently consists of restricted businesses which are essentially “mom and pop” type operations or small businesses, and businesses that would fall into our Commercial zone classification. There are no “major arterial” businesses in this segment. Our recommendation to the Town Board was to maintain the current depth and to “down-zone” to commercial, which would allow smaller buildings, less parking, and less traffic than the current zoning. In sending the recommendation back to the Planning Board, the Town Board pointed to the fact that there are very few opportunities where there is a land parcel accessible to these major highways with enough area to allow a larger, major arterial type business and asked us to reconsider our recommendation for Segment B.

Looking for opportunities for larger businesses along this corridor is written into the Master Plan with the caveat that such a business would not negatively impact the neighbors. This brings us to where we are now, with these two requests to thoroughly review in our revisit of this segment, which we are looking forward to doing.

### **Item 1**

**(a.)** Extend the depth of Commercial Zone at 8035 Clarence Center Road.

Request from Frank Raquet - located at 8035 Clarence Center Rd, just East of Transit Rd. Property currently contains split zoning with major arterial to the west on the Transit side, and single family residential to the east. This property represents the old 300’ centerline arterial zone that was

changed in the mid 1970's and left as it was because there is an existing residence there. Mr. Raquet requested that the zone be extended eastward to the full width of his property to make the entire parcel major arterial.

Mr. Raquet stated that he and his brother own the property which is the 3<sup>rd</sup> lot from Transit Road. The western property line is 252' from the side line of Transit Road; since the property is 100' wide about half of it is zoned Major Arterial and the rest Residential. Mr. Raquet wishes to make property all commercially zoned. He is currently trying to sell property and interested buyers are all concerned about the split zoning. The property currently contains a 2 family residence that is rented out. The Board asked why Mr. Raquet wants to change the zoning at this time. Mr. Raquet states that they are trying to sell property and need to make the zoning consistent. Both sides of the property are owned by Mr. Raquet's aunt, Lois Daigler, who lives at 8041 Clarence Center Road, directly to the East of Mr. Raquet; the property directly to the West is a very similar property to Mr. Raquet, which his aunt owns, but is renting. Current use is all residential.

the planning board- asks what value is this change for the Town And what, if any, negatives will be result? (questions that are specifically posed in the Master Plan Amendment Requests Procedure). Mr. Raquet responds that he believes there are no negatives; positives- someday there may be a small commercial business.

Mr. Van Nest points out that There is past precedent. where the Town has acted to eliminate "split zoning" and make lots consistent along their the widths in similar circumstances.

Question raised as to whether his property would be kept as a double rental if someone were to purchase the lot. Mr. Raquet does not know, however the residences are in decent shape. The Board raised the point that once lot is rezoned, anything that fits into the zoning category can go on the property 45' "green belt" required on the East side of any business

Lois Daigler, who resides at 8041 Clarence Center Road, speaks. Ms. Daigler owns 8025 Clarence Center Road, adjacent to Mr Raquet's property on the West side, and 8041 Clarence Center Road, adjacent to Mr. Raquet's property on the East side. She also owns the property immediately behind Mr. Raquet since 8041 Clarence Center Road is a "T-Shaped" lot. Ms. Daigler has no objection to rezoning Mr. Raquet's property, and suggests that the small portion of 8041 Clarence Center Road that extends behind Mr. Raquet's property similarly be rezoned to "square off" the commercial zone, making a straight line from North to South from Clarence Center Road.

#### **ACTION:**

Al Schultz moves to table the request to consider it as part of the overall segment issue. Jeffrey Grenzsbach seconds the motion. Mr. Van Nest raises a concern over tabling this small request until larger issues are resolved, which might jeopardize a potential property sale. It is suggested to resolve this request quickly as possible.

Al Schultz agrees with Mr. Van Nest and withdraws the motion; Jeff Grenzsbach withdraws his second.

Al Schultz makes a motion to refer amendment to rezone the eastern portion of 8025 Clarence Center Road and the portion of lot 8041 immediately behind 8025 to TEQR for coordinated review.. Jeff Grenzenbach seconds.

**ON THE QUESTION:**

Mr. Callahan clarifies that the segment under discussion is 48' width by 214' depth for the parcel at 8035 Clarence Center Road, and 48' width by 60' depth of T-lot shape lot behind (8041 Clarence Center Road).

Gregory Todaro	Aye	Richard Bigler	Aye
Jeffrey Grenzebach	Aye	George Van Nest	Aye
Al Shultz	Aye	Timothy Pazda	Aye
Gerald Drinkard	Aye		

MOTION CARRIED.

**Item 1**

(b.) Extend the depth of Major Arterial Zone on Transit Road just north of Roll Road

**DISCUSSION:**

Introduction: Property is North of Roll Road, south of Highland Park Drive and contains about 17 acres of major arterial to depth of about 500' from centerline of Transit Road; depth was increased to 500' feet with new zoning law adopted in March 2005.

Sean Hopkins of law office of Hopkins and Stroge on behalf of private sponsor of Bellavista Group Incorporate; Pat Cipollo and Chris Andrejewski (project engineer) are also with him for proposed project, which is envisioned as a Wegmans super-store. He requests the Planning Board to issue recommendation to Town Board to amend the Master Plan. Would like 7.3 acres currently zoned residential single family amended to major arterial to accommodate proposed use; this change would extend the depth of the Major Arterial Zone by approximately 350 feet (from current 500 to 850 feet). djoining parcels to the West are zoned major arterial; parcels to the North, South and East are zoned single family residential. The petitioner is proposing to leave a residentially zoned "buffer" of 110 feet to the east of the proposed site, and 104 feet to the north. That these buffers would be permanently as open space via recording of Declaration of Restrictions at the Erie County clerk's office. Document would prevent current sponsor, or any future owner, from trying and get any additional space. A copy would be provided to the town attorney's office for review. Also would have no problem listing the owners of the adjacent parcels as beneficiaries of the document so that it can not be amended without their written approval.

In terms of specifics of the master plan, in the 1990's the town adopted comprehensive plan which set forth 9 goals, developed by town board, planning board, with input from residences.

Community Goals:

- 1.) Preserve and protect the open character of the town through development of the open space plan- Chapter 2, Master Plan 2015. As such, they have incorporated 3.3 acres of permanent open space to protect residences to east and north of project site.
- 2.) Maintain and promote character of Clarence Hollow, Clarence Center and Swormsville; project does not apply to these areas

- 3.) Develop official map that identifies future public service infrastructure operations and implement new town laws that ensure that town development does not occur with a rate that would outpace the town & other agencies and would interfere with quality of life in Clarence. Chapter 4 lists Transit Road as one of the main North-South Roads in the suburbs east of the city of Buffalo. Also states that Transit Rd is the commercial and retail center for this region of Western NY. Transit Rd is a NYS Highway, subject to jurisdiction of NYS Department of Transportation; project will be subject to environmental review if it moves forward. They will give DOT any information needed having to do with project. Also, Chapter 5 states that the Town Board should identify areas along Transit Road in the major arterial zone, with the depth of the zone can be increased to accommodate more substantial projects; primary reason for Town Board referring matter back to planning board. There are very few parcels left along the eastern side of Transit Road that could accommodate substantial projects. Needs to be consensus with adjoining residential neighbors for project to move forward; they are well aware of the need to protect residential areas.
- 5.) Maintain town's strong recreation programs and park facilities. Chapter 6- importance of parks and recreation. Project will be consistent with this goal. Estimated \$400K in annual tax revenues, current project site generates \$18K in tax revenues. This revenue will provide town with additional funds to utilize as it deems appropriate; project is clearly not inconsistent with this goal.
- 6.) Maintain quality of school systems. Project is consistent with this goal. Estimated that project will generate approximately \$250K annually in school taxes, which will be of great benefit to school district, without generating any additional demand for educational services.
- 7.) Provide consistent enforcement of land use regulations; project is not inconsistent- project does not pertain to enforcement of zoning code.
- 8.) Protect orderly and balanced growth plan, which protects existing residential areas. Chapter 9 of the Master Plan recognizes importance of commercial and industrial development as a result of favorable economic impacts. At time of adoption of Master Plan, economic analysis was prepared that clearly demonstrates that you have to look at the services and taxes of residential, which generally use more services then the taxes they generate, versus commercial that typically generate more tax revenue then the services they use. This must be considered. Action plan on pages 33 & 34 states that the town conduct annual reviews- planning board spent a great deal of time last year reviewing Transit Road corridor, they would like the board to take an additional look at this specific project site.
- 9.) Coordinate planning efforts on a regional basis, including forming partnerships with outside agencies responsible for maintaining the availability and accuracy of public infrastructure, including schools, road, water, sewer, etc.. There would need to be environmental review, as previously mentioned. Many agencies, at many levels, would have the opportunity to be involved in the coordinated effort of the environmental review. This process would start with the submission of part one of the environmental assessment form, along with any other studies and reports needed.

Mr. Hopkins expects the matter to be tabled as there is a lot of information to look at, including the submission made earlier today. He would like to ask for the opportunity to meet with residents outside of the confines of a normal meeting to address concerns one by one; they have found in past that some progress can be made if they meet with residents one on one basis. Mr. Hopkins envisions

that they will submit written response to concerns voiced tonight, prior to next meeting with planning board.

Planning board has received 22 emails, which are available in the planning board office, and all are opposed to the rezoning proposal. There are also others who have spoken at previous meetings, all speaking against the proposal. Mr. Hopkins would like a group meeting first and, if needed, he has no reservations about meeting with neighbors one on one. Mr. Hopkins states that Mr. Cipolla has made the effort over past few months to solicit input from residents and meet with them. Mr. Hopkins says that Bellavista is willing to go back to see if there is a need to supplement green space with fencing and screening, beyond the vegetation that is already present; they would welcome input from residents on that aspect. Chairman Drinkard makes the point that it is up to the project applicant to meet with community, or not, as he sees fit. It is not within the purview of the Planning Board to comment on these meetings.

It was noted that in records from meeting with the Town Board last year that there is \$300K allocated for “greening” the area up. Mr. Hopkins said that this information is still accurate.

Mr. Hopkins reminds board to look at proposed amendment to Master Plan- not the likelihood that it will be a Wegmans, as there is the slim chance that it wouldn't be; however the other Wegmans locations have gone beyond the town's expected landscaping and Mr. Hopkins is quite confident they would be do the same with this one.

Board brings up that this Wegmans footprint is different because it would be a superstore (up to 225,000 sq. feet)- not a standard store (125,000-150,000 sq. feet). Mr. Hopkins states that the proposed Wegmans is approximately 140,000 sq. feet - not a 200,000 sq. foot store.

If Wegmans “falls through”, any business that meets zoning requirements could go in. Mr. Hopkins would participate in a discussion to make sure that certain conditions could be applied to make sure that any future project's responsibilities are clear in terms of landscaping and setbacks etc...

Al Schultz clarifies point regarding the Master Plan- page 24. One of the objectives is to identify areas along Transit Road in the major arterial zone where the depth of the zone can be increased to accommodate more substantial projects without negatively impacting upon existing residential neighborhoods; he emphasizes the condition with regard to existing residential neighborhoods. Mr Hopkins makes the point that currently the area behind is zoned residential single family- and is open to development. If any future residential single family homes are developed, it would be “yard against yard” with no buffer. They are creating a 100'-110' buffer zone.

Mr. Drinkard informs that the applicant is free to meet with neighbors outside of the board meetings - the Planning Board has no control over those discussions - our meetings are public. Mr. Hopkins acknowledges that the project would require several public hearings as well.

The Planning Board points out that there is a fine line being walked with regard to a Master Plan amendment - while we are looking at a specific request for a project, it does not mean the board or the town is considering that specific project - just that the amendment was precipitated by that request. If the Master Plan is amended, any project would have to move through a detailed site plan review and concept development plan review and approval with the specifics of the project to be fully evaluated. This would have to go through the TEQR process.

Emails from public regarding project and their concern are available and in file.

Open to audience for comments and concerns.

Joe Klima- 5623 Kippen Drive- sent email to town board. In regards to school taxes for schools- it is in Williamsville school district. As he reads the Master Plan, the focus is on #8- protecting the residents- he does not believe 100' buffer is adequate to protect property from commercial development. He is concerned with traffic as a homeowner and, with Wegmans in his "back yard", he is concerned that it would lower value of property. Biggest issue is traffic in community- whether Wegmans or another commercial development- would shift traffic that currently use other routes such as Greiner, Maple and County, and would now use Roll, Clarence Center and Klein Roads to avoid Transit. Klein and Transit is already experiencing increased traffic. Concern that intersection would need to be widened, as well as widening Roll Rd to accommodate truck entrance. Any commercial development would increase traffic & Roll Rd. is already a mess.

Mr. Drinkard shared that a traffic analysis is done at the TEQR level- from an environmental standpoint with schools & traffic and safety- covered with Department of Transportation.

Chris Falzone- 8075 Highland Farms. Wants board to honor their decision made last year. Biggest concern is safety of children in area. Light already at Transit and Highland; if Wegmans goes in there another light will need to be placed, take out other light- that is where children cross for school. Not telling you about the liquor store they want to put in. On decision made last year, 2 crossing guards were supposed to be at school, now only 1. Wants to keep traffic and noise where it is now- 700 parking spaces for new Wegmans. The other Wegmans has 520. Main concern is the children in the area.

Rajiv Kishore- 5728 Fieldbrook; Concerned about decreasing property value, safety, engineering and property damage, speed & flooding potential due to the fact that there will be less ground for water because of building. The Master Plan is like a promise- when bought property they had the understanding that it was a peaceful, single-family neighborhood- if this kind of development is allowed, it will change the peaceful, quiet environment that is there now. Tax increase- if new homes come in, what is the differential with Wegmans. Property values will go down; Concerns with wind speeds, wildlife, noise & sight pollution; Again, 85% of land will be concrete, compared to 30% now.

Chairman Drinkard informs audience that if anyone feels constrained by their 3 minute allotment, they are more than welcome to submit their concerns in writing and it will go on file.

Lynn Collis- 8081 Highland Farms- Point in Master Plan- impact to neighborhood. In 1990's approved Highland Park development for single-family residential; in 2004, approved transitional buffer between commercially and residential zoned areas. In 2008, wanted to change area of Transit Road from major arterial to commercial- what were the reasons for that? Board responds that Master Plan allows anyone to request a change to plan; Last years review is in Planning and Zoning office, as well as Clarence Website.

Why is this changing last years decision regarding changing area from major arterial to commercial? Board answers that they will align information regarding last years decision to this one.

Who decides how this proposal will affect & impact the current residential neighbors in that area? Board answers that is the TEQR (Town Environmental Quality Review) committee. What is the

residents' involvement in that? Board answers that they can attend all meetings. Ultimately, TEQR makes recommendation to Town Board & they make the ultimate decision. If you are within 500' of proposal, you will be notified of the meetings. Reinforce that it is the elected officials on the Town Board that make ultimate decision. Mr. Drinkard explains the procedure to modify or amend the Master Plan is a longong process. Planning Board looks at Master Plan, listens to the public, look at other analyses- once they have grasp on best use of the land, they refer it to TEQR committee, who does in depth analysis, taking into consideration public input & documentation. They come back and give what they find - road expansion, flooding, etc.. & give recommendation to Town Board. Town Board votes on what degree of environmental impact and returns the proposal to Planning Board, who reconsiders the proposal with the new information & makes summary and recommendation back to Town Board. Everyone within 500' will receive notification of Planning Board meetings and Town Board meetings. You can find out meeting dates from Planning and Zoning office. Board clarifies that it is not town policy to send notification to residents within 500' for every meeting regarding this project, such as TEQR meetings- keep in touch with office- if you make specific request to be notified we can do that. Don't rely on notifications- make phone call; agendas are also posted in Bee. All minutes from all meetings are on the Town website.

Ms. Collins asks if this is all one parcel of land? No, multiple parcels, but only 2 parcels would require re-zoning. Question of ownership- board answers that it is often in possession of developer.

Ms. Collins comments that every morning she needs to turn left onto Transit and it is almost impossible to do so with school traffic; the area is already congested. She is concerned with traffic and safety. If there is going to be a connection through the bank it will encourage people to come through a residential neighborhood to get to a commercial business.

Adds comment that 100' buffer is not enough for a major commercial project like this.

Margaret Kleinman- 5623 Kippen; echoes what neighbors have already shared. Additional comments- when they bought their home, they were told that the lot behind them was zoned residential single-family, and led to believe that it would not change. She used to live in Eggertsville-Snyder and moved to Clarence because it was much more peaceful & had less building problems with noise and lights. The current Wegmans-Target Plaza is bordered by patio homes, condos and retirement community- believe these act as good buffers to single family residential areas. Single family patio homes would be better and more proper choice to buffer commercial buildings on Transit. Next point, some residents of Highland Farms have already met with BellaVista- this is seen as unprofessional as conversations were not shared with rest of community, as well as having meeting with some residents and not including the others. Some residents knew nothing of it. Ms. Kleinman does not believe this is the right location for a Wegmans- please consider livelihood of families with children & animals. Buffer zone is not adequate or appropriate.

Tim Pazda reminds audience that anything said within a private meeting with developer is off-line and not on records. For it to be on the record, must come back to board and be stated.

As private entities- the developer, applicant, architect, engineer or attorney- can meet with whomever they want. The board has no control over who they meet with, who they contact & their choice to meet. It is their choice.

The Planning Board notes that nothing on the record speaks positive to project.

Khalid Mahrem- 5722 Fieldbrook. Mr. Mahrem is concerned about justice for all – the applicant was allowed to bring an attorney, can residents bring one as well? Board confirms yes. He is concerned about health risks- asthma, disease; safety at risk. Noise would be disruptive. Question regarding applicant meeting with some residents- confirmed by board that applicant can meet with whomever they choose, however these meetings are not on the record. When you attend meetings with town, minutes and record of what is said are kept. Resident states that his kids are already under environmental stress because of proposal. Wants to know what can be done. Mr Van Nest comments that this is still a very preliminary step in project. All documents are part of public record and are available through website and minutes; if family has any other comments, they can make written comments that will be made part of record & reviewed as project moves forward. Reminder that the request tonight is to potentially rezone the parcel with a Master Plan amendment. This is the only thing the board will be acting on tonight. Resident also inquires as to how the public can be assured that there is no conflict of interest. Town council answers that the town has an ethics committee & the Town Board and Planning Board members are aware of code & will abide by it. They must disclose any conflict of interest.

Joseph Kleinman, 5623 Kippen Dr.; Attended Transit Middle School- peaceful community, could walk home and not worry about traffic. Wegmans would increase traffic and impact the way the students at the school feel about the community. States that the project does propose that a liquor store be built- 50% of homes around area have children- this would put a dent in the school teaching the students not to drink. 100' buffer that would be vegetation to try and cover up commercial area would not work to cover area. He can see wildlife and trees now from deck- hardly anything like that around area now- and it would be destroyed if this project goes through. Board inquires as to how many children cross. Resident responds that 20-30 kids a day cross during the summer. They must wait 5-8 minutes to cross at the light that is there now. School fought hard for the traffic light that is presently there; it would be cancelled out with the amount of traffic created by project. Attorney said school taxes would be raised for school, however he believes anyone would take the peaceful community that they have over the amount of taxes generated.

Christine Quenneville- 5800 Millstone Ct.- (sent email) 3 sides of this project would be surrounded by residential communities- can't think of any other large commercial areas like this one up and down corridor that are surrounded by 3 sides of residential communities. Patio homes at the present Wegmans on Transit built after Wegmans; they purchased their current homes with idea that this area would be residential. It was mentioned that they outgrew Wegmans on Amherst side and they want a new building- if we have such a large commercial project, the value of our homes will go down. What happens when Wegmans or someone else outgrows this building and it becomes old & they move on and leave an empty commercial building? Then our property gets worse and worse.

Cindy Aguglia- 5786 Field Brook Dr; sent email; Wants to reiterate what neighbors have said about safety & crossing Transit Rd- it is a 7-second light. More traffic and more children crossing now; by adding more traffic to Transit or a Wegmans, people are going to cut through from Clarence Center, like they do now, through neighborhood to bypass Transit. No sidewalks in neighborhood, everyone walks through the neighborhood, daughter runs, kids ride bikes & to have an increase in the amount of traffic would diminish our ability to enjoy the peaceful, quiet neighborhood that we moved into. Bought because it was park-like and very quiet- moved here from Amherst because of the quiet and the peacefulness & the park like setting that Clarence offers; selling point. Concerns with noise, traffic, number one is safety of children- walking and driving. Increase in traffic is going to lead to increase in accidents and potential for injury.

Sujata Kishore- 5728 Field Brook Dr; Echo same sentiments as others. Emphasis on wooded area- reason they bought the property. Told no one was going to cut woods and build. 110' not enough wooded spaced- wildlife will move away from there; does not want to see trucks. Main concern is noise and air pollution, traffic. Please consider the character and peacefulness of area before any changes are made.

Robert Bigos- 5653 Kippen Dr; Believes project is way to big to try and fit in- doesn't belong. Built homes with the intention of living in nice, quaint town- Clarence met. Concerned with devaluation of property, safety, traffic. Traffic is unbelievable as it is now. Intersection not designed properly as it stands now. Highly recommend that they don't change zone; not opposed to building in that area, but to put something so large so close to residential property that would devalue property just doesn't belong. Second, has lived behind Tops in Cheektowaga- it was nightmare. Delivery trucks, the diesel smell, lights, rattling of carts and fork lifts coming off trucks, the number of deliveries. One of biggest reasons he moved to Clarence was to get away from that. Third, if you continually change your Master Plan, it is a no longer a Master Plan; a lot of time went into and it should remain a Master Plan.

Scott Zak Jr.- 5716 Field Brook Dr; Proposed loading dock would be in backyard. Has a distribution business and with his experience, he knows the noise level that takes place on the docks & it would not adequately be taken care of by a 100' buffer. Bread and milk deliveries are always coming between 3-5A.M.- concerned about family being awoken by noise and smoke.

Mahamoud Mahran- 5722 Field Brook Dr; Accident on Transit across from Wegmans, gentleman died. Traffic concerns with proposed new Wegmans location.

Barry Boyd- 5660 Field Brook Dr; moved from Williamsville; what he hears from tonight is that he and his neighbors are unequivocally opposed to changes to Master Plan. Driving for 30 years- wife and he have had 3 accidents within in a one mile perimeter of Roll and Transit Rd. Wife and children in accidents- wife has had to have hospital transport; almost rear-ended on a daily basis. Does not want traffic to get worse. Petitioned for and received stop sign at Field Brook and Forestcreek because cars exceed speed limit. No sidewalks, people walk and run, children play, children walk up and down Roll. Unequivocally opposed to modification.

Paul Wheeler – Kippen Dr; is 150% against the project. His many concerns are traffic, 100' buffer, (which is not enough in his opinion) snowplows, car alarms, diesels/fumes, dumpsters, area echoes, dust & dirt. He said other buffers are several 100' and this project is too large. This will be a physically and environmentally affect of impact of character.

Douglas Olsen – 5692 Fieldbrook Dr. is concerned with wind direction from S.W, that will carry everything thru his neighborhood like trash, light etc. He feels this is infringing on where he decided to live.

Mr. Hopkins will respond to all comments and we will deliberate on Master Plan change.

**ACTION:**

It was moved and seconded to table the proposal to amend the Master Plan in the Transit Road Corridor just North of Roll road to continue to gather and assess facts.

**ON THE QUESTION:**

Last year the planning board requested the Town Board re-zone three Transit Road segments; three were accepted, this Segment B was not. We have to look at this again. Focus on organizing what was heard.

Gregory Todaro	Aye	Richard Bigler	Aye
Jeffery Grenzebach	Aye	George Van Nest	Aye
Al Shultz	Aye	Timothy Pazda	Aye
Gerald Drinkard	Aye		

MOTION CARRIED.

Next planning board meeting will probably be in early May. Thanked all for attending. We are taking these very serious and any e-mail or letter will be accepted.

Meeting adjourned at 9:35p.m.

Robin Sendlbeck  
and  
Cassandra Fish  
Part-time Fill-in Clerks