

Town of Clarence
Planning Board Minutes
Wednesday May 5, 2010

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 Amendment

Increased Depth of Major Arterial Zone along
Transit Road south of Roll Road.

Item 2

Fairfield Park Open Development Area
Residential Single-Family

Requests Preliminary Concept Review of a
proposed Open Development Area west of
Roxbury Drive, east of Old Hickory Lane and
Fairfield Road.

Item 3

Buffalo Pharmacy
Major Arterial

Requests Concept Plan Approval for a new
commercial building at 6051 Transit Road.

Item 4

Woodland Hills Subdivision
Residential Single-Family

Requests a Sewer District Formation to service
proposed new subdivision of 77+/- lots.

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

Deputy Town Attorney David Donohue led the pledge to the flag.

Planning Board Members present:

Chairman Al Schultz
Timothy Pazda
Richard Bigler

Vice-Chairperson Wendy Salvati
George Van Nest
Gregory Todaro

Town Officials Present:

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

Other Interested Parties Present:

Carol Lelonek	Donna Meyers
Karen Cummins	Scott Rogers
Diane Rogers	Alan Ford
Robert Sackett	Nancy Graber
Rees Graber	Marilyn Brady
James Brady	John Kinkel
Wendy Cohen	Fred Cohen
Brian Dowd	Lisa Dowd
David Sutton	Kim Greenfield
Don Edman	Jerry Haas
Joe Deni	Doug Flynn
Jay Wopperer	Michael Metzger
Jeffrey Palumbo	Margaret Kiesel
David Huck	Caleb H.
Arden Bender	Kevin Curry
Peter Streit	Bill Conwall
J. Elden Owens	

Chairman Schultz notes that the Planning Board is a seven (7) member board. There have been five (5) appointments to the board this year plus one appointment for the alternate position. Alternate Planning Board member Gregory Todaro will be participating in all discussions and voting on all agenda items this evening.

Motion by Timothy Pazda, seconded by Gregory Todaro, to **approve** the minutes of the meeting held on April 21, 2010, as written, with the following correction:

-page 2010-14, paragraph 6 should read: George Van Nest thinks the **Town Board** spends too much time on land use decisions and it appears that 40-50% of the Town Board agenda is spent on land use decisions. So there are accurate safeguards available regarding land use decisions.

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

MOTION CARRIED.

Chairman Al Schultz explained 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 vote to recommend an action to the Town Board

with conditions. The Planning Board may also table an agenda item for further information and/or review. The Town Board is the governing body and as such will have the final vote on all items. The procedure for agenda items starts with Jim Callahan introducing and providing a brief history of each project. 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.

Agenda items have been rearranged to accommodate some applicants with meeting conflicts.

Item 3

Buffalo Pharmacy
Major Arterial

Requests Concept Plan Approval for a new
commercial building at 6051 Transit Road.

DISCUSSION:

Jim Callahan provides a brief history on the project. It is located on the east side of Transit Road, north of Clarence Center Road. It is an existing commercial property located in the Major Arterial Zoning classification. The applicant is proposing to construct a new commercial building on the property. The proposed project is considered an Unlisted Action under the State Environmental Quality Review Act (SEQRA).

Dave Sutton of Dean-Sutton Architects is present on behalf of the applicant. Mr. Sutton said the property is currently a vacant lot but fully paved. He is proposing a 5700 square foot building and is moving forward with a request of a variance along the south property line, which would bring the building up to 6500 square feet. The building will comply with all the zoning ordinances with the exception of the 25' variance request along the south property line; this would create a 15' setback. The building would be 135' from the center line of the road. There would be a total of 18 parking spaces at the front of the property for customer service; there would also be parking in the back of the building. It will be an owner occupied building. This parcel will be in conjunction with the parcel to the north; the parcel to the north was previously reviewed and approved at the Concept Approval stage. There will be no curb cuts on the property in question; the entrance will be through the private road to the north.

Wendy Salvati asked for information on the signage for the proposed project. Mr. Sutton said the applicant is proposing for signage on the building at this time, any pylon sign, road sign or ground sign would be thought out and presented to this board for approval. It would be a concerted sign effort with both parcels.

Mr. Sutton said he does not need all the parking in the back of the property but the Concept Plan reflects the code requirements.

Chairman Schultz said this project will improve the site.

Mr. Sutton said Wes Stone is the engineer on the project and will work with the Town Engineer to coordinate the drainage on the site.

Mr. Sutton clarifies that if the 10' side yard variance is granted the project would be for a 6500 square foot building. If the variance request is denied the proposed building would be 5700 square feet. There will be an excess of 15 parking spaces behind the building. Wendy Salvati suggests banking some land in the front of the building so the landscaping can be enhanced along Transit Road. Mr. Sutton said the demand for parking by the patrons in front of the building is due to the front door entrance to the building.

Jerry Haas, owner of 8024 and 8026 Clarence Center Road, is in favor of the project. The property is 1,000' deep, if the applicant wants to put in 30 parking spaces, let him. Why is the Planning Board trying to limit the parking spaces?

Chairman Schultz explained that the Planning Board tries to limit the amount of pavement or reserve land for parking to be used at a later date. Wendy Salvati said limiting the pavement also saves the applicant money. Mr. Haas asked why tear up the blacktop to make it green again? Mr. Sutton said the existing blacktop will be totally removed because of drainage purposes and quality. The applicant will be able to create a water management system and it will not adversely affect the neighbors.

Chairman Schultz said the project will need a resolution under the State Environmental Quality Review Act. It has already been looked at as a whole parcel; there is a Part I and II EAF that indicates no adverse environmental impact.

ACTION:

Motion by Timothy Pazda, seconded by Wendy Salvati, to **recommend** the Town Board issue a Negative Declaration under the New York SEQRA for the Buffalo Pharmacy proposal at 6041 Transit Road.

ON THE QUESTION:

Development of this entire parcel received a Negative Declaration in review of the office park proposed for the land to the east of the Buffalo Pharmacy proposal.

The Environmental Assessment Form reviewed for this project indicates no environmental impacts.

It is clarified that 6041 Transit Road does not exist at this point. The project is included in the 6051 Transit Road address. Everyone is clear on the location of this project. When the new building is constructed it is assumed that the number will be 6041 Transit Road.

It is further clarified that the action taken this evening is for a 6500 square foot building.

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 **approve** the Buffalo Pharmacy preliminary Concept Plan for a commercial use at 6041 Transit Road as shown in the diagram as 5700 square feet which could be expandable up to 6500 square feet pending variances. The following conditions are to be part of the Development Plan:

- 1.) Drainage and storm water management plans, to be reviewed and approved by the Town Engineer, must be compatible with the Development Plans for the proposed office park to the east of the subject project.
- 2.) A Landscape Plan must be submitted and approved by the Landscape Committee.
- 3.) Payment of all applicable fees.
- 4.) Compliance with the items listed in the Commercial Development Plan Checklist.
- 5.) At Development Plan approval the applicant can come back with a plan for proposed parking and show land banked parking.

ON THE QUESTION:

Wendy Salvati states that the Planning Board does not object to the applicant seeking a variance.

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

MOTION CARRIED.

Item 1

Master Plan 2015 Amendment

Increased Depth of Major Arterial Zone along Transit Road south of Roll Road.

DISCUSSION:

Jim Callahan provides a brief history on the project. The property is located on the east side of Transit Road, south of Roll Road. It is existing Commercial and Residential property. After the annual public hearing on Master Plan 2015 the Town Board referred the request to extend the current Commercial Zone, specifically Major Arterial Zone, deeper to the east on this property. The Planning Board had forwarded a proposed amendment on this specific property identified as 5505 Transit Road to the TEQR Committee for review and comment. The TEQR Committee has reviewed and recommended a Negative Declaration on this Unlisted Action. The Town Board has issued a Negative Declaration on the proposed amendment; the amendment is back before the Planning Board for a final recommendation.

Sean Hopkins, of Hopkins and Sorgi, PLLC, is representing the applicant. John Wabick, Vice President of West Herr, is present along with Jim Fittante of Silvestri Architects. Mr. Hopkins asked that the Planning Board finalize their recommendation to amend the Master Plan 2015. He also asked that they finalize their recommendation to amend the underlying rezoning which is the request to rezone approximately 1.86 acres from Residential Single-Family to Major Arterial. This property has been previously impacted. The applicant will preserve a large portion of the property as Residential Single-Family. They will adhere to the requirement for the 45' permanent open space buffer. The 238' is actually from the survey, which lines up.

Don Edmund of 5562 Via Marina Drive asked if there will be a parking lot there, what kind of lighting, and what is the impact to neighbors. Sean Hopkins explained there will be parking in that area, and it will be lit until 9pm with zero spillover to the neighbors land. Lighting and screening will be very important and the applicant will be in compliance with the Town code. The lighting will not extend past the 45 foot buffer. There will be minimal lighting at night for security.

ACTION:

Motion by Gregory Todaro, seconded by Al Schultz, to **recommend** the Town Board amend Master Plan 2015 and extend Commercial use by approximately 238 feet to the east at 5505 Transit Road as depicted in the reference survey dated October 15, 2009.

ON THE QUESTION:

Al Schultz clarifies for the Town Board that this extension would align the eastern boundary of the subject parcel with the current Commercial use of the two properties to the immediate north. The proposal has received a Negative Declaration under the State Environmental Quality Review Act (SEQRA).

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

MOTION CARRIED.

ACTION:

Motion by Gregory Todaro, seconded by Wendy Salvati, to **recommend** the Town Board rezone to Major Arterial the portion of lot 5505 Transit Road referred to in the previous motion.

ON THE QUESTION:

Gregory Todaro noted that the land immediately to the east of this new Major Arterial zone remains Residential; any Commercial use must be separated from any Residential use by a minimum 45 foot greenbelt. This can be accomplished either within the Major Arterial parcel or by dedicating the first 45 feet of the Residential zone to remain in a natural state. The 45 buffer will be preserved by way of a deed restriction. The proposed deed restriction must be submitted to the Town Attorney's Office.

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

MOTION CARRIED.

Item 2

Fairfield Park Open Development Area
Residential Single-Family

Requests Preliminary Concept Review of a proposed Open Development Area west of Roxbury Drive, east of Old Hickory Lane and Fairfield Road.

DISCUSSION:

Jim Callahan provides a brief history on the project. The property is located on the west side of Roxbury Drive, east of Old Hickory Lane and Fairfield Road. The property consists of 9+/- acres of vacant land in a Residential Single Family zone. The applicant is proposing a 4-lot open development area and is present seeking a preliminary Concept Review of the project.

Michael Metzger, of Metzger Civil Engineering at 8560 Main Street in Clarence, and Kevin Curry, project applicant, are present. Mr. Metzger explained the proposal is for four (4) lots, each in excess of two (2) acres in size, with similar construction of homes as on Heather Drive and Fairfield Road. Mr. Curry has spoken with neighbors about the project, and will address any concerns. Mr. Metzger asked that they move forward with SEQRA and Concept Approval.

Richard Bigler notes that the road to the cul-de-sac will continue out to the Roxbury Road across from East Howard Drive. There will be a private roadway with a turnaround and the four (4) lots. Wendy Salvati pointed out that two (2) separate lots to the north have already been approved.

John Kinkel, of 4220 Cameron Drive, stated there is too much traffic on Cameron Drive; rush hour traffic is bad; there are 100s and 100s of cars with people who have no regard for the 25mph speed limit and there is no police enforcement. Four houses will not impact the amount of traffic, but it has become worse in the last 20 years and he wanted to make the Planning Board aware of the issue.

Brian Dowd, of 4305 Fairfield Road, bought his home prior to the cul-de-sac and was told it would encompass four (4) lots; only two (2) of those lots have been built on. He was not made aware of any additional lots. He voices his concern that the property lines for the two approved remaining lots have changed. Mr. Dowd states for the record that he and his neighbors will for a Homeowners Association and fight this with an attorney. Timothy Pazda clarified that the two (2) lots that Mr. Dowd is referring to is not part of what the Planning Board is looking at this evening. Mr. Dowd said when the house was built a dirt pile was left behind his home for years. His wife has spoken with Patrick Homes who promised to put in beautiful trees in that area, but there are only poor looking pine trees there now.

Scott and Diane Rogers, of 4282 Roxbury Drive, said Patrick Homes promised a road would never be built in that area; a maximum of five (5) or six (6) houses would be built there. Children use the side lot there. Mrs. Rogers is concerned about the stop sign in front of her home that no one stops for; she is also concerned with the safety of the children in the area. There is a large pine tree and if a road is put in, that tree will block the vision heading toward Main Street. Children will get hurt; we don't need a street there. Chairman Schultz stated there have been various proposals for this property but none that have come this far in the process. Mr. Rogers wants to know why the neighbors weren't notified of the prior proposals. Mrs. Rogers said no one in her direct area has been approached by the developer. Chairman Schultz said this is the first proposal where the applicant explained what he really wanted to do and the Town Board has referred that plan to the Planning Board. The first thing

the Planning Board does is advise the neighbors of a public meeting. Wendy Salvati stated that the Planning Board is guided by the regulations of the Zoning Code, and that area is zoned to allow a certain number of homes. The applicant is requesting to do far less than what he is allowed to do by law.

Karen Cummings, of 4320 Fairfield Road, voices her concern regarding traffic. There are a number of cars that drive past her house to visit the four houses on the other side of her property. She is concerned for the children's safety. The developer wants to tear down all the wilderness to put up houses. The developer could not sell four (4) lots in twelve (12) years, how are they going to sell four (4) more lots?

Carol Lelonek, of 4292 Cameron Drive, asked how much space is between the two homes at 4272 and the one next to it. No matter what size road is put in it will be too large for that property. She also voices her concern regarding increased traffic and child safety.

Diane McMullen, of 4283 Roxbury Drive, opposes this project because she has children that play there. It is a small space to put a street in there. Headlights will shine directly into her living room. She agrees with previous residents that there is enough traffic in the area. This is the one spot that the children can play. It is green space that if changed, it will change the character of the neighborhood.

Fred Cohen, of 4350 Fairfield Road, said he was the first house built, and was pleased with the initial concept of four (4) homes. He suggests creating a buffer on the east side of Fairfield Road. Chairman Schultz stated that there will be a time for discussion on buffer, green space, and protection of neighbors at a later date. The Planning Board always looks at these types of issues. Mr. Cohen also suggests adjusting the property lines of the two (previously) approved lots.

Al Ford, of 4265 Fairfield Road, has concerns about drainage and points out that there is a sink hole in the area and flooding occurs. A drain was never put in. The whole area is wetlands. If developed, what will happen to the surrounding lots? Chairman Schultz stated the next phase prior to any further design, is assessment of drainage and any environmental impacts. This will happen before any approval is given for the project. Mr. Ford clarified for the record that there are four (4) lots, plus two (2) that were previously approved, for a total of six (6) houses. He also voices his concern regarding traffic issues. Chairman Schultz stated that traffic issues are part of the specific environmental review process that will take place.

Wendy Cohen, of 4350 Fairfield Road, said the initial plan for the area was large pie shaped lots; this layout would provide a lot of privacy. If a large house is built on the lot next to her, she is concerned it would be right on top of her home. Speaking on behalf of her neighbors, they are all anxious about the loss of woods and privacy.

Lisa Dowd, of 4305 Fairfield Drive, bought in an older neighborhood because of the old trees. She doesn't want to look into someone else's back yard and she doesn't want live in Meadowlakes or any other subdivision. It's an old neighborhood and it should remain that way with smaller houses.

John Kinkel, of 4220 Cameron Drive, wondered if the empty property above the project site is landlocked and if it was developed would the exit be on Roxbury Drive. Brad Packard clarified that the parcel will be accessed off of Main Street.

George Van Nest clarified that the Planning Board is constrained by what they have to do under the Town Law as to what they can look at, they do not look at market studies or the need for a project, they look at the developer/applicant's ability consistent with the Law to make use of the development as it was intended and applied for.

Carol Lelonek stated that they received a letter about this meeting but there was no mention about the proposed street going in through East Howard. The letter only talks about access. Many residents were not aware of the proposed street.

Tim Pazda stated that this is early on in the process and that the meetings are open to the public. He encouraged people to continue attending meetings. Information is on the Town website and in the Planning Office. Mr. Pazda has never been a fan of building homes behind homes. If a developer proposes a project that fits within the code the Planning Board will listen to concerns and take them into consideration, but they have to follow the Town Code.

Michael Metzger stated that the original developments and market conditions of 15 years ago were different from what is encouraged and allowed today. Conditions have changed and Open Developments are encouraged today. Two homes have sold in fifteen years; obviously what was done at that time didn't work. The access off of Roxbury is a driveway, not a road, and people will be fully expected to comply with safety rules. This is a right of way that was intended for a full sized Town road, but the plan is for a smaller sized driveway. The traffic impact will be minimal for the proposal. They are proposing four (4) new homes on the same amount of land that would allow up to eight (8) homes by the current Code. The Meadowlakes subdivision lot sizes are much smaller being a 1/3 to a 1/2 an acre in size; it is not the same situation as the proposed lot size of 2 acres for this project. A buffer of natural vegetation and supplemental plantings would be incorporated. With regards to the two (2) previously approved lots, the reconfiguration of the lot lines leaves the holes in the same spot as before they were reconfigured. Homes could be built on these lots and would have no impact on the neighborhood. The applicant has sat with the Town Engineer and he has assured the applicant that there will be no drainage problems resulting from a project of this nature. The applicant will work closely with the Engineering Department to provide whatever is necessary to alleviate any potential drainage problems that may be created. Often times when a property is developed, drainage can actually be improved. A wetland biologist looked at the property; there are no wetlands. Mr. Metzger points out that the 8.3 acres could accommodate 17-20 lots if it were to be consistent with the surrounding lots, the proposal is only for four (4) lots.

Kevin Curry said he would be happy to talk with the neighbors about any of their concerns. He is willing to work with the neighbors to resolve their concerns.

Tim Pazda encouraged neighbors to converse with the project advocate, but cautioned that promises made must be brought back before the Planning Board and formalized on the record.

Chairman Schultz reiterated the concerns over lot lines, location of houses, access, traffic and children, and buffering. There will be a lot of reviews and the next step is to gather information, including emails and meetings, and to gather information as part of the SEQRA on drainage, environmental concerns and traffic. The public will be invited to all of those meetings, and can provide input to the appropriate committees.

Wendy Salvati notes that community character will be looked at under the SEQRA process.

George Van Nest questions if the Planning Board should be forwarding something to the TEQR Committee if, in fact, the lot lines on the two (2) previously approved lots have been altered. And then not looking at the question of “is this four (4) lots, is this six (6) lots?” Is there the ability on behalf of the applicant to modify the existing approved lot lines? Jim Callahan clarifies that under the Fairfield Court approval; it was approved under a road extension and was not map covered. As long as there is adequate frontage and lot size (one acre each) there can be four (4) lots on that cul-de-sac and the lot line can be adjusted. It would be a different situation if the lots were map covered and filed with the County, but they were not. A resident asked how the neighbors are supposed to know this.

ACTION:

Motion by George Van Nest, seconded by Richard Bigler, to **refer** this project to the TEQR Committee for review in accordance with the State Environmental Quality Review Act (SEQRA) to fully evaluate consistent with the law, statutes and regulations all the issues that have been identified this evening on the record, that have been identified by the public and discussed by the Board and other issues as necessary and appropriate to be evaluated consistent with the statute.

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

MOTION CARRIED.

Item 4

Woodland Hills Subdivision
Residential Single-Family

Requests a Sewer District Formation to service proposed new subdivision of 77+/- lots.

DISCUSSION:

Jim Callahan provides a brief history on the project. The property is located on the south side of Greiner Road and east of Harris Hill Road. It is existing vacant land located in the Residential Single-Family zone. The property had previously received a Concept Approval to develop a 77 lot subdivision. The applicant is present seeking a formation of a sewer district to service that subdivision.

Jeff Palumbo, of Damon and Morey LLP, is present along with the petitioner Fred Cimato. Mr. Palumbo said sewer capacity has been an issue for this project and other projects in the Town of Clarence for years. The Concept Plan for this project was approved some time ago. A letter dated March 23, 2010 from Rick Rink of the DEC confirms the availability of sewer capacity. The letter is on file. The letter referred to a study that was performed by Greenman Pedersen, Inc. (GPI). David Pratt of GPI sent a letter dated February 17, 2010 that indicated the Town of Amherst has a plan of reducing the flows in the Dodge Road/North French trunk sewer. The Klein Road diversion in Sewer District #5, which reduces the capacity issue, was installed by the Cimatos. The letter also talked about the ongoing program of elimination of the I/I sources. Mr. Palumbo referred to the Master Plan 2015 Amendment Sewer Expansion Priorities report which identified six (6) priorities for the expansion of sewer capacity within the Town. He reads from the report: “These priorities are identified as being the most urgent from a planning perspective.” He believes this means all six (6) priorities are urgent and need to be addressed. He referred to priorities: #1-provide service to the

existing Sewer District #5, #2-provide service to the Harris Hill Area and #3-providing service along the Harris Hill sewer line. Mr. Palumbo said #2 and #3 are linked. This project moves all three priorities forward.

Jay Wopperer, of 5225 Meadowbrook Road, does not want the required sewer district formation because Clearview Road, Ledge Lane, Eastbrook Place, Fox Trace, Meadowbrook Road and others that are on septic systems. Some of the houses on these streets are over 60 years old. The proposal is inappropriate, unethical and environmentally unsound not to give the residents on these streets the right to have the precious resource of sewer capacity. These residents should have first priority to the sewers not the new 77 lot subdivision. Mr. Wopperer spoke with Town Engineer Joe Latona who advised that there would be capacity for the new subdivision plus one (1) street. Mr. Wopperer knows there are assessment fee problems with the Town of Clarence and the Town of Amherst. He referred to a Buffalo News article dated April 29, 2010 in which the DEC tells Amherst to look at options for sludge removal. Tim Crockett of the Army Corp of Engineers could not provide Mr. Wopperer with any information on the Woodland Hills Subdivision because of the on-going action against Mr. Cimato on Sheridan Drive. Mr. Wopperer will file a Freedom of Information Law (FOIL) request to obtain further information. He referred to a letter dated August 10, 2000 from the Army Corp of Engineers to Mr. Cimato states that as the applicant Mr. Cimato is in violation of § 404-The Clean Water Act. He asked if the Town wanted to give this type of developer the power of deciding sewer capacity. Mr. Wopperer said the updated mapping system shows there are Wetlands on the property. Chairman Schultz clarified that the project before the Board is for the sewers not the subdivision; the subdivision has already been approved.

Bill Conwall, of 4930 Meadowbrook Road, said the biggest issue is the sewers. The existing areas need to be taken care of prior to any new developments; old problems need to be addressed before the new ones.

Mr. Cimato said he is bringing the sewers one step closer to Meadowbrook with no expense to the Town. Without his help the hollows would never have received the sewer systems. There is more capacity than what a 77 lot subdivision needs.

Mr. Pazda asked the applicant how this project helps to reach the Master Plan 2015 Amendment Sewer Expansion goals. How does this help the Harris Hill area? Mr. Palumbo said somebody has to bring the sewer to the area and that is what is being done with this subdivision. Once the sewer is in, it creates capacity.

Mr. Wopperer asked how other towns get their sewers put in.

Mr. Van Nest said he does not know if it is fair to place the questions and/or decisions on the developer if the final question of sewer district creation or capacity needs to be resolved by the Town. How the Town allocates the excess capacity is a critical question and needs further evaluation.

ACTION:

Motion by Richard Bigler, seconded by George Van Nest, to **refer** the request to establish a new sewer district to service the proposed Woodland Hills Subdivision to the TEQR Committee for review and recommendation under New York SEQRA.

ON THE QUESTION:

The TEQR Committee should consider, among other issues with potential environmental impact:

- The impact on the sewer priorities established in the Clarence 2015 Master Plan and, in particular, build-out of parcels within Erie County Sewer District #5, and pollution abatement needs in the Harris Hill area.
- The impact of a strategy that creates individual development-by-development sewer districts as opposed to more general extensions of existing districts.
- How such a proposal relates to Erie County's framework for Regional Growth and the priorities this framework establishes.

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

MOTION CARRIED.

Meeting adjourned at 9:35 p.m.

Carolyn Delgato
Senior Clerk Typist