

Town of Clarence  
Planning Board Minutes  
Wednesday May 6, 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,  
Segment B:

Recommendation on Master Plan 2015  
Amendments

a.) Clarence Center Road, east of Transit  
Road, extend Commercial Zone.

b.) Transit Road, north of Roll Road, extend  
depth of Commercial Zone.

**Item 2**

John Kausner  
Agricultural Rural Residential

Requests Concept Plan Recommendation  
for an Open Development Area at 4180  
Ransom Road.

**Item 3**

Margaret Kiesel  
Residential Single Family

Requests Preliminary Concept Review  
for an Open Development Area at 5145  
Harris Hill Road.

Chairman Gerald Drinkard called the meeting to order at 7:30 p.m. Councilman Peter DiCostanzo led the pledge to the flag.

Planning Board Members Present:

Chairman Gerald Drinkard  
2<sup>nd</sup> Vice Chairman Wendy Salvati  
Richard Bigler

1<sup>st</sup> Vice Chairman Albert Schultz  
George Van Nest  
Gregory Todaro

Planning Board Members Absent:

Jeffrey Grenzebach

Timothy Pazda

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:

Robert Bigos	Sujata Kishore
Jerry Tringall	Khalid Mohron
Joy and Timothy Hardy	Wiam Khadra
Cindy Crawford	Joe Kleinman
Laura Pfennig	Sarmishtha Kymar
Robert Metz	Doug McCallum
Joseph Chouse	Lynn Collis
Barry Boyd	Martin Pecoraro
Melanie Myers	Paul Wheeler
Holle Forczek	Pat Spoth
Carol Minnick	Lois Daigler
David Spoth	

No minutes to approve. April 1<sup>st</sup> and April 15<sup>th</sup> minutes will be published along with May 6<sup>th</sup>, and approved at the May 20<sup>th</sup> meeting.

Chairman 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 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 procedure for agenda items starts with Jim Callahan 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 - A**

Master Plan 2015 Proposed Amendments,  
Segment B:

Recommendation on Master Plan 2015  
Amendments

a.) Clarence Center Road, east of Transit  
Road, extend Commercial Zone.

**DISCUSSION:**

Jim Callahan introduced the Master Plan 2015 which 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, held this year on February 25<sup>th</sup>.

This year, two requests were introduced to the Town Board to amend the future land use map in the segment of Transit Road, between Roll Road and Clarence Center Roads.

The Planning Board, last year, had made a recommendation to down zone this segment to commercial from major arterial, maintaining the current depths.

In 2001, the Master Plan increased the depth of this segment an additional 200 feet to its current depth to protect existing residential subdivisions while increasing the viability of the commercial zone. In 2004, the Town Board adopted the LUAMP Final Report that identified that transitional zoning should be developed between the existing single-family residential uses and high end commercial developments to provide a more gradual transition into the design and scale of the structure as well as the intensity of the generated traffic.

This represents the second meeting of the Planning Board on these specific requests, to extend the commercial zoning deeper, north of Roll Road.

Sean Hopkins gave a detailed presentation at the April 1<sup>st</sup> Planning Board meeting, explaining why this project request is consistent with community goals set forth in the Master Plan 2015. Many residents spoke at that meeting. We met with the residents on Monday, May 4<sup>th</sup> in a less formal setting at Transit Middle School. This presentation will focus on comments made to this date.

- Major *environmental* concerns: will not be thoroughly analyzed until coordinated environmental review by TEQR.
- *Traffic* impacts: a) pedestrian traffic/safety will be analyzed carefully; b) Wegmans would offer 1/3 of funding toward a crossing guard.
- *Storm water /drainage*: will be handled during developmental plan review.
- *Noise* impact: will be evaluated with an acoustical study.
- *Lighting* concerns: no lighting over adjacent residential properties.

- *Zoning extension*: a berm will be provided with substantial buffer to mitigate commercial/residential conflict.
- *Property values*: impact of development will be analyzed in a detailed manner.
- *Gypsum mines*: old maps will show that this is not an issue.
- *Soil conditions*: a geotechnical engineer has been utilized for this.
- *Additional commercial space*: outside of Wegman's facility. 10,000 square feet available, and it's too early to determine how that space will be used.
- *Wetlands*: no wetlands exist as per Don Owens. There is a site that meets classification but would not be jurisdictionally bound.

In terms of the planning decisions before you, it's not about the proposed Wegmans. It's a recommendation to extend the Major Arterial zone at 5731 Transit Road and 8040 Roll Road by 350 feet. We ask that you consider the long list of community goals in the Master Plan 2015, specifically goal number eight, from chapter nine, which recognizes the importance of having a balanced growth plan that protects existing residential areas.

The Master Plan identifies Transit Road as being the appropriate locations for larger retail uses. The question is if it's suitable to extend the commercial zone. The request is consistent with the Master Plan and community goals. Much further review process will ultimately be required, and additional meetings will be needed in regards to zoning and ultimately site plan approval.

Gerry Drinkard stated that the presentation made by Mr. Hopkins was focused on Wegmans. That proposal does not meet the Master Plan. The public is not supportive and understand that ultimately something can be built. Gerry Drinkard recited some major points from the handout titled: Master Plan Considerations for Rezone – 2009, Roll Road to Clarence Center Road – Segment B. (This document is on record and filed at the Planning and Zoning office): This is to outline considerations in regard to the recent request to rezone Transit Road to make Segment B a deeper major arterial zoning in certain parcels. The following considerations represent past 2008 thinking leading to the following list.

- The zone was reviewed in detail in 2008 along with other segments along stretches of Transit Road. A recommendation was forwarded to the TB recommending a down-zone of the segment B (Roll Road to Highland Farms) from Major Arterial to Commercial. This was based mainly on that being how the current businesses in that corridor are operating and in consideration of the only empty properties being butted up to Residential-SF zoning. It also considered uses along Transit on the Amherst side. Gerry Drinkard summarizes the point by stating it is how other businesses are doing business and whether it would be in harmony/rhythm with what else already exists.
- When the Major Arterial zone was reviewed a number of years ago it was done in consideration of the need for some workable depth and in respect of the residents already located in the properties to the east (e.g. Kippen and Highland Farms).

- The Residential-SF zone at the rear of the Major Arterial in segment B is populated with homes in a subdivision and it is reasonable to assume that all owners purchased their property knowing that the property to the west of their property (to their rear) was zoned R-SF and could subsequently be built on by a developer in accordance with the zoning in place. At the recent PB meeting to go over the Master Plan request the residents along the streets to the east all spoke of their concern about having the property rezoned Major Arterial which would pave the way for any large big-box store to be built. No parties spoke in favor of the rezone.
- The example of the current residential area behind the Target and Wegman's stores on Transit Road on the Amherst side of Transit Road was brought up as an example. Since the stores were in place prior to the patio home development now there, people who purchased the homes did so knowing the stores were in close proximity. Here the focus was on residents knowing what they were buying and the stores being in place first.
- The Master Plan is clear in focus on protecting the residential homeowners - in the Community Goals section. This section outlines a total of nine goals. The 8<sup>th</sup> goal noted is the need to "protect existing residential areas" as the town grows. Can be found on page 6 of Master Plan, and elaborated on page 30.
- The Master Plan does indicate that areas along Transit should be looked at for possible increase of the depth of Major Arterial zoning. But it states that this may be considered when it doesn't negatively impact existing residential neighborhoods. (Page 24 – 2<sup>nd</sup> bullet)
- The Master Plan does indicate that areas along Transit should be looked at for possible increase of the depth of Major Arterial zoning. But it states that this may be considered when it doesn't negatively impact existing residential neighborhoods. (Page 24 – 2<sup>nd</sup> bullet)
- Residential development should be encouraged in areas where sewers are provided. The current area in question is zoned residential and the area is in the sewer district #5. This is an appropriate area to place homes.
- The Master Plan statement dealing with zoning map changes is clear. Page 34, action plan last paragraph states "Zoning map amendments should not be a routine consequence of a proposed project but rather the consequence of planning which is acceptable to the community." The Wegman's project has been the focal point of most discussions on the need to rezone beginning in 2008. The focus should be on the appropriateness of this area to be rezoned deeper and literally to adjoin the R-SF houses currently in place.
- It is clear that the proposed rezoning would not be necessary if the properties on Transit could be acquired and the project built within what is now zoned Major Arterial. The increased depth appears to be needed because the frontal properties are not available. This is the developer's issue to be dealt with and should not be the Town's burden to resolve.

- It is most appropriate to consider that the current parcel uses along Transit in the segment B section are doing business in a Commercial zone setting. This is important when considering a big-box vendor in this corridor. A big-box could/would swallow up the current businesses in place.
- Based on these considerations, all of the points in the recommendation made in 2008 remain valid and the subject Transit Road corridor should be down-zoned to Commercial. The depth of the rezone should be that what is now zoned Major Arterial and no changes are recommended.

Al Schultz discusses that he visited Wegmans and conditions on site. If you stand on the edge of the property and you look out 100'-150', and you picture a building there, it would cut out about one hour of sunlight during the summer. In terms of quality of life, if he were living there, he would be very distressed by that. We're not talking about Wegmans but, we drove by a couple Wegmans and we looked at the dumpsters and the rat traps that were set, which was something the neighbors brought up, and they are there. Although these are clean operations, they still smell. One smelled around a dumpster and you picture that odor was one of the concerns brought up, and actually standing there and asking yourself if you want to see this, here, it did not come out very positive.

Wendy Salvati speaks. Whether it is a Wegmans or anything else, I think this board did not want to recommend that Major Arterial continue in that section of the road and certainly not expand backwards. Even when we recommended down-zoning this from Major Arterial, to commercial, we still did not recommend commercial development be expanded backwards. As the chairman said, we looked extensively at the whole length of Transit Road, and broke it up segment by segment and spent many weeks doing the due diligence to determine what we believed was in character with the surrounding neighborhood, what was smart zoning, what was in keeping with the Master Plan, and with doing that, one of the last segments that we looked at was the corridor that was between Miles Road and County Road. By looking at it, because at the time there was a request for an amendment to the Master Plan, we focused extensively on the potential impacts of that and how it should be changed, and that didn't have the density of residential development around it that this does, and we still came away with requirements that it provide much greater buffers and setbacks to protect the character of that area. I think this is why we struggled with saying 100' is enough, when you take a 140,000 square feet structure, whether it's Wegmans or any other large, commercial development there- it is just not in keeping. That's when we fall back to what the Master Plan says about if you are considering changes to the zoning, you must consider the residential areas and the potential effects to those areas. I find it hard to accept argument that this would not impact the residential development that would sit behind this building. With that said, I have trouble moving away from our initial recommendations.

George VanNest states that the Planning Board evaluated this thoroughly and thoughtfully last year, and we made our recommendation, which the Town Board at that time did not adopt for various reasons. One of the things that I am struggling with is balancing where to foster and allow for significant development and major arterial versus the Master Plan notion of trying to protect the existing neighborhoods. At the end of the day these considerations are outlined in the memo and discussed today, probably come down to a balance in favor of going forward with the recommendation to down-size that we went with last year. But, it does leave a significant question in my mind of if we are not going to prevent Major Arterial in this area, which is effectively the only Major Arterial in the town, then there is essentially no other place in the town for this type of project. As a recommending body, we can write this recommendation this evening as we did last year and the Town Board can do

as it wishes at that point. But we have done our due diligence to try and evaluate these tough issues and take into consideration any development issues associated with any potential project, whether it be a Wegmans or otherwise in that area.

Wendy Salvati discusses the issue further. We considered another segment being down-zoned but then agreed that it should remain Major Arterial because we do not want to eliminate every opportunity to where Major Arterial could go. Agreed that all of Transit Road should not be Major Arterial and that there have to be areas where use is in transition; there will be areas of commercial development, but everything does not have to be Major Arterial so that we are in keeping with the neighborhoods and the look of the road, as it changes with what is around. All of that went into our thinking.

Members of the board comment that when they reviewed this request they did pay particular attention to the neighborhoods that do back up to the commercial and Major Arterial area.

The Board has spent a lot of time looking at Segment B, Segment A and Segment C in evaluating the Transit Road corridor.

Mr. Hopkins reminded of how this came back before the board- Mr. Cippolla came in with proposed possible Wegmans project after the board had looked at the amendments to Master Plan, which resulted in this being referred back to the Planning Board. While it is hard to separate the planning decision as we know the underlying project is a proposed Wegmans, representative asks that the board considers a couple of facts:

- No overall input from the town has been solicited as to whether they would like to see a Wegmans. If this effort were undertaken, he is confident that he would have a great deal of support. It is recognized and respected however that the adjoining property owners' views would be more important than someone who lives on County Road, however no general community consensus has been solicited, which is ultimately who the Town Board is accountable to- not only the residents of the adjoining subdivision, but of the overall town's best interest.
- Mr. Cippolla did drive up and down Transit Road on both sides and determined that this would be the best location. Several constraints came into play: not many vacant parcels available along that corridor that would be large enough to accommodate size of the project, and second, as indicated previously, what happens to vacant parcels located on flat land in the town of Clarence and Amherst, is that it often reverts to wetlands & many of the vacant parcels are severely constrained by wetland issues.

We have done our best to propose a wide buffer area- the board appears to not feel it is acceptable, however we can take a look at it as the project moves forward, but we have made a good faith effort to minimize the impact of the project on the adjoining upscale, single-family homes. All projects will have some impact on the adjoining commercial or residential uses- there is no denying that fact- but he wants to point out that he has never said that this project would have no impacts. Our goal is to minimize those impacts to the maximum extent practical; we are confident that we can do that as a result of the coordinated review process. Based on the recommendation of this board, they will continue to move forward with this project and look for and solicit input from this board and residents, and a large number of municipal boards, committees and agencies in the process as the project moves forward.

Wendy Salvati points out that just because this may be the only site in Clarence to accommodate this type of project, doesn't mean this has to happen. Representative agrees and states that he just wants the board to consider it.

The board points out that they are not here to talk about Wegmans, but to look above that and at the Master Plan. They are here to put everything into context and look at whatever could go in a Major Arterial zone and how to best look out for Clarence in the long-term. Board discusses that commercial development can still occur within area, however it does not have to be Major Arterial. Wendy Salvati discusses that the question is to whether or not this should stay Major Arterial or if it should become commercial. We recommend that it become commercial- it will still generate tax revenue for town, still provide places for stores to go- they just would not have to be under 140,000 square feet.

Open to public to speak. Reminder that if you have sent email or already spoken, you do not need to speak again- already on record. If you would like to go on record, now is the time to do so.

Joe Kleinmann of 5623 Kippen Dr.- Wanted to present petition that is going around Kippen & Highland Farms sub-divisions- close to 100 signatures opposing rezoning. Confident that he can get 90-95% of the residents in the communities to oppose rezone. Currently talking with and working with some people in Loch Lea, who would be effected by traffic issues- most are opposed to rezone. He appreciates comments regarding protecting the community. Majority of the communities surrounding this are opposed to this project and rezoning. He is sure they can find support around the town, and other towns, but he believes it is the job of the town to protect all of the residences. There are many residences around here that would be negatively affected; regardless of money, there is still room for commercial property development, and he is sure the town can find one. Going forward, and will present petition to town board.

Lynn Collis of 8081 Highland Farms- If approved it would be a Wegmans. If the board does approve it and it does become a Wegmans, it is a 24-7 business- lights would always be on, cars and trucks coming and going- 24 hours a day. Not like the bank- it is open 24 hours a day, 7 days a week- they would never get a break- weekends, evenings, middle of the night.

Doug McCallum of 8087 Highland Farms- Did not receive letter, however well within 500'. No matter what project is on this proposed site, it would negatively impact neighborhood. Berm, fence and trees will not shield house from the big-box in his back yard. If it were a residential neighborhood going in, he would not be at the meeting. Just purchased home in September with notion that this would be a single-family residential neighborhood; felt secure in fact that they were moving into a really nice neighborhood, character of which would go to waste with this rezone. Other concerns of traffic impact, environmental, big-box, already brought up.

David Spoth of Spoth's Farm Market- 5757 Transit Road- Wanted to go on record as being opposed to. Likes what he hears about what is being discussed in terms of community, and for Clarence as a town. Does not feel that extending zoning would fit with Clarence or the businesses on Transit Road in Clarence or Amherst in that area- would have to go to Wal-Mart to find a project of this size. Any business of that size would not fit in that area; does not fit orderly and balanced growth plan.

Robert Metz of 5665 Kippen Drive- Did the math of the size of the store and it would be the size of three football fields square footage-wise. Concern about Roll Road & truck traffic. Thinks it

would have to be made a four-lane highway. Concern over trucks using Harris Hill and Roll Roads as opposed to Transit Road. Recognizes that DOT would take a look at it, but wanted to voice concern.

Erin Boyd of 5660 Field Brook Drive- Concern over traffic; know they said they would look into traffic issues, but feels it is just going to be a problem. They already don't have sidewalks in neighborhood & on Roll. She has already sent letter to town- did not get back to her at all. Building this project would just bring more traffic into area. Children walk to school; does not feel comfortable with this being built.

Khalid Mohran of 5722 Field Brook Dr.- Concern of impact of liquor store on environment- increase crime rate, enhance underage drinking. Also, risk of accidents and disease such as asthma, cancer. Wants to protect community and environment. Concern over how this will effect the environment his children live in.

Paul Wheeler of 5647 Kippen Dr.- Wants to stick to the facts. Fact number one- 27 emails have been received prior to today- all have been "no." 15-20 were received today, again all no; that's 40-50 emails received by board- all saying "no." Fact number two: homeowners purchased homes in the subdivisions knowing that the property to the west was zoned residential. Personally stood and looked at maps nine years ago to go over zoning and was told that there were wetlands on the property at that time. Fact number three: 100' green belt is extremely small for such a large store- loss of an hour of sunlight from his backyard. Fact number four: In regards to proposed 100 foot buffer, Wal-mart, which is the largest store on the Clarence side of Transit, has an existing buffer at it's smallest point of 350 feet, up to 400 feet at the widest- that's four times larger than what the developer is proposing now. Farther down Transit at the Value plaza, the buffer there is 607 feet. Fact number five: In the Town of Clarence, community goals section- focus is clear to protect residential homeowners. There are nine goals, goal number eight says to protect existing residential areas as the town grows. Asks the board to continue to protect the neighborhoods and not amend the Master Plan.

Robert Bigos of 5653 Kippen Dr.- Learned more specifics of store at Monday nights meeting; not against improvements and expanding stores, however doesn't make sense to force that onto a parcel of land this size. Facts that were told to us by the Wegmans' representatives on Monday night: you could expect anywhere from 1-4 tractor trailers coming almost every night between 8pm and midnight, and that's if they don't run late- could be 1 or 2 o'clock in the morning for deliveries. During the day, there are approximately 40 smaller trucks that come to the back of Wegmans to drop off products. This was told to us right from the Wegmans' representative. Note on property values- Wegmans mentioned that from what they have seen, property values have not declined, but in some cases have risen because of their development. Mr. Bigos doesn't believe that's true, especially with the surrounding areas. If you try and sell one of these properties after a development like this is finished, you are going towards a much lower market because there are people who would not want to move into that area. There will be people who want to move into that development and will love it, but will not want to be that close to such a monstrous project. Less people will want to buy your house, house will stay on market longer and the price will decrease. States that he does take exception to what the Wegmans' representatives said about property values.

Resident who spoke prior speaks again- speaks regarding idling times of gas and diesel vehicles (maximum of 5 minutes for diesel, not sure of for gas). Believes that they are already well served in the town as far as grocery store establishments- believes there are three grocery stores- as well as general retail, convenient stores and pharmaceutical products. On behalf of family and neighbors- they don't have to drive very far now to purchase groceries, or retail items or pharmaceuticals.

Resident speaks and references map. The part that is in the orange and backs up to the green, from the drawing shown on Monday night, is the back of the store where the trucks come in. Concern is that the worst part of the store will impact all of the residential homes there.

**ACTION:**

Motion by Al Shultz, seconded by Wendy Salvati, to recommend the Town Board **deny** proposal to amend the Master Plan by extending the Major Arterial zone at 5731 Transit Road and 8040 Roll Road by 350 feet to the East. The Planning Board believes that this extension is not in accordance with the Master Plan objectives with regard to protecting residents of existing residential communities.

**ON THE QUESTION:**

Since this motion recommends no action, no determination is required under SEQRA.

George Van Nest commented about needing to have some room for large retail stores, but this is a matter of reconciling the Master Plan and sound planning by the Planning Board.

Gerald Drinkard	Aye	Albert Schultz	Aye
Wendy Salvati	Aye	George Van Nest	Aye
Richard Bigler	Aye	Gregory Todaro	Aye

**MOTION CARRIED**

Board member states that following that motion, as Ms. Salvati has shared, the board did a lot of work last year looking at the segment and what is an appropriate zoning, and what is and what could be. This particular zone was sent back to us because at the same time this project that was discussed tonight was brought to their attention, so they sent it back to us to review and study. So we have looked at that segment, and now we have re-looked at the segment, so I'd like to talk for a minute on the record of whether any other information is needed to send that segment B recommendation that was sent to the Town Board last year, back to the Town Board.

Nothing has changed.

**ACTION:**

Motion by Al Schultz, seconded by Rich Bigler to **reinstate** our 2008 recommendation to down-zone the Transit Road Corridor between Roll and Clarence Center Roads from Major Arterial to Commercial at its current depth. We believe this down-zoning is supportive of and consistent with the objectives of Master Plan 2015 for the reasons articulated in our 2008 recommendation.

**ON THE QUESTION:**

Return to considerations of exactly what we are trying to do relative to our job on the Planning Board, which is to exercise sound planning decisions on behalf of the town. Attempt to balance issues from a planning standpoint and be faithful to the Master Plan, and also try to allow for development where it is appropriate and where zoning may permit development. As a recommending body from this perspective, there may be other considerations relative to development that may be or shouldn't be fostered with the town of Clarence that may support a different approach, but as a board, we must make sound decisions from a planning only perspective.

Gerald Drinkard	Aye	Albert Schultz	Aye
Wendy Salvati	Aye	George Van Nest	Aye
Richard Bigler	Aye	Gregory Todaro	Aye

**MOTION CARRIED**

Wendy Salvati wanted to re-enforce the process of requests for amendments and discuss prior analysis and the decision to protect existing residents. We did not act prior to this because there is a process that must be followed & now, at this time, the public was allowed to come in and make their statements.

**Item 1-B: 8035 Clarence Center Road**

At the April 1<sup>st</sup> meeting of the Planning board, the proposed Master Plan 2015 Amendment involving 8035 Clarence Center Road, and property to the south was referred to TEQR. The TEQR committee recommended a negative declaration on the proposed amendment, identifying no significant adverse environmental impacts associated with the request.

The Town Board issued a negative declaration on the proposed amendment on April 22nd, 2009. The applicant is present seeking a recommendation on the requested amendment to make the entire parcel a commercial zone in classification.

**Item 1 - B**

Master Plan 2015 Proposed Amendments,  
Segment B:

Recommendation on Master Plan 2015  
Amendments

b.) Transit Road, north of Roll Road, extend  
depth of Commercial Zone.

**DISCUSSION:**

Jim Callahan introduces the project Item 1-B. Located on Transit Road, north of Roll Road and wants to extend depth of Commercial Zone. The applicant is present. Recommendations on Master Plan 2015 amendments.

Lois Daigler, 8041 Clarence Center Rd, represents the applicant on extending the commercial zoning further down Clarence Center Road. There is no objection to the change which basically straightens out the commercial zone line.

**ACTION:**

Motion by Al Schultz, seconded by George Van Nest, to recommend extension of the commercial zone at 8035 and 8041 Clarence Center Road by 48 feet to the East.

Gerald Drinkard	Aye	Albert Schultz	Aye
Wendy Salvati	Aye	George Van Nest	Aye
Richard Bigler	Aye	Gregory Todaro	Aye

**ON THE QUESTION:**

Al Shultz stated that this action would eliminate the “split zoning” on 8035 Clarence Center Road and make the entire property commercially zoned. The 48 foot extension of commercial zoning on 8041 Clarence Center Road simply squares off the commercial zone in a line continuous with the Eastern boundary of 8035 Clarence center Road.

This action received a Negative Declaration recommendation from the TEQR Committee this month.

MOTION CARRIED.

**Item 2**

John Kausner  
Agricultural Rural Residential

Requests Concept Plan Recommendation  
for an Open Development Area at 4180  
Ransom Road.

**DISCUSSION:**

Jim Callahan introduces item # 2. The property is located on the west side of Ransom Road, south of Tillman road. The existing residential property which consists of eight plus or minus acres in the Agricultural Rural Residential zone. The applicant is present seeking a recommendation for concept plan approval on a proposed open development area at 4180 Ransom Road.

The applicant Mr. John Kausner was there along with Al Hopkins from Metzger Engineering. Al Hopkins discusses new site plans- making the first two lots a little bigger, and the lot in the back a little smaller and essentially moving property lines further to the west. Two acres in size for each lot minimum, when the 36 foot easement is excluded. They were able to move the driveway back further, which gives more separation to Mrs. Fenning’s house. Believe they have complied with everything the board has asked of the project.

Gerald Drinkard inquires about location of hydrants and being within 600 feet. Al Hopkins responds that the town open development law requires it to be within 600’ of the home or the home has to be served by a sprinkler system. In this case, they would have to tap the water line at the road, which

would follow along the road, ending at the 36' easement. This would have to be extended to where the private road ends and the driveway begins and have private hydrants.

Gerald Drinkard also raises concern over lighting in the driveway. When the Town Board referred it to the Planning Board, one of the issues was no lighting in the driveway. Another issue last time was the need for landscaping and screening of the neighbors on either side facing Ransom Road. Will condition a motion-- subject to approval by Landscape Committee- after the road is in.

George VanNest speaks. Relative to landscaping- points out that the landscape law does have not only provisions for a landscape permit to be granted in association with a project, but the obligation of maintenance to continue relative to the landscaping that is installed. Has some concerns over landscaping in regards to adjoining property owners and the security relative to the proximity of this development to their homes and their neighborhood. The only way to alleviate that would be to have adequate screening maintained throughout the course of development, such that it impacts the adjoining property owners. The landscape law has revisions and it is imperative to share that those revisions will be enforced to ensure the integrity of the landscaping that is installed to the maximum extent practical.

Wendy Salvati speaks that the road is a private road and there would have to be someone, such as an active homeowners association to take care of it, with restrictions that the landscaping must be maintained.

There would be a homeowners association to take care of road and landscaping.

Gerald Drinkard speaks that the landscape committee purview is two-fold. One is that, commercial landscaping is done and the second is that if it's in the minutes, and you've agreed to it, then it is something we could refer back to. When it comes to residences, and you have the opportunity as a residential owner to take down trees for various reasons- what we would like to see in this particular case, because there have been some statements made that the soil might be wet, with the particular species of trees you might want to seek out a landscape architect to advise on trees that would do well in that environment.

Wendi Salvati references site plan- adds that you don't want a berm there- do not want to block drainage of that area and then create a problem for your neighbor; want to plant something that can tolerate the wetness and thrive.

Resident references site plan- if the landscape, as it seems to curve, why it couldn't be a little straighter, and then it would be a little further away.

Al Hopkins answers that in addition to the 36 foot easement in the front, they had proposed a second easement for the private driveways in the back, and the further they move it away, the more it encroaches on the second lot.

Resident was wondering why it was like that, if it could align a little more to gain a few more feet.

Al Hopkins responds that what she sees there at the end is required by the Open Development law for the town, which has a very specific turn-around requirement and that meets the town's standards.

Resident responds that that answers her question.

Clarification by board that it must be that size for emergency vehicles if they were ever needed.

Board opens discussion to audience if anyone wishes to speak to the subject. No one speaks.

**ACTION:**

Motion by Wendy Salvati, seconded by Greg Todaro, to recommend concept **approval** for the three-lot open development at 4180 Ransom Road as described in the site plan updated April 16, 2009. Approval should be conditional on Landscape Committee review and approval of vegetative screening along the South side of the property.

Conditions:

- A homeowners agreement be created and approved by the Town Attorney for use and maintenance of the common driveway, including landscaping.
- A fire hydrant be placed to insure one is closer than 600 feet from the farthest house.
- Approval of the landscape committee after the road is in.
- No lighting along the drive.
- Approval of the Town Engineering and Building Departments be secured for drainage.
- Payment of all applicable fees.

Gerald Drinkard	Aye	Albert Schultz	Aye
Wendy Salvati	Aye	George Van Nest	Aye
Richard Bigler	Aye	Gregory Todaro	Aye

**ON THE QUESTION:**

Wendy Salvati- The landscape committee working with the applicant should choose appropriate species of trees to plant in the driveway area that can tolerate the wet soils so that we can ensure what is planted there will grow and do the job that it has to for the neighbors, and not cost the homeowners money to replace.

David Donahue- Suggests that at the point of requesting building plans, that there be evidence given to the building department that the properties were reconfigured/reconveyed and that each of three parcels are of a two acre minimum and that the frontage is together again.

Al Schultz: Technically all homes need to have a 150 foot setback, but the pre-existing home should be exempted from the 150 foot set-back required under open development code; the home is approximately aligned with other Ransom Road homes.

Equivalent plan has received a Negative Declaration under SEQRA.

Gerald Drinkard	Aye	Albert Schultz	Aye
Wendy Salvati	Aye	George Van Nest	Aye
Richard Bigler	Aye	Gregory Todaro	Aye

MOTION CARRIED.

John Kausner acknowledges board for being patient and gracious.

**Item 3**

Margaret Kiesel  
Residential Single Family

Requests Preliminary Concept Review  
for an Open Development Area at 5145  
Harris Hill Road.

**DISCUSSION:**

Jim Callahan introduces item #3. This property is located on the east side of Harris Hill Road, south of Greiner Road, existing residential property located in the single family residential zone. The applicant is proposing to develop an open development area to allow for one additional residential lot and is seeking a Planning Board recommendation on the proposed design.

**ACTION:**

Motion by George Van Nest, seconded by Al Shultz, to **table** this request because the applicant was not present.

**ON THE QUESTION:**

Will be rescheduled.

Gerald Drinkard	Aye	Albert Schultz	Aye
Wendy Salvati	Aye	George Van Nest	Aye
Richard Bigler	Aye	Gregory Todaro	Aye

MOTION CARRIED

Meeting adjourned at 8:55 p.m.

2009-73

Cassandra Fish,  
Jamie Krawczyk  
Part Time Fill-in Clerks