

Town of Clarence
Planning Board Minutes
Wednesday May 21, 2008

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 Amendments
Harris Hill Road Corridor

Recommendation.

Item 2

Stone Ridge Estates/Joe Frey
Agricultural Rural Residential

Requests Preliminary Concept Review of a proposed Minor Subdivision at Stage and Ransom Roads.

Item 3

Stone Ridge Estates/Joe Frey
Agricultural Rural Residential

Requests Preliminary Concept Review of a public road Open Development at Stage and Ransom Roads.

Item 4

Wood Meadows Development
Agricultural Flood Zone

Requests Preliminary Concept Review of a 4-Lot Open Development Area west of 8625 Tonawanda Creek Road.

Item 5

Newhouse Acres
Residential Single-Family

Requests Preliminary Concept Review of a proposed Open Space Design/Incentive Lot Subdivision on Newhouse Road.

Item 6

Architectural Design Standards

Discussion.

Chairman Gerald Drinkard called the meeting to order at 7:30 p.m. Director of Community Development James Callahan led the pledge to the flag.

Planning Board Members Present:

Chairman Gerald Drinkard
Jeffrey Grenzebach
Albert Schultz

2nd Vice Chairman Timothy Pazda
Richard Bigler
Gregory Todaro

Planning Board Members Absent:

1st Vice Chairperson Wendy Salvati
George Van Nest

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:

Michele Parker
Rita Burk
Al Hopkins
Dolores Liebner
Ron Norton
Dennis Mayer
Scott Glassman
Susan Leckey
Shohreh Moini
James Verrico
Mark Bergum
Pete Gorton
Gary French
Bob Reggentine
Lisa Williams
Susan Emborsky
Rob Pidanic
Richard Batterson
Ron Jentz

Joe Deni
Richard Burk
Chuck Anderson
Fred Ehlert (Shari)
Suzanne Hemline
Richard Marquart
Jacob Leckey
Chris Cadden
Dariush Zadeh
Clayt Ertel
Nancy Bergum
L. Sliwinski
Jim Mahoney
Lori Nielsen
Doug Hartwig
Pat McDonell
Lisa Batterson
Fred Hermann
Robert Sackett

Chairman Drinkard announces that with the absence of First Vice Chairperson Wendy Salvati and member George Van Nest, alternate member Gregory Todaro will be filling in and voting on all agenda items.

Motion by Jeffrey Grenzebach, seconded by Richard Bigler, to **approve** the minutes of the meeting held on May 7, 2008, as written.

Gregory Todaro	Aye	Albert Schultz	Aye
Richard Bigler	Aye	Jeffrey Grenzebach	Aye
Timothy Pazda	Abstain	Gerald Drinkard	Aye

MOTION CARRIED.

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

Master Plan 2015 Amendments
Harris Hill Road Corridor

Recommendation.

DISCUSSION:

Jim Callahan explains that at the annual Public Hearing on the Master Plan 2015 held in February 2008 a request was made by an applicant to consider a change to allow expansion of the Industrial Business Park area east of Harris Hill Road, south of Roll Road, as well as to consider Commercial zoning along the Harris Hill Road Corridor just to the north of Greiner Road. The Planning Board is analyzing the Harris Hill Corridor and seeking public input on the request for formalizing any recommendations. This represents the second public meeting on the request.

Chairman Drinkard said people were notified of the first public meeting on this request, however there were not many residents that came to the meeting; a memo was read into the record from a resident who lives in the Lock Lea Subdivision and the public meeting was then closed. The Planning Board deliberated other aspects of the rezoning options and came up with new information that was needed. A piece of specific information needed is feedback from residents on Harris Hill Road, thus residents were re-notified to provide another opportunity for their comments.

Al Hopkins, of Metzger Civil Engineers, is representing the applicant. Mr. Hopkins recaps the proposal by saying the applicant would like to extend the proposed Business Park to match the existing. He would also like to link the proposed Commercial zone along Harris Hill Road with the existing Commercial zone; this would be a natural in fill of the property. At this point Mr. Hopkins is not seeking a rezoning, he is seeking to change the Master Plan 2015. Chairman Drinkard clarifies that the applicant is, in fact, requesting a rezoning. He goes on to explain that the Master Plan is a broad brush attempt to identify areas of opportunity; the Zoning Map is a literal living document that, every year, takes on life by changing.

Albert Schultz explains a few concerns of the Planning Board while reviewing this proposal. The applicant is proposing to draw a square around the most intense wetlands on the site and designate it as an Industrial Business Park. That wetland also extends down into the proposed Commercial Zone.

These issues are identified as potential problems. Another potential problem is the residences that are located throughout the proposed Commercial Zone. Mr. Schultz refers to Chapter 11 Section A of the Master Plan 2015 which reads: Any private entity or person associated therewith requesting a change to the Master Plan shall submit a signed petition to the Town Board, which must include the following: a description of the desired change and the benefits, this has been completed by the applicant. Secondly, the applicant must provide identification of possible impacts resulting from the proposed change (e.g. increased traffic, increased demands for services, invasion of wetlands, etc.). Thirdly, the applicant must propose mitigation for minimizing the identified concerns, providing an analysis on the impacts to the Master Plan. Mr. Schultz goes on to read from the Master Plan which indicate changes in one part of the Town can also affect other areas, which must be taken into consideration. Details of the analysis and projections on potential impacts shall be required of the petitioner; not the Town Board, Planning Board or the residents of the Town, to demonstrate the need for such amendment(s). The lack of this information from the applicant makes this submission incomplete. Mr. Hopkins replies by saying this proposal is in its infancy stages. He said the wetlands have not been delineated at this point, he is aware that this will need to be done if the project moves forward.

A resident of Coyote Court said to change the Master Plan there should be a very compelling reason or provide a significant benefit to the community; it does not appear that this proposal provides either. The area in question is adjacent to, perhaps, one of the largest residential communities and is exactly 1.0 miles to a heavy commercially zoned area on Transit Road.

Pete Gorton, of Hedgewood Drive, said he liked what he heard from this Board. He was not aware of the previous public meeting. Anything that happens on Harris Hill affects him directly; he was not notified of any meeting. The traffic in the area is horrendous and getting worse. He has been before various Boards and has asked for an accounting of traffic and a plan; he does not see that plan. He asked what the traffic consequences will be for a proposal like this and who will pay for it. Chairman Drinkard said the traffic information will come out of the SEQRA Review. Mr. Gorton knows how SEQRA works; nobody checks the box of cumulative impact on the SEQRA form. The traffic is getting worse and building the Eastern Hills Corridor is not a fix, it will add to the problem. Mr. Gorton said the original Master Plan never addressed public comments because it did not go through a proper SEQRA Review, because of this some comments that the Harris Hill residents had were not addressed. The Board needs to consider cumulative impacts and where the money will come from.

Richard Batterson, of Coyote Court, said he bought his house approximately 7 years ago; his backyard abuts Harris Hill Road. The proposed commercialization of Harris Hill Road directly affects him. Harris Hill Road is an overburdened road with very little police protection. Mr. Batterson said Harris Hill is a major north/south corridor. If the area is zoned commercial will Harris Hill be widened and in what direction will it be widened. Noise, traffic and the wetlands are also concerns. He asked if there is currently a study on the wetland mitigation. Does the developer plan any wetland mitigation? He thinks the proposal will decrease the property in the Lock Lea neighborhood.

James Verrico, of Center Pine Lane, said he does not recall receiving notification of this agenda item for previous meetings and some of his neighbors did not received a notification for this evening's meeting. Chairman Drinkard explains that notifications are sent to neighbors within 500' of the proposal; it is very specific. Mr. Verrico joins in with the concerns of traffic. When he moved into his home in 2004 he was assured by the realtor that the area is Residential not Commercial; he was assured the east side of Harris Hill would not be developed. This is one of the major reasons he bought the house. He is adamantly against any change to the Master Plan.

Shohreh Moini, of Center Pine Lane, said this is a Residential neighborhood and if it is changed to Commercial it will ruin the whole neighborhood. No one in the neighborhood wants this Commercial zone. There is a large commercial area on Roll Road and Greiner Road.

Ron Jentz, of 5365 Harris Hill Road, said that the proposed change would drastically affect his family's quality of life. He bought his home in 1998 and the agricultural region is one of the main reasons he bought his house. He gave up his front yard due to the heavy traffic on Harris Hill Road. If the proposed commercial development goes through it will ruin what he has built in his backyard for his children. This proposal will have an adverse affect for Mr. Jentz and his neighbors; he is against the proposed change in the zoning.

Richard Burke has lived on the north west corner of Harris Hill and Greiner Roads for 37 years. He offers the Planning Board members to have breakfast with him one morning so they can experience the traffic problems. It is difficult to have a conversation at that time of the morning because there is so much traffic noise. He can not get in or out of his driveway at 8:00 a.m. A Commercial zone is not the answer.

Albert Schultz explains that there will be many more public meetings to afford for public comment. The Town Board is very careful with Master Plan changes.

Chairman Drinkard explains that the property is currently zoned Single Family Residential and could, conceivably, be developed as such and any kind of business that fits in that category. The property owner has the opportunity to develop that land today within the constraints of the current zoning.

ACTION:

Motion by Albert Schultz, seconded by Timothy Pazda, to **table** the proposal and ask the applicant to provide the information as requested in the Master Plan Amendment Section.

ON THE QUESTION:

Deputy Town Attorney David Donohue explains that if the applicant chooses not to provide the requested information he should advise the Planning and Zoning Office and withdraw the submission. Chairman Drinkard recommends Metzger Civil Engineering respond to the Town of Clarence Planning Department within 5 work days; they are to advise the Planning Department of the applicant's intent. Albert Schultz agrees to amend his motion to include these conditions; Timothy Pazda agrees to amend his second to the motion.

Gregory Todaro	Aye	Albert Schultz	Aye
Richard Bigler	Aye	Jeffrey Grenzebach	Aye
Timothy Pazda	Aye	Gerald Drinkard	Aye

MOTION CARRIED.

Item 2

Stone Ridge Estates/Joe Frey
Agricultural Rural Residential

Requests Preliminary Concept Review of a
Proposed Minor Subdivision at Stage and Ransom
Roads.

and

Item 3

Stone Ridge Estates/Joe Frey
Agricultural Rural Residential

Requests Preliminary Concept Review of a public
road Open Development at Stage and Ransom
Roads.

DISCUSSION:

Chairman Drinkard explains that Agenda Items 2 and 3 are the same applicant, thus will both be discussed at this time.

Jim Callahan explains that the property is located on the east side of Ransom Road and the south side of Stage Road, the parent parcel contains approximately 127.5 acres in the Agricultural Rural Residential Zone. The applicant is proposing to split frontage lots off Stage Road as well as to develop additional lots from the parent parcel. Because the applicant has already exceeded the number of frontage splits to go beyond a minor subdivision, the action must be considered a major subdivision per Subdivision Law. The applicant is present to introduce the details of the project.

Al Hopkins, of Metzger Civil Engineering, is present and introduces Clayt Ertel. Both are representing the applicant. Mr. Hopkins explains there are two parts to this project; four (4) lots off to the east side which are currently zoned Rural Residential and will be a minimum of six (6) acres apiece. The second part of the project is the corner piece and consists of 92 acres; there is an old sand and gravel quarry on site. There will be 15 homes in this proposal on lots no less than five (5) acres in size. They have placed the homes using the topographic and natural features of the property. This is a slightly different plan than what was submitted to the Town Board. The original plan showed homes around the pond, the neighbors pointed out that the area north of the pond gets very wet in the springtime and is the lowest area. The owner agreed to re-site some of the homes that are on the south side of the pond. The proposal includes a single road off Stage Road coming back to a cul-de-sac and a private driveway down to the south.

Clayt Ertel, with Realty USA, will be marketing the properties. He points out that the topography of the land makes it very unique to develop, thus the reason for what seems to be an erratic design. The lots will sell in excess of \$150,000 apiece and the average size will be 6.13 acres. With only 15 houses there will be very little traffic impact.

Timothy Pazda said the first point of contention is to look at the proposal and ask if it is for a public or private road, the applicant is proposing a public road. Chairman Drinkard asked what the benefit to the Town would be with a public road. Mr. Hopkins said they will front as many lots as possible on the public road; there is a private driveway that will service eight (8) lots in the back. There are seven (7) lots off the public road. Mr. Ertel explains that the public road gives less responsibility to the owners of the property, they will be paying substantial taxes as it is; to put a public

road all the way back would make it bigger than it needs to be. He points out fire access is very important.

Chairman Drinkard said the two agenda items will be reviewed together, at least, through the SEQRA Review process. He asked if the applicant intends to build in phases. Mr. Ertel can not answer that question at this point. He thinks the road would have to be finished off to the cul-de-sac to allow the first four lots to be built. Chairman Drinkard warns the applicant that the road would have to be complete prior to the Town considering responsibility.

Mr. Pazda asked what the legality is in terms of the convoluted lots. Deputy Town Attorney believes they meet the requirements and are legally acceptable. Mr. Ertel said the lines on the plan will not be seen on the lots once they are built; the properties will be landscaped. The lots will not be well defined and there will be no fences to outline them. Chairman Drinkard said a deed restriction will need to be in place to ensure certain things, for instance, the lot on the corner of Stage and Ransom will not be developed.

Chairman Drinkard suggests the applicant look at the landscaping for the area including the entranceway. Mr. Ertel said the natural topography of the land will dictate the lots and how the houses are positioned and thus the landscaping that is practical for each lot. A maintenance agreement is in the works.

Albert Schultz voices his concern with regards to any future arguments on the exact lot lines due to the plans "wiring diagram". He would like to see a simpler site plan to avoid confusion. Mr. Ertel said once the plan is approved it becomes the developers responsibility to make sure the property owners know where their lot line is. This plan has been worked on for almost one (1) year; Mr. Ertel said there is no simpler plan. Mr. Pazda asked if the applicant would listen to a simpler plan if one were to be suggested. Mr. Ertel is willing to work with the Town and would entertain any suggestion.

Mr. Ertel explains that the property has been re-shaped and re-contoured so that it could be used; it has also received a clean bill of health from the DEC.

Mr. Pazda reads Section 193-20 (G) of the Subdivision Code which indicates in order to preserve the existing public view, the minimum setback for lots from the existing public road frontage shall be determined by the Town Board based upon natural features of the land proposed for development, the ultimate density of the proposed development and the location of existing uses along the public road. At a minimum, a setback of 200 feet shall be required from any existing public road right-of-way and the first lot proposed within a new subdivision involving public road dedication.

Mr. Ertel said there were four (4) lots that met the current zoning requirements. Chairman Drinkard voiced his concern regarding numerous curb cuts for these lots and asked if one (1) curb cut could be shared by the four (4) lots. Mr. Ertel said the curb cuts conform to the surrounding lots.

Richard Bigler points out that the frontage lots will need to be deed restricted so they will never be further developed. Mr. Ertel agrees.

Mr. Hopkins describes the proposed road as lined up directly across the street from Sawmill Road.

Susan Leckey, of 10770 Stage Road, voices her concern with the existing line-of-sight issue coming off Sawmill Road on to Stage Road; there is a total blind spot. Many people speed in this area.

She wonders why the access on to Stage Road instead of Ransom Road. She asked for clarification on the total number of houses to be built; will it be a continuous building project where more houses will be built in a few years? She is also concerned with large houses in the backyards of smaller houses; will the developer regulate the size of the homes? Is there a plan to keep any of the area green? She hopes the Town will ask to have some of the ground retested as it is murky in spots.

Nancy Bergum, of 4535 Ransom Road, is concerned with the aesthetics. She said there is a lot of wildlife that would be affected; there are natural aquifers in the quarry. She voices her concern with the water table and wonders what the project would do to her water pressure. Twelve months out of the year the water pressure is changeable; the laundry can not be done if someone is taking a shower. The septic system, the traffic and the noise level are all concerns. What will happen to the existing dry land space when it is taken up by pools, yards and houses? Where will the run-off water go? Will there be retention ponds put in? What about the quality of life for the neighborhood, the area she has grown to love will be changed and she does not want to be forced to move.

Scott Glassman, of 10725 Stage Road, said his main concern has to do with the ingress and egress of the construction vehicles, what will the quality of life be for the neighbors during the construction period? He is also concerned with the noise during construction. Will there be a berm set up, will there be a separate construction access; there is a lot of dirt kicked up during construction.

Fred Ehlert, of 10805 Stage Road, is concerned about the prevailing wind and the amount of dirt that will come up. The west side of the quarry has a tremendous amount of water that lies there every Spring; how will this be regulated? His assessment has gone up \$100,000 in seven years, how much more will it go up if \$1,000,000 homes are built there?

Chairman Drinkard explains that this is in advance of the Engineering work; the project must go through the SEQRA process and the applicant must work closely with the Engineering Department. It is good to have these concerns on the record. There are many opportunities for the public to voice their concerns at future meetings; the meetings are open to the public.

Mr. Ertel explained that the Ransom Road lots will not visually affect the neighbors. The additional traffic would consist of approximately 30 more cars; this is minimal for a 92 acre parcel. If another plan were to come before this Board it would have a higher density. The septic system will be addressed. Mr. Ertel said a rough calculation showed only 11 acres, of the 92, to have a house on it; this shows how much greenspace will exist. This project will add tax value to property but it should not have a negative impact to the existing houses, if anything, it would have a positive impact on the tax load.

Chairman Drinkard said the Planning Board needs more information from the Traffic Safety Board, the Town Highway Superintendent and the Fire Advisory Board.

ACTION:

Motion by Chairman Drinkard, seconded by Jeffrey Grenzebach, to **table** the proposal, as presented, and **refer** it to the Traffic Safety Board, the Town Highway Superintendent and the Fire Advisory Board.

ON THE QUESTION:

Chairman Drinkard said the Planning Board is asking for input from the above mentioned groups for the proposed subdivision with the road as indicated. The Board is looking for specific feedback on it being a private road vs. a public road and the constraints that should apply.

Gregory Todaro	Aye	Albert Schultz	Aye
Richard Bigler	Aye	Jeffrey Grenzebach	Aye
Timothy Pazda	Aye	Gerald Drinkard	Aye

MOTION CARRIED.

Item 4

Wood Meadows Development
Agricultural Flood Zone

Requests Preliminary Concept Review of a 4-Lot
Open Development Area west of 8625
Tonawanda Creek Road.

DISCUSSION:

Jim Callahan provides the history on the subject. It is located on the south side of Tonawanda Creek Road, west of Northfield Road. It is existing vacant land and consists of approximately 46 acres. This represents the introduction of the proposal to the full Planning Board.

Bob Reggentine, of Land Design Surveyors, is representing the applicant. Jim Maloney, owner of the land, is present as well. Mr. Reggentine explains that the land is inundated in the 100 year floodplain and has some Federal Wetlands to the rear of the property. The front two (2) lots comprise of approximately 2 1/2 acres, the remaining rear lots comprise the rest of the land, which is about twenty (20) acres apiece. The proposal is for a private road; there will have to be some type of maintenance agreement within the subdivision. The agreement will include items such as snow plowing and lawn maintenance. There is a Town wide ditch that runs through the property; this will be used as part of the drainage system. The land in the rear, for the most part, will be avoided. The pond in the back of the two rear lots will act as aesthetics and a retaining area for any stormwater run-off.

Tim Pazda asked what the width is for the parcel that comes out to the road. Mr. Reggentine said 80'; he is proposing that the driveway be in the center of this parcel as depicted. The first proposed house will be approximately 500' from Tonawanda Creek Road. Chairman Drinkard explains that the road can not be any closer than 100' from any next door neighbor's driveway. Mr. Reggentine thinks the plan is within that tolerance but he will double check the specs. The existing barn will remain.

Dennis Mayer, of 8500 Northfield Road, said it is very wet most of the year in this area, if a pond were put in it could very easily rise to the top. Mr. Mayer said an 80' wide easement will be difficult to get in there. He asked if there will be further development or proposals down the road, can the lots be broken up further and sold off? He does not see why the proposed homes have to be so close to other people's property, perhaps a berm can be built for privacy. Taxes will go up if bigger houses are built in the area.

Leonard Sliwinski, of 8450 Northfield Road, has lived in his home for 40 years. He sees a lot of water in the back of his property that was not there before. He is concerned with the overflow of the pond; the water will come right to him.

Lori Nielsen, of 8330 Northfield Road, said there are some National and State Wetlands that are not indicated on the display map. Is the proposed pond going to drain the wetlands? Who is in charge of this? The water on her property is three feet (3') deep right now. There are many people who hunt in this area. How will the pond be fed, Ms. Nielsen does not think it will be spring fed; it is just going to breed mosquitoes. She recalls a proposal for eight (8) units at 7860 Northfield that was turned down by the Town Board. She suggests a deed restriction if the proposal is approved. Ms. Nielsen makes the Planning Board aware of the sink hole that is on Tonawanda Creek Road. She is also concerned with traffic.

Dennis Mayer explains that 15 years ago the Corp of Engineers proposed a channel connecting Tonawanda Creek and crossing almost to his property, through the golf course and down to Wolcott Road. This is a flooded area and needs to be looked at.

Susan Emborsky, of 8220 Northfield Road, is concerned with a property owner who has a large amount of land that is land-locked with a small entrance way; this provides the opportunity for development in the back with only 80' of frontage; she thinks this is a terrible policy. She also has a problem with the pond; it is a mosquito born area.

Chuck Anderson, of 8575 Tonawanda Creek Road, said the area used to be agricultural but now is being developed with home lots. He does not see much of an impact with the proposal for four (4) houses. The south end of the property is flooded during the summer; the area needs someplace to drain the water. He has a pond on his property, it is located west of the proposed pond; he can not keep water in it. He feels it is Jim's right to do something with the property; no one can ever develop past the pond.

Mr. Reggentine explains that the State has a law that says you can't drain water on to someone else's property. Once the proposal is approved as a 4-lot Open Development the project will never go any further. The pond will help drain the adjacent property owners as well as the proposed project. Mr. Reggentine said this is a Concept Plan and is not set in stone. If necessary the fill from the pond may be used for elevating the houses of the project; it will be used somewhere else on the parcel. The pond will be deep enough so that it won't collect a lot of algae. Chairman Drinkard said the Homeowners Agreement must include who is responsible for the maintenance of the pond. The applicant will need to work closely with the Town Engineer.

Mr. Schultz said one way to keep the open space is to develop the front. The new Storm Water Regulations must be followed.

Mr. Pazda said according to code an Open Development is not an as-of-right use.

ACTION:

Motion by Albert Schultz, seconded by Jeffrey Grenzebach, to **refer** agenda item No. 4 to the TEQR Committee.

ON THE QUESTION:

Mr. Schultz explains the reason for the TEQR Referral is that 90% of the concerns raised were environmental.

Gregory Todaro	Aye	Albert Schultz	Aye
Richard Bigler	Aye	Jeffrey Grenzebach	Aye
Timothy Pazda	Aye	Gerald Drinkard	Aye

MOTION CARRIED.

Item 5

Newhouse Acres
Residential Single-Family

Requests Preliminary Concept Review of a
proposed Open Space Design/Incentive Lot
Subdivision on Newhouse Road.

DISCUSSION:

Jim Callahan provides the history on the project. It is located on the west side of Newhouse Road north of Gott Creek Trail and consists of approximately 56 acres. The applicant is proposing a major residential subdivision and has been referred from the Town Board to consider Open Space Design Subdivision. This represents the introduction of the project to the full Planning Board.

Peter Sorgi, project attorney, and Rob Pidanik, of Greenman Pedersen Inc. (GPI), are present. Mr. Sorgi said he is in attendance this evening to propose an Incentive Lot Design; he has submitted an Open Space Design as well, but he is requesting the Incentive Lot Design this evening.

Mr. Pidanik explains that the lot area required under the Incentive plan is approximately 15,000 square feet; the proposed lots are approximately 16,500 square feet. The open space required under the Incentive plan is 25%; this plan has almost 35%. A public road is proposed and extends west off Newhouse Road, it goes into a loop and there is a single cul-de-sac. Mr. Pidanik met with the Planning Board Executive Committee on Tuesday, May 20, 2008 and they looked at an as-of-right plan showing 64 units. They looked at the Open Space plan, Mr. Pidanik does not like this plan because of the 50% required open space; this would force the applicant to build patio home lots and he wants to build on larger lots in order to keep in character with the surrounding neighborhood. The proposed homes would be 3,000 square feet. The plan that was brought forth to the Executive Board showed sublots along Newhouse Road; the Board objected to this plan and advised the applicant that a two hundred foot (200') buffer is required. The revised proposal shows the elimination of the nine (9) lots. Mr. Pidanik is asking for consideration and approval for this 60 lot plan; this proposal originally had 69 lots. Their calculations for the lot yield came to 78.5; Chairman Drinkard said these calculations were not right. He refers to the calculations submitted by GPI, a copy of the calculations are on file. Chairman Drinkard said Section 229-108 (b) (6) (f) of the Town Code needs to be applied. Mr. Pidanik said the calculations were submitted for a working guide; they did not swear to the accuracy. The Planning Board agrees with the yield of 62 lots.

Mr. Schultz said the Planning Board needs to recommend an Incentive Lot plan or an Open Design plan to the Town Board along with the acceptable yield.

Mr. Pazda asks for clarification on ownership of the rectangular parcel off Newhouse Road. Mr. Sorgi said Newhouse Acres LLC owns it. This is the same ownership as the rest of the parcel, it is a pre-existing lot and there is a house on it. Chairman Drinkard said Mr. Cimato agreed to find out if anyone is living in this house. Mr. Pidanik said it was always the understanding that this rectangular piece would not be part of the project. Mr. Pazda wants more information on this parcel. The question is, if the applicant owns the parcel why isn't it being used, what is the intent for this parcel? Fred Cimato, partner in the project, clarifies that the identity that owns the rectangular lot does not own the rest of the parcel. Mr. Sorgi explains that within the Newhouse LLC there can be a division of different interests. The parcel in question is a lot of record.

Deputy Town Attorney said, for segmentation issues, TEQR would have to assume full build-out.

Mr. Pazda refers to Section 193-20 (G) of the Town Code and questions whether the two (2) lots are legal. Mr. Sorgi said they are legal lots. Mr. Pazda said the minimum setback to a lot, not a building, is 200'. Mr. Sorgi said you can't have a setback on a lot; a setback by its very definition goes to a building. Chairman Drinkard said per the vocabulary in the code a setback applies to the building.

Chairman Drinkard is concerned with a common driveway; he suggests one curb cut for the two (2) houses. Mr. Sorgi said the setbacks for these two houses would be equal.

Mr. Schultz asked which is preferred: large lots with 35% green space, or smaller lots with 50% green space. He goes on to say that the Code requires protection for the agricultural uses next door.

Chairman Drinkard advises the applicant that the requirement for a cul-de-sac is maximum 1500 feet long with 12 houses.

Mr. Schultz points out that the project is in Sewer District #5, eventually the applicant will need to obtain a letter from the Board of Managers and the Town of Amherst.

Mr. Pazda brings to note Section 193-27 (8) and ask that the applicant review this requirement, Mr. Sorgi agrees to do so.

Deputy Town Attorney David Donohue said the Town Board has to approve a cul-de-sac.

Tim Englert, of Ransom Road, asked if this and other subdivisions fit into the Master Plan, are they for the good of the Town. Subdivisions always cost the Town more money than they bring in.

ACTION:

Motion by Chairman Drinkard, seconded by Jeffrey Grenzebach, to **accept** the yield of 60 lots for this subdivision on Newhouse Road.

Gregory Todaro	Aye	Albert Schultz	Aye
Richard Bigler	Aye	Jeffrey Grenzebach	Aye
Timothy Pazda	Aye	Gerald Drinkard	Aye

MOTION CARRIED.

Motion by Albert Schultz, seconded by Richard Bigler, to **recommend** the Incentive Lot Design as proposed to the Town Board.

ON THE QUESTION:

Mr. Schultz said the Incentive Lot Design is appropriate for this parcel; there is not a large amount of land that needs to be protected. The applicant showed, in good faith, a design that was well in excess of 25% open space. There needs to be some adjustments to protect the agricultural land to the north.

Mr. Pazda said this is a “cookie cutter” design and does not think it is very creative; he would like to see open space protected.

Gregory Todaro	Aye	Albert Schultz	Aye
Richard Bigler	Aye	Jeffrey Grenzebach	Aye
Timothy Pazda	Nay	Gerald Drinkard	Aye

MOTION CARRIED.

Jim Callahan refers to the two “hanging” lots to the left of the project and, for the record, suggests a common curb cut.

Albert Schultz points out that this is not necessarily the final design. This will go to the Town Board and if the accept Open Space preliminary concept review will begin.

Item 6

Architectural Design Standards

Discussion.

DISCUSSION:

Chairman Drinkard explains that a hand-out has been distributed to all the Planning Board members. The hand-out encompasses the changes that have been suggested. Brad Packard said the Board has a copy of the Commercial section; the Restricted Business section was not included in the hand-out as it was not altered.

Chairman Drinkard said the updated Architectural Design Standards will be put on the next Planning Board agenda; the Board will vote on it and pass it along to the TEQR Committee

Meeting adjourned at 10:19 p.m.

Carolyn Delgato
Senior Clerk Typist