

Town of Clarence
Planning Board Minutes
Wednesday June 4, 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

Rockledge Professional Office Park/Steve Kieffer Restricted Business Requests Concept Approval of a proposed Professional Office Park at 8175 Sheridan Drive.

Item 2

Spaulding Greens Residential Single-Family Requests Preliminary Concept Review of a proposed major subdivision east of Goodrich Road.

Item 3

Architectural Design Standards Recommendation.

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
Jeffrey Grenzebach
Richard Bigler

2nd Vice Chairman Timothy Pazda
George Van Nest
Gregory Todaro

Planning Board Members Absent:

1st Vice Chairman Wendy Salvati

Albert Schultz

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:

Randall Reade	Duane Barwell
Cathleen Barwell	Steve Kieffer
Rebecca Cordaro	Frank Teall
Maureen Crotty	Jim Blum
Linda Clark	B & C Caruana

Chairman Drinkard explains that Gregory Todaro will be participating in all discussions and voting on all agenda items in the absence of two (2) Planning Board members.

Motion by Jeffrey Grenzebach, seconded by Timothy Pazda, to **approve** the minutes of the meeting held on May 21, 2008, as written.

ON THE QUESTION:

Per Chairman Drinkard the minutes are to reflect the following amendments:

- Page 65, first sentence of the fifth paragraph shall read, "...future arguments on the exact lot lines due to the plans **looking like a** "wiring diagram"."
- Page 66, third sentence of the sixth paragraph shall read, "If another plan were to come before this Board it **could** have a higher density."
- Page 67, third paragraph under agenda item 4, sentence four shall read, "Chairman Drinkard explains that the road **access curb cut** can not be..."
- Page 69, third paragraph under agenda item 5, the last sentence shall read, "The Planning Board agrees with the yield of **60** lots."
- Page 70, first paragraph, delete the words, "identity that" and replace them with, "**person who**".
- Page 70, the last line of the first paragraph shall read, "The parcel in question is a **separate** lot of record."
- Page 70, the sixth paragraph shall read, "...is **a** maximum..."
- Page 71, the last sentence before agenda item 6 shall read, "...This will go to the Town Board and if **they** accept **Incentive Design as proposed** preliminary concept review will begin."

Gregory Todaro	Aye	Richard Bigler	Aye
George Van Nest	Abstain	Jeffrey Grenzebach	Aye
Timothy Pazda	Aye	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

Rockledge Professional Office Park/Steve Kieffer Requests Concept Approval of a proposed
Restricted Business Professional Office Park at 8175 Sheridan Drive.

DISCUSSION:

Jim Callahan provides the history on the project. It is located on the south side of Sheridan Drive just east to the entrance of the Eastern Hills Mall and consists of approximately 3.8 acres in the Restricted Business and Commercial Zoning Classification. It was originally before the Town Board July 25, 2007 and was referred to the Planning Board. After review, a Negative Declaration under SEQRA was issued by the Town Board on May 26, 2008.

Steve Kieffer is present.

Chairman Drinkard refers to the site plan dated January 7, 2008 and brings attention to the size of the retention pond and the septic system leach beds. Assuming a recommendation will be made for Concept Approval, the Engineering Department will need to review the proposal. Once the Engineering work is done, it is quite possible that the retention pond and the septic system leach beds end up being much larger in size than originally proposed. If this is the case, one of the buildings will have to be sized down; the parking requirement of 1 vehicle space per 150 square feet of building will need to be maintained. Mr. Kieffer agrees that this is acceptable.

Chairman Drinkard said the row of trees that are immediately on Sheridan Drive appear to be in disrepair, he suggests trimming the trees and then have an arborist review the condition of the trees. Mr. Kieffer said there is no reason to touch the trees on the green belt side; the trees in the middle most of the property are pretty ragged. Chairman Drinkard goes on to say that; originally, there was discussion with regards to removing the five (5) trees on the east side of the property. Chairman Drinkard would like to have these trees preserved, if possible; however he does not want living debris and asked the applicant to obtain an arborist's recommendation. Mr. Kieffer does not have a problem with this.

Jeffrey Grenzebach asked if the four (4) buildings will be served by one (1) septic system, Mr. Kieffer confirms this is correct.

Chairman Drinkard points out that the percentage of interior parking green space has been deleted from the schedule the applicant submitted. Mr. Kieffer agrees to have this calculation printed on his next submittal; it must be 80%.

Richard Bigler asked if the applicant will have lot lighting on site. Mr. Kieffer said yes and goes on to explain there will be lights on the buildings and pole lighting on the west side. Mr. Bigler asked if the applicant is aware of dark sky lighting and if he would consider using this type of lighting. Mr. Kieffer agrees to look into it. Mr. Kieffer said there will be no lighting on the back sides of the buildings. The lights will shut off at a reasonable hour as they will be on a timer.

Mr. Kieffer explains that the first phase of the project will consist of the first two (2) buildings.

Linda Clark, neighbor to the east of the project, voices her concern with the retention pond. She asked where the pond will be located, its size and inquired about the mosquito situation. She asked where the septic will be located and how far from the property line will the building be. She also wants to know what the architectural design of the buildings that face her property will be and the landscaping for that area. Chairman Drinkard explains that this is very early in the process and the project must still go through engineering.

Jim Callahan points out that the proposal is for the retention pond in the front and the rear of the property, while the septic is proposed in the middle of the property.

Mr. Kieffer notes that the plan meets the 25' requirement on each side of the property; it also meets the 45' greenbelt requirement which they have agreed to clean out.

ACTION:

Motion by Jeffrey Grenzebach, seconded by Timothy Pazda, to **recommend** Concept Approval for an office park at 8175 Sheridan Drive with conditions.

ON THE QUESTION:

The following conditions apply to the motion:

- The update print will show interior parking green space with curbed islands at 80%.
- When engineering the project, if the surface area of the retention pond and/or septic areas increase from what is shown on the January 7, 2008 prints, then adjustments will be made to the downsizing of the building with ample parking. No adjustments will be made to the green space.
- A Landscape Plan will be required and presented at Development Plan submission.
- If downsizing is necessary parking will be maintained at a ratio of 1 space per 150 square foot building size.
- The lot lighting is to be dark sky lighting.

The applicant agrees to these conditions.

Jeffrey Grenzebach and Timothy Pazda agree to amend the motion to include the conditions listed.

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

MOTION CARRIED.

Item 2

Spaulding Greens
Residential Single-Family

Requests Preliminary Concept Review of a proposed major subdivision east of Goodrich Road.

DISCUSSION:

Jim Callahan provides the history of the project. It is located east of Goodrich Road, north of Greiner Road. The project was originally identified in the Final Findings Statement of the Clarence Hollow Pollution Abatement project as a residential project utilizing no more than 500 equivalent sewer taps east of Goodrich Road and north of Greiner Road. The Spaulding Green Open Space Design Subdivision was formally introduced to the Town Board in December 2005 and was referred to the Planning Board. The Planning Board identified that an Open Space Design Subdivision of no more than 380 lots, providing 50% open space, should proceed through the environmental review process. The Planning Board referred an amended 380 lot Open Space Design Subdivision for environmental review in March 2007. A Public Hearing on Draft Supplemental Environmental Impact Statement related to the referred design was held on December 17, 2007. The Final Supplemental Environmental Impact Statement was accepted by the Clarence Town Board on February 27, 2008. A Final Findings Statement was issued by the Clarence Town Board on May 14, 2008 identifying that the project may proceed through the formal review process. The findings being positive identifies the project is approvable after consideration of the Final Environmental Impact Statement and demonstrates that the project is one that minimizes environmental impacts to the maximum extent feasible. The applicant is present to pursue Concept Plan Approval on the amended design.

Dominic and Nick Piestrak are present. Dominic Piestrak said he held a scoping session with the residents approximately four (4) years ago and asked for their input. This project came about by putting a sewer cross town to handle the pollution problems. The green belt across from Town Hall is planned to be 300' of forever wild area. There is approximately 200 acres which will be forever wild within the subdivision. The New York State Parks and Recreation office is willing to send a representative to look at the site and offer suggestions.

Chairman Drinkard refers to the Findings Statement and said certain items need to be addressed. He refers to the site plan and points out two open space areas that people can not gain public access to, this needs to be addressed. Chairman Drinkard said there was discussion regarding a road opening on Goodrich Road. A strong consideration should be given to opening up Green Valley as an entrance/exit to Greiner Road. The bike path is another item that needs to be addressed; Dominic Piestrak said he would like to take the bike path to Clarence Center Road; which involves doing a bridge over Ransom Creek. He will extend the bicycle path the length of his property. He would also like to provide access from the site to the library, Town Hall and the Town Park.

Timothy Pazda clarifies that the Planning Board is charged with working on this project within the guidelines of the Findings Statement; re-hashing what is in the Findings Statement is not the job of the Planning Board at this point.

Chairman Drinkard advises the applicant that there are general areas of the inter-subdivision and intra-subdivision that need to be addressed. Many items need to be discussed such as sewers, recreational areas, recreational fees and legal aspects of the subdivision.

Nick Piestrak said one consideration had to do with the Land Conservancy; is the project to include a Town Park, will the applicant be responsible for maintaining the park, will there be an easement for the bike path. The applicant can not make any of these decisions until the wetlands are mitigated. Nick Piestrak said, as the project moves forward, he is willing to take what ever steps necessary and will work with the Town. Chairman Drinkard explains that the project must comply with the Master Plan. Dominic Piestrak thinks that to establish exactly where the bicycle path will run,

other than the commitment that it will be put in, is premature. He would like to do something different with this plan and have no corner lots in the subdivision. The land on the corners would be owned by the association and would be landscaped. Dominic Piestrak said if the Planning Board and the Traffic and Fire Advisory Boards recommend a connecting road to Greiner Road, which is a future phase, he will do it.

Chairman Drinkard said the proposal has to reach a point where there are roads on the blueprint. Nick Piestrak said this is the 28th revision of the plan and the plan will probably change 10 years down the road.

Jim Callahan explains that this project is at the Concept Approval stage and with each phase the applicant reaches the Development Plan stage. The Development Plan will provide details and there are some items that can change. He asked the applicant what the first phase would be and how it relates to the overall green space. Chairman Drinkard said there is strict adherence to the green space requirement and to the Land Conservancy. Jim Callahan said, in general terms, the suggestion is for connected open space and conservation easement. Within this the applicant will have to identify the retention ponds and there should be public easements around those ponds so they will be maintained. There should be a recreation trail through this area as well with a conservation easement that someone would steward.

Chairman Drinkard asked the applicant if he planned on submitting another plan reflecting the changes discussed and complying with the Findings Statement. Dominic Piestrak said the project will not begin for another three years and the market may change; he wants to remain flexible with his plan. He agreed to the unit count, he does not agree with this particular layout, he agrees with the Open Space Design.

Jim Callahan asked the location of the first phase. Nick Piestrak refers to the north west area of the site as the first phase, the middle as the second phase and the north east as the third.

Dominic Piestrak said the Highway Department wanted to eliminate courts from the original plan.

Timothy Pazda said he is uncomfortable with the applicant asking for Concept Approval on a plan that the applicant does not like and that he knows he is not going to build. The applicant should submit a drawing of what he really thinks he is going to build, now; he should not be showing the Planning Board something he knows he is not going to build. Dominic Piestrak said he could come up with a plan now and in two years it may be the wrong approach. He would like to move forward with his agreement to the common area and the open space, he is not going to tell the Planning Board, right now, whether he accepts this plan or not; the market changes. He would like to leave the plan negotiable on both sides.

Chairman Drinkard said there must be a starting point to the plan. The applicant agrees that the current plan is flawed; Chairman Drinkard would like to see a plan that is not flawed.

Timothy Pazda asked if the applicant is planning condo status. Dominic Piestrak said he is contemplating this; he told the Town Attorney that he would prefer not to.

Timothy Pazda refers to the number of houses on the cul-de-sac and said the code allows for 12; he suggests the applicant revisit this issue. Nick Piestrak asked if there is leeway stated in the code

for a certain width of the houses; because of the fact that they are inside a 50% green space development, smaller lots are allowed. Chairman Drinkard said it is very specific, and includes such factors as the length of the cul-de-sac. Nick Piestrak thought that with making adjustments for the green space the normal 120' frontage doesn't apply; there is more flexibility. Jim Callahan said the lot specifications are modified to allow for open space. There is further discussion on how to count the units if they are multiple dwelling units.

George Van Nest explains that the Planning Board is not in a position to make a decision on Concept Approval at this point. He suggests adjourning this discussion after public input and sit down for a more detailed discussion with the appropriate people at the Executive Committee level of the Planning Board and/or a specific Planning Board work session; both meetings are open to the public. There should be input from the Town Engineer, the Town Attorney's office, the Planning Department to address the specific issues that the Planning Board is concerned about. This will bring the Planning Board to a position where they can make a decision with enough level of detail. Chairman Drinkard agrees with the suggestion and asked if the applicant is able to attend an Executive Planning Board meeting next Tuesday at 9:00 a.m. Dominic and Nick Piestrak agree to attend this meeting. Jim Callahan will invite Mr. Latona and Mr. Donner to this meeting. All Planning Board members are encouraged to attend. Chairman Drinkard points out that the Executive Planning Board meeting is a non-voting meeting.

Maureen Crotty is concerned with the road on Greiner, she was told it was going to change and it hasn't. If the road goes in it will be 2" from her garage and not far from her bedroom. She was told by the Town, years ago, that this area was not big enough for a road. Chairman Drinkard advises Ms. Crotty that the Town would like access points on Greiner Road. She understands this, but originally the road was proposed on the west side of house. There is no way to buffer the road as it is proposed.

Frank Teall, of 9810 Greiner Road, is also concerned with the proposed road. He is sure that any road at this location would require a traffic study. Chairman Drinkard said a traffic study has already been conducted and it is required that roads enter on to Greiner Road. Mr. Teall said there are accidents and squealing tires in this location once a week. He would like to see the traffic study. Chairman Drinkard said the study is public record and he can view it in the Planning Department or go on line as the study is on the Clarence website as well. Chairman Drinkard clarifies that **an** exit has been approved through the traffic study. Mr. Teall asked why the other loop on the proposal does not have a proposed road.

Chuck McCarty, of Ashwood Court, said all the site plans that he has seen show no exit out through Green Valley, he is not in favor of this. He speaks for the 50+ homeowners in the area. Chairman Drinkard clarifies that there is a stub road at the end of the Green Valley area; this type of road is built with the intention of some day being extended. Chairman Drinkard asked Mr. McCarty if the people who live in the area know this. Mr. McCarty said it has always been in the back of his mind. He will talk to the neighbor who lives nearest to the stub road.

Rebecca Cordaro, of Green Valley, speaks for herself, her mother and father in saying that she is not in favor of the stub road extension. One of the reasons she moved to Green Valley is because it is a dead end, it is labeled a dead end; she does not know if anyone told them the stub road would be extended. She thinks it is a ridiculously selfish thing to force all the residents to live on a through street. She does not understand how the Spaulding Lake project was approved when it destroyed all the nature. She refers to an issue raised at a TEQR meeting with regards to federal monies that were used to extend the Peanut Line and wonders if this was addressed. Jim Callahan explains there was an

Army Corp issue related to no development in wetlands, this was addressed through the lead agency. George Van Nest explains that TEQR has looked at this project to a certain extent and the Planning Board is now in a position to make a determination on Concept Review, he goes on to explain that the Planning Board is looking at the nature of the plan, the uses, the property, the development as proposed. Ms. Cordaro said there is no real green space for anyone who is outside the development. Chairman Drinkard points out that if the entrance is opened up in Spaulding Greens to go through Green Valley she would have every right to go and use the green space; she would be able to walk there. The general public has access to all the open green space in the subdivision. Ms. Cordaro asked where these people would park their cars. She thinks the proposal looks really congested. She asked if there were plans to extend through Kraus Road. She asked about the process of zoning the project site back to Agricultural since it is currently being farmed; it should go back to Agricultural Zoning. She said she heard of a meeting four (4) years ago but was unaware of it herself and wondered what happened at that meeting.

Dominic Piestrak appreciates Ms. Crotty’s concerns about the proposed road onto Greiner; he has not had a chance to restructure the plan and wants to mitigate the issue with Ms. Crotty. The ultimate decision on the road will be made by the Traffic Safety Committee. He goes on to say there is adequate parking at the Town Hall for those residents who want to use the green space in the subdivision.

ACTION:

Motion by Gerald Drinkard, seconded by George Van Nest, to **table** the request for Preliminary Concept Review of a proposed major subdivision east of Goodrich Road to allow the applicant to meet with the Executive Planning Board Committee on Tuesday June 10, 2008 at 9:00 a.m. in the Kathleen Hallock Conference Room at Town Hall. The Town Engineer and the Highway Superintendent will be invited to participate in this meeting. The discussion at the meeting will reflect the issues raised this evening including connection of the Open Space, extending the bike path, connection to Green Valley, commentary from the public that was heard at this meeting, maintenance of the two (2) outlets to Goodrich Road, sidewalks were appropriate, cul-de-sacs vs. connectivity, Open Space and does it apply to the current law.

ON THE QUESTION:

Timothy Pazda said all the issues will not be resolved at the Tuesday meeting. Richard Bigler points out that the Tuesday meeting is an open meeting and anyone can attend; there is no public participation at this meeting and it is a non-voting meeting.

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

MOTION CARRIED.

Item 3

Architectural Design Standards

Recommendation.

DISCUSSION:

Chairman Drinkard explains that final comments were made after six (6) iterations of the Architectural Design Standards. The Planning Board looked at the Design Standards within the Commercial Law and has now embraced those changes in the Restricted Business Law as well.

ACTION:

Motion by Timothy Pazda, seconded by Richard Bigler, to **refer** the Architectural Design Standards to the TEQR Committee.

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

MOTION CARRIED.

Chairman Drinkard advises the Planning Board members that there is a sign submittal that does not comply with the Sign Law; this will be placed on the next Planning Board agenda for review and discussion by all members.

Meeting adjourned at 9:06 p.m.

Carolyn Delgato
Senior Clerk Typist