

Clarence Planning Board Minutes
Wednesday, July 6, 2005

Work Session (6:30 PM)

- Roll Call
- Minutes
- Sign review
- Update on pending items
- Committee reports
- Zoning reports
- Miscellaneous
- Agenda Items

Agenda Items (7:30 PM)

Patricia Powers, Chairperson, called the meeting to order at 7:35 PM. Councilman Scott Bylewski led the pledge to the flag.

Planning Board Members Present:

Patricia Powers	Wendy Salvati
Roy McCreedy	Phil Sgamma
Gerald Drinkard	Tim Pazda

Other Town Officials Present:

Councilman Scott Bylewski
James Callahan, Director of Community Development
Supervisor Kathy Hallock
David Donohue, Town Attorney

Other Interested Parties Present:

Christine Pfund	Al Hopkins
Jim Blum	Carmen Provenzano
Pete Gorton	Peter Casilio
Diane Saskowski	William Saskowski
Al Scheifla	June Schwindler
Carl Binner	Angelo Natale
Neil Kochis	Kathy DeRose
Lou Visone	

Motion by Tim Pazda, seconded by Wendy Salvati, to approve the minutes of the meeting held on June 15, 2005, as written.

Patrica Powers	AYE	Wendy Salvati	AYE
George Van Nest	Absent	Roy McCreedy	Abstained
Jeff Grenzebach	Absent	Phil Sgamma	AYE
Gerald Drinkard	AYE	Tim Pazda	AYE

ALL AYES. MOTION CARRIED.

Item 1

Arthur Fuerst
Commercial

Requests Concept Plan approval for a 1,300 sq. ft. addition to the existing building and a new 800 sq. ft. coffee shop at 9450 Main Street.

Discussion:

Jim Callahan gave a brief description of the property which is located at the northwest corner of the intersection of Main and Goodrich. It consists of two parcels – an existing dry cleaners and an existing single family residence, both of which are zoned commercial. The total property consists of approximately 1.09 acres. Master Plan identifies the area in a commercial classification. Applicant is introducing a proposed addition/modification to the property as described. This was introduced to the Town Board on May 25, 2005 with identified concerns of multiple uses and traffic; it was referred to the Planning Board, and this is the initial review of the project by the Planning Board.

Carmen Provenzano, Silvestri Architects, and Peter Casilio, PAT Construction Management, introduced themselves to the Board as representatives for the project. Mr. Provenzano stated that the addition to the existing building is not going to happen, as mentioned on the agenda, but there would be the addition of a new building. He mentioned that there are some changes from the previous site plan. He said that in the front corner of the property, a lot of the blacktop has been eliminated and a vegetation/greenery area has been added. The owner still needs a drive-thru to the cleaners. They are proposing to move the curb-cut back, away from the corner. Mr. Casilio added that the square footage for the freestanding building was increased from 400 sq. ft. to 800 sq. ft. There is also an addition of some outside seating in front of the facility for patrons to grab a coffee from the inside and sit outside. He added that Arthur Fuerst is a very successful businessman, and that he has seen these concepts out west and they do very well. The photographs of the buildings he has shown them are quite attractive.

Roy McCready asked a question about the parking location for those using the outdoor seating, particularly concerning the distance and safety of the walk. Mr. Provenzano responded that there is a sidewalk that runs the length of the parking lot for their safety. Mr. Casilio added that there is a concern by the owner that he have enough car stacking for the drive-thru on the building. He said, "Any of us who have been to Tim Horton's have lived that." He said that the owner feels the business will be very successful, so the building has been located up front on the property to allow for plenty of car stacking in the drive-thru lane. Roy McCready restated his safety concern for the patron walking from the back parking area. Mr. Casilio stated that the patron would park behind the building and walk on the concrete sidewalk to a door either on the side or the front of the building. He added that, with a concrete sidewalk, there would be no need to walk in a driveway.

Wendy Salvati asked what was proposed for the existing residential structure on the property. Mr. Casilio said, "I think his intent is to leave it as a residential structure." She also asked if the existing septic system would be kept, as well as adding a new septic system; Mr. Casilio responded yes.

Tim Pazda commented that the Main/Goodrich corner is now being referred to as the gateway to Clarence Center, and he appreciates the improvements that the applicant is proposing; however, there are quite a few issues with the current project, and most of them involve setbacks.

Wendy Salvati added that there are a number of zoning setbacks where the applicant does not meet the requirements, starting with the front yard for the new structure. The drive-thru and the outside dining would require a Special Use Permit. She said, "for that, the building has to be set back 80 feet from the road, and it is currently set back 38 feet. There is a 25 feet side yard setback, and you are 17 feet. That needs to be adjusted. If the residential structure on the side is going to be used as a residence, you have to have a 45 foot green space buffer between the house and the commercial uses. Your parking also has to be set back 45 feet from the residential structure. Another problem you have is, for a corner lot, you don't have enough street frontage. You make it on Main Street, but you don't make it on Goodrich Rd. What you are doing is putting two lots together. The lot along Main Street, being a lot of record, has the required frontage. But, in combining the two lots, you have to have 300 feet and you only have 231 feet. You don't have frontage to do this. We also don't believe that you meet the green space requirements. You have to have 30 percent green space. We see that all of your green space is back around the house, rather than being combined throughout the pavement and up front. We appreciate that you are fixing up the front corner. Also, there is a huge oak tree on the property, and you are going to take that out. There's no way, that I can see, to save that tree. I would hate to see that tree go down. In order to do what you are proposing, you are going to have to take out most of the existing vegetation on the site, except for what is around the house. I don't have a problem with the applicant wanting to redo the existing facility and improve parking, but I don't believe you can do this coffee shop as proposed. It does not meet the zoning requirements."

Mr. Casilio said, "I believe he is not going to redo, or re-landscape his existing business if the coffee shop doesn't get approved in some way. As a resident of Clarence, I would look at this as an opportunity to dress up this corner. I don't know why he has added so much parking." Wendy Salvati stated, "he definitely has twice as much as he needs." Mr. Casilio asked, "Have we been presented formally with the items/concerns that were just mentioned." Pat Powers said, "no, this is the first go-around and the first time that the entire Planning Board has looked at the project, and that's where these concerns are coming from."

Wendy Salvati added, "If you read the intent of the zoning code, what is being proposed for this site does not meet the intent. The intent does talk about encouraging designs to minimize traffic congestion, reduce conflict points and encourage a pleasing community character. I would say that fixing the front of the property definitely meets that point, but I have a problem with taking out vegetation that gives the site its character, and replacing it all with pavement. We are concerned about traffic. This is one of the busiest intersections, and it's a problem intersection. Introducing a drive-in facility that's going to generate a lot of traffic that close to an intersection is a concern. It will create a conflict point.

Phil Sgamma said, "There's already a conflict at that corner with the Wilson Farms next door and the people that go in and out." Unfortunately, a drive-thru coffee shop is just going to increase that, two-fold or more. Tim Pazda added, "What we are striving for in each case is access management and there is no way to get from this site to the Wilson Farms and eliminate traffic on Main." Mr. Casilio said, "I think there is an issue because of pumps, right where the access management would be. Jim, have they agreed to do access management." Jim Callahan said, "No, I don't think anyone has been approached at this point." Mr. Casilio said, "My comments are not meant to be argumentative, but you can see in the photograph the amount of existing paving that is shown. He is not going to change the site plan if he doesn't get a coffee shop approved for this site that will work with his business plan." Tim Pazda added, "we cannot approve something that goes against the code." Mr. Casilio said, "Does the Tim Horton's at the corner of Thompson/Main/Sheridan meet the requirements for the setbacks for their driveways?" Pat Powers said, "They are on a corner also, and they would have to had met the same requirements." Mr. Pazda said, "They met the requirements required at that time." Mr. Casilio asked, "Are you saying that there is no way this can be done because there isn't the frontage on Goodrich Road, even with the purchase of that property?"

Wendy Salvati responded, "Correct, even with the purchase of that property, he doesn't have the required 300 feet of road frontage. When you have a corner lot, you are supposed to have 300 feet on each public roadway. Because the Main Street side is part of an existing lot that is considered a 'lot of record', it is grandfathered on that side. But on the other side, where you are combining the lots, creating a new lot, it doesn't meet the 300-foot requirement. You have 230 feet. In order for this to work, you need a handful of variances. If we were to not deny you and send you off to the ZBA, I don't see how they could even help you – you need 5 or 6 different variances to make this work. That's a clear indication that it's just not right for this site, because it doesn't meet the zoning requirements. If it was a different site, we could be looking at it differently. But, with the site constraints, and the way that the zoning code reads, I don't know how we could possibly allow this. We are not trying to be purposely mean or disadvantage the applicant, but we have to comply with our own zoning code." Pat Powers asked if there was anyone in the audience wishing to speak to this agenda item and there was no one.

Action:

Motion made by Phil Sgamma, seconded by Tim Pazda, to deny the applicant concept plan approval based on the following requirements **not** being met:

1. Does not meet the 45-ft. green belt required between the residence and the commercial use;
2. Does not meet the required thirty percent (30%) green space;
3. Does not meet the required eighty foot (80 ft.) front setback from Main Street;
4. Does not meet the required twenty-five foot (25 ft.) side lot setbacks;
5. Does not meet the requirements for a special exception permit;
6. Does not meet cross access requirements, and the multiple curb cuts are within 12 feet;
7. Does not meet the requirement of no less than 300 feet of frontage on either corner of the lot; and

8. Does not meet the required forty-five feet (45 ft.) parking setback from a residential structure.

Gerald Drinkard	AYE	Phil Sgamma	AYE
Wendy Salvati	AYE	Tim Pazda	AYE
Roy McCready	AYE	Pat Powers	AYE
Jeff Grenzebach	Abstained (Absent)	George VanNest	Abstained (Absent)

MOTION CARRIED.

Item 2

Harris Hill Animal Hospital
Traditional Neighborhood

Requests Development Plan approval for a new 4,500 sq. ft. building to replace the existing facility at 8470 Main Street.

Discussion:

Jim Callahan gave a brief description of the property which is located on the north side of Main Street, west of Harris Hill Road. It consists of approximately .6 acres and is zoned Traditional Neighborhood District. Master Plan identifies the area in the Harris Hill Traditional Neighborhood District. The project was initially introduced to the Town Board on January 19, 2005 and the Planning Board on February 2, 2005. A Negative Declaration under SEQR was issued by the Town Board on March 9, 2005. A variance was granted by the Zoning Board of Appeals on April 12, 2005 to allow parking in the front of the principal structure in the Traditional Neighborhood District. The Planning Board recommended concept approval on May 4, 2005. The applicant is here seeking development plan approval. All regulatory agency and departmental approvals are in order.

Carmen Provenzano, Silvestri Architects, and Al Scheifla, Administrator for Rohan & Harper, introduced themselves to the Board as representatives for the project. They did not have anything to add to Mr. Callahan's comments. Mr. McCready stated that there was not a landscape approval for the site, and Pat Powers noted that it would be made a condition upon approval. Mr. Sgamma said, "The reason this property is set back so far is because you are going to keep the open facilities in operation while you are constructing the new facility?" Mr. Scheifla responded yes. Mr. Sgamma asked how you would get back there. Mr. Scheifla responded, "on the current building, there's a garage off to the side that was an addition, and we are just going to remove it." Mr. Sgamma stated that it was unfortunate that the building is ending up on the right side instead of the left side because of some nice trees and other vegetation. He said, "You're going to have to tear down most of the mature trees that are on that property. That is the only concern that I have. This project is a welcome addition to the Clarence community." Mr. Scheifla responded that two of the reasons it is placed to the right are 1) it was easy to remove the garage and 2) most of the utilities on the building run from the left side. Wendy Salvati said, "We did struggle with this for that reason. We understood that if we asked you to knock down your old building and then build your new building, we would essentially force you out of business because you can't be out of operation for that length of time. Unfortunately, for you to be able to build your new

building behind the existing building, you have no choice but to take out the large trees. The new septic in the back forces you to take out even more vegetation. All we can ask is that you preserve as much as possible of what is left."

Mr. McCready asked that, when the landscape plan is complete, the applicant show the existing trees that can be saved. He added that the landscape plan should be done according to the Town's ordinance.

Pat Powers asked if anyone in the audience wished to speak to this agenda item.

William Saskowski, 4374 Harris Hill Road, stated that he is the second house back from the applicant's lot line. He asked how far back the building will be situated in regards to the back property line. He was concerned with the noise level brought about by the number of barking dogs in the building, especially over a holiday weekend. He is also concerned about the problems over the years with the existing septic system and the smell it generated. He asked what provisions were being made to address these concerns.

Mr. Scheifla said that, currently, the dogs are housed in the back of the building, facing the Harris Hill neighbors. In the new building, they will be moved to the side, closer to the Arondale neighbors. He mentioned that the Arondale neighbor asked that they do everything possible to control the noise. He felt the owners would be putting in some type of noise barrier in the new building, as opposed to the old building which is not sound proof at all. He also said that the building will be 36 feet from the property line and that there will be a new septic system put in to replace the old one.

Pat Powers said, "It is my understanding, from the last time that we met, that anytime that the dogs are outside, there is someone in attendance. If barking occurs, then the dogs can be brought back in." Mr. Saskowski said that there is never a problem when the dogs are outside. The problem is when you get 15 to 18 dogs barking at one time, especially over a holiday weekend. The first thing that his guests said was, "how do you put up with all this racket!" The noise kept up all day long over the three-day weekend. Pat Powers said, "is there some way that, with the new building, the neighbors can contact the owners over the weekend if this continues?" Mr. Scheifla said that there was some talk about having someone there 24 hours/day to watch the dogs. Mr. Saskowski asked, "Do you know what kind of increase there will be in the number of dogs housed there? If they're going up to a 4,500 sq ft building, how will that increase the number of animals there." Wendy Salvati said, "The plan shows that there are six runs, but I don't know how many dogs you would put on a run." Mr. Scheifla estimated that there would be an additional 15 added to what they currently have, which is about 15. He said that there might be 30 dogs housed at a given time. Mr. Saskowski said, "That's an awful lot of noise." Mr. Provenzano said that the sound insulation in the walls would be the only thing that you could do. Mr. Saskowski reiterated his concern about the septic system because there were days when it was so bad and he couldn't even go into his backyard. Pat Powers said, "Hopefully the new system will take care of that concern." Mr. Saskowski asked if the new system was being put in to accommodate the increased size of the building, and Pat Powers responded yes.

Diane Saskowski, 4374 Harris Hill Road, asked about the landscaping shown on the site plan and if there was consideration to put anything in the back, which would

provide a natural sound barrier. Phil Sgamma said that, unfortunately, it conflicts with most septic systems. Ms. Saskowski said it was just a thought, and maybe some bushes could be put in. Wendy Salvati said, "We haven't reviewed the landscaping plan for this, but it's something that we could look at. There may be ways that we can supplement what's there, without interfering with the septic system." Phil Sgamma said, "In regards to the sound barrier, could we ask the town engineer to look into it, as a condition of approval? I'm sure there are standards." Mr. Scheifla mentioned putting up a fence if it were allowed. Wendy Salvati said she would hate to see the existing vegetation removed to put a fence in.

June Schwindler, property owner on Arondale, asked if the building had been changed as far as her side was concerned. Wendy Salvati said that it was now 54 feet from her property line. Mrs. Schwindler also said that she was in agreement with her Harris Hill neighbor regarding the noise level on weekends, especially holiday weekends. She said she now has air conditioning in her home and the noise level is more bearable, but years ago it was bad.

Mr. McCready said, "I'm sure there are new materials available that are sound absorbing that would solve this problem; and if we do some buffering along the back fence line, it should solve the problem." Mr. Pazda added, "I hope he (the architect) designs it as if he were going to live there. We have worked with you folks as much as possible to allow you to stay in business, so I am asking you to go the extra mile for these neighbors." Mr. Scheifla said, "I would assure you that they would do whatever is needed to solve the problem."

Pat Powers said, "Before you appear on a Town Board agenda, you have to come up with a plan to deal with this noise level." Wendy Salvati added that he will have to come back with more specifics regarding the materials to be used for sound proofing. Pat Powers said, "Based on the recommendations or conditions that we intend to set this evening, if the building is up and this problem continues, you can expect to hear from us again. If the problem is not eliminated by the insulation and other measures taken, the neighbors should let Town Board members know so it can be addressed."

Phil Sgamma said, "Madam Chairperson, can you rescind the capability of boarding dogs if there was a continuing problem? It's one thing to be an animal hospital, and another thing to board dogs." Pat Powers said, "We are just a recommending body. I think we are ready for a motion to recommend development plan approval to the Town Board."

Action:

Motion made by Phil Sgamma, seconded by Tim Pazda, to recommend Development Plan approval to the Town Board with the following conditions:

1. Subject to conditions of the Town Engineer's letter of July 1, 2005;
2. Subject to the commercial open space fee;
3. Fire Advisory Committee recommendation of a Knox box installation, previously agreed to;
4. Access management is to be paved to the property line; it may be used for parking in the interim until access management is available;

5. Approved landscape plan is to be submitted prior to being placed on the Town Board agenda. (You will be working with Mr. McCreedy and his committee. One of the things they will be looking at is supplementing foliage and trees to the northernmost portion of the yard, preserving as many trees as possible.);
6. Sound insulation on the exterior walls to minimize the noise; and
7. Town Engineer's review of solution for sound mitigation.

Gerald Drinkard	AYE	Phil Sgamma	AYE
Wendy Salvati	AYE	Tim Pazda	AYE
Roy McCreedy	AYE	Pat Powers	AYE
Jeff Grenzebach	Abstained (Absent)	George VanNest	Abstained (Absent)

MOTION CARRIED.

Item 3

Natale Builders
Residential Single Family

Requests Development Plan approval for the construction of a 4-lot open development area (Emerald Lake Estates) at 5835 Thompson Road.

Discussion:

Jim Callahan gave a brief description of the property which is located on the east side of Thompson Road, north of Roll Road. It consists of approximately 10.88 +/- acres in the Residential Zone. Master Plan identifies the area in a Residential classification. The project was initially introduced to the Town Board on December 3, 2003 and referred to the Planning Board. The Planning Board initially reviewed the project at the December 10, 2003 meeting and referred it to the MRC, Traffic Safety and Fire Advisory. A negative declaration was issued by Town Board on June 23, 2004. The Planning Board recommended concept approval with conditions on July 21, 2004. Town Board granted concept approval on August 11, 2004. The applicant is seeking development plan approval as designed. All departmental and regulatory agency approvals are in order.

Angelo Natale, project sponsor, and Neil Kochis, Wm Schutt & Associates, introduced themselves to the Board. Mr. Kochis, on behalf of Mr. Natale, asked the Board if the orientation of the house on the first parcel is subject to any alteration. Pat Powers said, "At concept approval it was stated that the house was to face Thompson Road." The sponsor asked if there was any flexibility to reorient the house toward the new road. Jim Callahan said, "If you check the minutes, Madam Chair, you may find that the Municipal Review Committee made it a condition, possibly on the Neg Dec." Wendy Salvati said, "I recall there was a reason why we asked you to do that." Pat Powers then read a portion of the MRC minutes from 6-11-2004: "All of the houses between Roll Road and Clarence Center Road face Thompson Road directly. This is a strong neighborhood character issue as all of the residential lots face Thompson Road and they are all placed on the front of their respective parcels." She added, "That was a condition of the Municipal Review Committee – that the first house face Thompson Road." Wendy Salvati said, "We have no leeway." Phil Sgamma said, "I'm sure they'll be very attractive homes; is there a reason why you want it to face the private road?" Mr. Natale responded, "Since we are putting in a pond and there will be a buffer of trees and a

berm in the front, it would make a better backyard and more privacy." Pat Powers said, "I honestly don't think there's any relief that we can give this evening. You may want to consider taking it to a higher power. We can't go against the recommendations of the Municipal Review Committee." Wendy Salvati said, "The Negative Declaration was adopted with those conditions." She added that he would have to reopen the SEQR review, and he may not want to do that because there's no guarantee the outcome would be different. Pat Powers asked if the wetlands had been delineated and the reply was yes. Pat Powers said, "Early on in the discussion of the project there was a question of some trees having to be removed if sewers were in place. Was it necessary to remove any trees or were we able to work around them?" Neil Kochis said, "The plan that has been prepared currently incorporates a private force main system. Because it's a small diameter (2 in.), the construction of that sewer along Thompson Road can be accomplished with directional drilling which will not disturb any of the trees, except where they are digging their pits. Even where they set up machines and equipment, there is very little disturbance. We should be able to accomplish almost no disturbance along Thompson Road, certainly not cutting down of any big trees."

Pat Powers said, "Thanks for accomplishing that." She then read into the minutes recommendations from the Fire Advisory Committee dated March 17, 2005, and signed by Michael Rogowski which state that plans are approved only if the following item is included: a second hydrant located on Emerald Lane, somewhere within the first 100 – 200 ft from Thompson Road. He states: "To me, a hydrant approximately 500 – 600 ft from Thompson Road is far too long from hydrant to hydrant. I still believe the New York State code for hydrant locations is not to exceed 600 ft, but this never takes into account the size of the structures that are being built on the property—for instance, it could be a 1,000 sq ft home or a 6,000 sq ft home." Pat Powers said that this would be a condition also. Mr. Kochis stated that he has never seen the recommendations from the Fire Advisory Committee and it is the first time he is hearing about it. Pat Powers said that he would be sent a copy. She then asked if anyone in the audience wished to speak to this agenda item.

James Blum, 5509 Martha's Vineyard, stated that his property abuts the rear of proposed project. He said he would prefer that the buffer area be referred to as a nature conservation area. He added, "Part of your specification should include a deed restriction and perpetuity to assure that it always remains that way, and can be enforced by the Clarence law regarding such nature conservation areas—a law which was passed after there were some difficulties, with a large subdivision in town, in keeping people from doing things in the areas that were expected to be forever natural. This would be my only request. I feel this small subdivision is out of character in this neighborhood. You have others in the town, as well. This will be beautiful, with nice large homes, but I'm not convinced that it fits the character. My main concern is that there is a deed restriction that will end up showing on the survey."

Carl Binner, 5795 Thompson Road, stated that he owns the property just to the south of the proposed development. He built his house there five years ago. He said his parcel includes two lots; his house is on one lot and the additional lot is available for him to build a ranch home when he is ready to downsize. The gentleman he bought his property from was approached by Patrick Homes, but he didn't want his land to be developed in that way. He said that two years ago someone wanted to build a house on the proposed property, set back quite far. There was a meeting of the Zoning Board to

consider a variance for the setback. He went to the meeting to explain his situation—he didn't buy 9 acres of land to look at a development. He said the worst thing he did was try to get the variance declined, because now he gets to look at 4 houses instead of 1. He said, "I know Angelo Natale and he's a great builder – I don't have any disrespect for him, but this is my house, and my property. I think this whole development is the right development in the wrong area. If the project does go in there, I hope I have some input as to what type of berm/vegetation will protect me, not only for the house I have now, but for the house I will have on my property down the road. One issue I have is the driveway and if there's enough room for Mr. Natale to put in a berm to protect my property and my view. Another issue is the drainage. The back is obviously wetland and I'm assuming the driveway/road will at least be level with Thompson Road. That means that these houses will have to be higher than the driveway. Where does all that water go that will be displaced? Will there be a large drainage system going into that pond, or will it be coming over to my property? Pat Powers said, "I think we'll ask Mr. Kochis to respond to your questions, Mr. Binner."

Neal Kochis said, "In an answer to the first question about placing a berm along the south side of the property and if there's room for a berm – the driveway is set about 20 feet off the property line and there is a swale (or a gentle depression) that will be located about 6 or 7 feet off the edge of the pavement. You will then have another 12-1/2 feet to the property line. If you're talking about putting a berm in that area, it's a pretty narrow strip. If you're talking about a 3 on 1 slope (which is a normal maximum slope), you're talking about a 1-1/2 or 2 foot berm. Mr. Binner asked if the whole driveway could be pushed north 15 – 20 feet further. He said, "All those houses could be maneuvered back a bit to accommodate that." Mr. Kochis said it wasn't something that they would desire to do at this time since they have already been through the design stage. Mr. Kochis discussed the drainage and showed on the concept plan how it would work. He said that it has been reviewed by the Town's engineering department and has received their approval. Pat Powers asked Mr. Binner if the explanation addressed his concerns. He responded, "Not really. What about the back side and south side—where's is that going? Mr. Kochis said that along the south side of the driveway there is a swale to make sure that runoff from their property doesn't go off site, but rather is captured by the swale and heads west toward the front area. He said there would also be a small pond on the south side, in addition to the large pond. The look will be a continuous pond with a bridge across the driveway."

Mr. Binner asked about the sewer connection, and if he could hook into it for his second lot. Mr. Kochis said that it would not be an option. He said the town sewer ends approximately 400 feet north of their property. In order for the sanitary waste to get from their site to the sewer, each individual home will have a grinding pump, privately owned. It will not be a public sewer. He said that neither the Town nor Erie County was interested in owning the sewer since it is a private force main. He said, "they wouldn't allow you to tap in unless there was some sort of agreement made between the homeowner's association and yourself." Mr. Binner asked how he would go about doing that if this project goes through. Mr. Kochis said it would have to be negotiated with Mr. Natale or whoever he sells the lots to. Mr. Binner asked why the sewer district would have a problem with it. Mr. Kochis said it is because the sewer ends for a reason and that's because it's only about 4 feet deep. He said they require 4 feet of cover over the pipe, so they just couldn't extend it any further. He said it is the lowest portion of Thompson Road. Mr. Binner said the last thing he wanted to talk about was garbage. He

said that looking at other open developments in the Town, he noticed that everyone brings their garbage out to the road and it looks terrible. It's fine in the summer, but in the winter everything is blowing all over. He said, "If a fire truck can go down there, I would like to see a waste company come down that road/driveway, rather than having it at the end of the road where there is piles and piles of garbage. I know that at the open development at Clarence Center and Thompson there's garbage out there all the time and no one maintains it." Mr. Sgamma said, "For what it's worth, I live on a private road, Village Mill Lane, built by Natale several years ago, and the garbage trucks come up the road and collect the garbage from each individual home. It is something that the homeowner's association negotiated." Pat Powers asked Mr. Natale if he would consider having something like that included in the homeowner's association agreement. He said he will be taking lot #4 for himself and if he doesn't have to drive the garbage to the front, he will be very happy. He said, "This is a touchy situation because of my relationship with Carl. As far as privacy from the street, there are going to be some pine trees displaced when we put the road in; my thoughts are to uproot them now, and replant them on the south side of my property to afford more privacy on that road. My house, on lot #4, will be situated into the woods so there will be some buffering between my house and Carl's house. Regarding the garbage, I will make an attempt to contact Waste Management, or whoever picks up the garbage, to see if they can come down the road. Regarding the sewer line, I have no problem coming to an agreement with Carl to connect to the sewer line; I just have to set up the association, so that a future tap-in would be acceptable." Pat Powers said, "Does that answer any of your concerns, Mr. Binner?" He said yes, but added that he still thinks this development is not in character with the neighborhood. He said, "There's nothing like this along Thompson Road, except for Thompson Woods, which was put in 15 – 20 years ago."

Pete Gorton, 4610 Hedgewood Drive, said "I have not been in front of this Planning Board for a year or more, but it seems like it's much better than it once was. We must start protecting the existing residents' rights, along with the developers' rights. In the past, existing single-lot landowner's rights were never protected in this town. Just because somebody has a lot of money and they want to develop, it should not give them the right to trash the rights of single-lot landowners. It doesn't sound like this gentleman is, but I'm making this point for not only this, but all future development in this town. Here's what they did in my neighborhood for those of you who may not remember: They came in and clear cut all the trees right up to the lot lines. Then they brought in 26,000 tons, or more, of contaminated fill from urban areas in the City of Buffalo, and placed it in the wetlands. Then the developers built a road that was higher than our lots. Then they ran heavy equipment from dawn to dusk. Then they put temporary berms in and soil piles, which are still there to this day. We have the urban dust from Buffalo flying through our neighborhood, supposed semi-rural Clarence. There's no storm water control; no dust control – there still isn't. Then they proceeded to build large houses on postage stamp lots, completely out of the character of the existing neighborhood. Now we have 3-story houses rising above our modest little homes that have twice the yardage as these other houses. When I look out my windows now, I see siding and rooflines. It's disgusting what occurred in this town, and I don't want to see it continue. Then they came in and installed a drain within 10 feet of my property line, and all our neighbors' property lines. We're on septic systems; the new houses are on sewers. We never had the opportunity to hook up to those sewers. I would say that, if you allow people to build they should, free of charge, hook up to the adjacent residents. We must start looking out for existing residents in this town. Why do I not have the ability to be

on sewers? It has a lot to do with my property value, in relationship to the monster home that was built behind me. I guess I could go on and on. This all was approved by the past Planning Board and the past Town Board. I just find it despicable and I don't want to see it continue. I don't even want to live in my house anymore; my backyard is wrecked – no buffer whatsoever, none. We already have new urbanism in Clarence – I have it in my backyard. Thank you.

Pat Powers said, "Thank you, Mr. Gorton, for your comments." She asked if anyone else in the audience wished to speak to this agenda item. Mr. Gorton had one additional comment, "For the residents, I would suggest that you hire your own engineer and not rely on the town engineer to take care of the issues you are worried about."

Mr. Binner had an additional comment: "Regarding this berm that I'm really concerned about, is there any way that I can be involved if you pass this development? Can I be involved with the landscape part of it?" Pat Powers said, "We are going to be recommending development plan approval this evening, and one of the conditions is that they will be meeting with the landscape committee. Mr. McCready is chairman of the landscape committee, and I'm sure that they would welcome your input." Mr. Binner said, "How do I know when and how, etc.?" Pat Powers said that a date hasn't been set yet but, when it is, someone would get in touch with him. Mr. Binner said, "During this whole process I've only gotten one notice and that was in the very beginning. I wouldn't even know who to call or who to ask for." Pat Powers said, "I would call Planning & Zoning and leave a message for Mr. McCready. He will get in touch with you to let you know when the meeting will take place."

Tim Pazda asked if moving the driveway was feasible. He said, "You're proposing a 2-ft berm." Mr. Kochis said, "Actually, we're not proposing any berm." Mr. Pazda said, "But you're saying you could put a 2-ft berm in that spot, realistically." Mr. Kochis said, "We never intended to put a berm; it was never a consideration, or anything that was asked of us." Wendy Salvati said, "A line of trees is shown here; could you put more trees in? As they grow together, they could provide a good visual buffer." Mr. Natale said, "That's my intent. Keep in mind that I will be living here myself. I was planning on taking the trees that are on the site now and moving them now, so that I don't destroy them when putting the road in. I've already been back there with the tree expert – I can do it and he has special machinery to do it. I wanted to do it a month ago, but wanted to get to this process for recommendation." Mr. Kochis said, "We have submitted a landscape plan, as part of our development plans, and it was our understanding that the landscape plan was accepted in the format submitted. There will be maple trees with spacing of 30 feet; if the Landscape Committee would recommend a closer spacing, I'm sure Mr. Natale would be open to that as well." Mr. McCready said, "Maybe you could work with your neighbor and plant some of the trees on his side of the line." There was a question about landscape plan approval. Jim Callahan said, "Residential projects are not generally looked at for landscaping. They did submit the plan, and the Landscape Committee looked at it, but because they don't look at individual home sites, they didn't put a formal response in the file. This doesn't preclude you from requiring it." Wendy Salvati said, "I think it behooves us to pay attention to this driveway and address some of the concerns of Mr. Binner." Mr. McCready said, "We would want to know the quantity of trees and species, and we would rather have an informal layout, rather than a straight line of trees but that would take space. Maybe there could be a cooperative effort between the two owners to improve on the buffer."

Wendy Salvati asked, "Is there a way that you could delineate on this plan where you would protect or ensure, or go as far as deed restrict, natural vegetation on these sites; ensuring that people don't take a field and turn it into a huge permanent lawn." Mr. Natale said, "I had promised the previous Board and Mr. Blum that I would put a deed restriction on the lot for the 120 feet." Ms. Salvati said, "I'm talking about lots 2 and 3, as well. Is it possible to delineate areas behind the home sites where natural vegetation exists?" Mr. Kochis said, "We've actually prepared a storm water prevention plan which identifies the limits of disturbance being proposed. It would delineate where we would anticipate areas being disturbed. We did our best to try to minimize that anyways; it's advantageous to Mr. Natale and future owners to have as much buffer as possible. Mr. Natale said, "My neighbor to the north of me is also a friend; I believe he will be doing the contracting work and I promised him, as well, to create a buffer between his house and the site." Wendy Salvati noted that the wetlands shown were different from the preliminary drawing. She said, "According to this, it looks like the area you're going to strip also includes wetlands. Mr. Kochis said, "That's correct; we will be disturbing a ½ acre of wetlands as part of this project. We have an Army Corps permit to do so. The total proposed disturbance is about .49 acres." Regarding the 120 ft preservation line, Mr. Kochis said that there would be no disturbance beyond that. Even the wetland mitigation on Mr. Natale's lot, #4, is outside of the 120 foot area, and would not be disturbed.

Action:

Motion by Roy McCready, seconded by Pat Powers, to recommend development plan approval for the construction of a 4-lot open development area at 5835 Thompson Road to the Town Board with the following conditions:

1. Subject to the recreation and open space fees;
2. Subject to all conditions listed in the Town Engineer's letter of 6/20/05;
3. A homeowners agreement to be reviewed by the Town attorney prior to being placed on a Town Board agenda;
4. The conditions as outlined on the Fire Advisory Committee report of 3/17/05;
5. A minimum of 120 feet of natural vegetation at the rear of the property;
6. Deed restrictions to protect the wetlands to the rear of each property and preserve as much of the vegetation as is possible; and
7. Consult with the Landscape Committee regarding the protection of natural vegetation, etc. to the property south of project, as well as the property to the north.

Gerald Drinkard	AYE	Phil Sgamma	AYE
Wendy Salvati	AYE	Tim Pazda	AYE
Roy McCready	AYE	Pat Powers	AYE
Jeff Grenzbach	Abstained (Absent)	George VanNest	Abstained (Absent)

MOTION CARRIED.

Item 4

Lou Visone, Jr.
Residential Single Family

Requests Development Plan approval for the construction of a 4-lot open development area at 4720 Goodrich Rd.

Discussion:

Jim Callahan gave a brief description of the property which is located on the west side of Goodrich Road, north of Main Street. It consists of approximately 8 acres as a part of a larger tract. It is all zoned residential. Master Plan identifies the area in a Residential classification. The project was originally introduced to the Town Board on February 11, 2004 and referred to the Planning Board. It was initially reviewed by the Planning Board on February 18, 2004. A negative declaration under SEQR was issued by Town Board on September 22, 2004. A Concept Plan approval with conditions was granted on September 29, 2004. The applicant is seeking Development Plan approval on the project as designed. All departmental and regulatory agency approvals are in order.

Al Hopkins, Metzger Engineering, and Lou Visone introduced themselves to the Board. Pat Powers said, "When you were before us previously, there was some concern regarding the Fitzsimmons property, which is north of your proposed development. Has all of the equipment that was resting on their property, at the time we met (September 29th) been removed? They had complained about some abandoned equipment." Mr. Visone responded that the equipment had been moved, but it wasn't on Fitzsimmons' property. He said, "We had the survey done and it was on my property all along, but I moved it anyway." Pat Powers said, "Mr. Hopkins, the Town Engineering Department sent a letter to Metzger Engineering on June 2, 2005 outlining 12 items to be addressed. Metzger Engineering returned a letter to Town Engineering dated June 6, 2005, saying that all the items had been answered to the satisfaction of the Town Engineering Department." Mr. Hopkins said, "That is correct. We have since gotten an approval letter from the Engineering Department." Pat Powers asked the applicants to address the question of the pond having a clay liner. Mr. Hopkins said that the rock underneath the clay is very fissure, which helps them with the drainage; they intend to only line the pond with clay in the areas that need it. They will not know the areas until the pond is exposed. Some areas have very hard limestone, others have large fissures that would have to be lined in order to hold water.

Pat Powers asked if anyone in the audience wished to speak to this agenda item. Since they still apply, Pat Powers read the conditions that were placed on the project at concept approval.

1. All homes should be constructed to connect to sewers if they ever become available;
2. Any further development will require a full environmental review;
3. Neighboring homes, such as Fitzsimmons, are to be monitored for blasting effects (The Fitzsimmons must be notified each time there will be blasting);
4. The stone wall on the Fitzsimmons property is to be protected;
5. The pond is to have a clay liner where necessary;
6. A permanent right of access to the property owner adjoining the south property line;
7. Driveway is to be designed to preserve the trees, and placed as far away from the Fitzsimmons property as possible; and

8. A deed restriction for the maintenance of the pond.

Action:

Motion by Tim Pazda, seconded by Roy McCready, to recommend Development Plan approval to the Town Board for a 4-lot open development area at 4720 Goodrich Road, with the following conditions:

1. Subject to the conditions of the Town Engineer’s letter of June 20, 2005;
2. Subject to recreation and open space fees;
3. Homeowner’s association agreement to be reviewed by the Town attorney prior to being on the Town Board agenda.

On the Question:

Wendy Salvati said, “This site is heavily wooded and you will be taking out a considerable amount of trees to build the pond. I would really like to see you save as much of the natural vegetation as possible. I would not like to see you develop huge lawns. I think this could be done very nicely. The value of these homes could be increased if you save as many trees as possible. I would like to see something similar to what we just did with Emerald Lake Estates, so that we know a lot of the trees will remain in place. Mr. Visone said that he is a landscaper and a tree hugger, but there aren’t that many large trees on the property -- there are a lot of hawthorns. The survey was done to pick up trees that were over 6 inches in diameter. Wendy Salvati asked if there was a tree survey in the file. Jim Callahan said that it is on the development plan. Mr. Visone said that he agreed the large trees should be saved.

Al Hopkins pointed out that the original plan showed the pond wrapping along the east side as well. The reason that the pond was brought back was to save the trees. Wendy Salvati said, “It’s more than just trees larger than 6 inches. It’s all the vegetation that exists there as habitat. Mr. Natale is going to set a 120 foot limit – everything within that limit is going to stay whether it’s one inch in diameter or 20 inches in diameter. Al Hopkins said, “One of the design criteria, in working with the Town Engineer, was to raise the elevation of the houses up out of the rock. In order to do that, there’s a fair amount of fill that’s going to go around each of these homes. The original design had the homes 2 feet lower. This was a design criteria based on some basement flooding problems. To help prevent future problems, we did raise the grades up at the homes. Subsequently, fill is required. It was done per the Town Engineer – it wasn’t done because we wanted to add extra fill. The fill will cover some vegetation.” Wendy Salvati said, “You are pretty much going to clear these 2-acre sites.” Mr. Visone said that he doesn’t want a balled site and he will save certain trees; but to put limitations on where to save a hawthorn or not will be difficult because of raising the elevations of the home sites.

Gerald Drinkard	AYE	Phil Sgamma	Recused
Wendy Salvati	NAY	Tim Pazda	AYE
Roy McCready	AYE	Pat Powers	AYE
Jeff Grenzebach	Abstained (Absent)	George VanNest	Abstained (Absent)

MOTION CARRIED.

Item 5

David & Kathy DeRose
Residential Single Family

Requests Development Plan approval for a 4-lot open development area at 5131 Kraus Road.

Discussion:

Jim Callahan gave a brief description of the property which is located on the east side of Kraus Road, south of Greiner Road. The property consists of approximately 26 acres zoned Residential, off an existing private drive. Master Plan identifies the area in a Residential Zone. The project was initially introduced to the Town Board on February 9, 2005 and the Planning Board on March 2, 2005. A negative declaration under SEQR was issued on April 27, 2005. Concept Plan approval was granted on May 25, 2005. The applicant is seeking Development Plan approval per the design, as submitted. All departmental and regulatory agency approvals are in order.

Mrs. DeRose said that, just as an observation, it is difficult to decipher how large the lots are for the projects put up on the screen. Her project is 26 acres – the two lots along the driveway are about 3-1/2 acres each, with 7 acres in the back corner (where most of the woods are). The barn area is the remaining piece. Pat Powers asked about a particular neighbor’s (Mr. Wilson’s) concern that he not have to look at the rear of a house on one of the new parcels. Mrs. DeRose explained that the Barrett’s lot would most affect Mr. Wilson’s property and there was a lot of room between Mr. Wilson’s house and where the Barrett’s hope to have their house. She indicated on the site plan exactly where there are trees planted for privacy.

Pat Powers asked if there was anyone in the audience who wished to speak to this agenda item, but there was no one.

Action:

Motion by Tim Pazda, seconded by Pat Powers, to recommend development plan approval for a 4-lot open development area at 5131 Kraus Road to the Town Board with the following conditions:

1. Subject to the Town Engineer’s letter of June 20, 2005;
2. Subject to recreation and open space fees;
3. Homeowner’s agreement to be reviewed by the Town attorney prior to being on the Town Board agenda;
4. Amendment to the existing homeowners association to include the newly created lots; and
5. Sprinklers to be installed in parcels 2 and 3.

Gerald Drinkard	AYE	Phil Sgamma	AYE
Wendy Salvati	AYE	Tim Pazda	AYE
Roy McCready	AYE	Pat Powers	AYE
Jeff Grenzebach	Abstained (Absent)	George VanNest	Abstained (Absent)

MOTION CARRIED.

Kathy DeRose thanked the Board for their time and diligence. Pat Powers thank Mrs. DeRose for her patience and for her kind words.

Item 6

Master Plan 2015
(revisions)

The Town will consider some revisions to the comprehensive plan related to the proposed Adequate Public Facilities Ordinance.

Pat Powers said that the amendments were the first area to work on because, if the Adequate Facilities Ordinance goes forward, they have to be put in place. As background, Jim Callahan stated that these are recommendations forwarded from our consultants on the Adequate Public Facilities Law. Their thought is that the Master Plan could be amended to help accommodate the adoption of that law in the future. With that in mind, the consultant went through the entire Master Plan and came up with these recommended suggestions which we are reviewing at this point.

Councilman Bylewski said that it was his understanding, also, that these are "suggested" recommendations for amendment. He said, "Based on what we have in the Master Plan right now, we could adopt the Adequate Public Facilities Law, assuming we were comfortable with it; however, our consultant, to try to tighten up the language between the two, had some specific recommendations to make it flow a little bit better. At least, that's how I interpreted it."

Phil Sgamma felt they were putting the cart before the horse without at least summarily reviewing the Adequate Public Facilities Ordinance. He saw no objections to the recommended related Master Plan amendments as he went through them. He had a lot of questions, though, on the Adequate Public Facilities Ordinance.

Councilman Bylewski said that, if you read the proposed amendments to the Master Plan as they relate to the Adequate Public Facilities Law, specifically the one that is recommended to be on page 34, the language refers to the Town evaluating the adoption of the adequate public facilities requirements as a tool. It's not saying that the Town must. He said he can understand Mr. Sgamma's concern to have a better grasp on the Adequate Public Facilities Law, but he feels the amendments can be considered separately.

Jim Callahan said that it is similar to adopting zoning. The Master Plan amendments are more broad-brushed. Generally, they give you the concise wording to allow the adoption of an Adequate Public Facilities Ordinance. The Law gets more specific and gives the detail of how it could be adopted.

Councilman Bylewski said that the only really specific part of the amendments to the Master Plan (page 29) involves discussion on the Clarence School District and its class sizes. The state maximum is 27 students and the District's policy is 22 students. These numbers are an average; some classes will be smaller and some larger.

Tim Pazda noted that it was confusing to him that class sizes are in the Town's Master Plan. He asked, "If something changes at the school, would the Master Plan have to be changed." Councilman Bylewski said that it was possible. He added that, if you

read the Adequate Public Facilities Law, it proposes that the school have a representative on the Technical Review Committee. Wendy Salvati suggested that it might be best if the wording leaves out specific numbers. There was additional discussion on how to handle the wording.

Phil Sgamma said the Adequate Public Facilities Law doesn't talk about fire, water, power or traffic; the only place he sees it is in the amendment to the Master Plan. Councilman Bylewski said, that in his opinion, a lot of it has already been addressed within the Master Plan. The Adequate Public Facilities Law addresses schools, sewers and streets. There were areas left out based on the consultant's recommendations; one of the areas was fire and EMS. The Town is working with the fire companies to include a section into the Adequate Public Facilities Law. Parks are also being deferred until the Town has a Parks & Rec Master Plan. Regarding water, it was stated that "system-wide deficiencies are not being anticipated." However, some residents have concerns about water supply. He said, "At least we can adopt the pieces of the Adequate Public Facilities legislation." Wendy Salvati added, "This law can always be amended as we decide to revise or add on language. I agree with Phil – it only addresses schools and sewers. Roadway infrastructure is a significant part of the puzzle, but also a difficult part of the puzzle to address."

Jim Callahan said, "And traffic has always been a problem in terms of the levels of service and the funding mechanisms in place for state and county roads -- and the impacts associated with the individual versus the whole." Wendy Salvati added, "There are local traffic problems that are an issue and not being addressed."

Pat Powers asked the Board how they would like to proceed from this point. She asked to poll the Board to see if the majority felt like they wanted to go through the proposed ordinance and then come back to the revisions. She said, "We've just begun to open dialogue on this." Phil Sgamma said he felt they should go through the proposed Adequate Public Facilities Ordinance at least once, ferreting out the issues. After that, amending the Master Plan would be more comfortable. Wendy Salvati agreed with Phil Sgamma but also with Councilman Bylewski's comments that the language does not need to be real specific. Councilman Bylewski stated that they were trying to work on three things while under the moratorium – zoning law (done), subdivision law (nearing completion), and the Adequate Public Facilities Ordinance. Wendy Salvati asked about the Master Plan revisions and when they needed to be completed. Councilman Bylewski explained that the amendments would have to have a public hearing at the Town Board level, but before that could happen, the Planning Board would have to send it to the MRC. This might take three months or longer.

There was more discussion among the Planning Board members regarding the wording in the Master Plan, specifically the Master Sewer Plan.

Jim Callahan stated that he felt finalizing the subdivision law was of greater importance.

There was discussion about the Adequate Public Facilities Law and impact fees. Councilman Bylewski stated that an Adequate Public Facilities Law is not an impact fee legislation system. He feels the real "teeth" to the Law is: if the level of service does not meet the appropriate level, then that project can stop or it is to be mitigated. He said,

“That’s ultimately how a project would be reviewed – a project comes in and the TRC takes a look at it.” Jim Callahan said, looking at the whole process, it’s basically SEQR. He said it gives some thresholds that we don’t have right now. “We need to look at how we plug this into the TEQR, the SEQR and the APFO.”

Pat Powers made a suggestion, due to the late hour, to table the discussion and return to discussions regarding Subdivision Law at a later date.

Action:

Motion made by Tim Pazda, seconded by Gerald Drinkard, to refer Item 6: Master Plan 2015 to the MRC for further study.

Gerald Drinkard	AYE	Phil Sgamma	AYE
Wendy Salvati	AYE	Tim Pazda	AYE
Roy McCready	AYE	Pat Powers	AYE
Jeff Grenzebach	Abstained (Absent)	George VanNest	Abstained (Absent)

MOTION CARRIED.

Item 7

Proposed Adequate Public Facilities Ordinance

Action:

Motion made by Pat Powers, seconded by Wendy Salvati, to refer Item 7: Proposed Adequate Public Facilities Ordinance to the MRC for further study.

Gerald Drinkard	AYE	Phil Sgamma	AYE
Wendy Salvati	AYE	Tim Pazda	AYE
Roy McCready	AYE	Pat Powers	AYE
Jeff Grenzebach	Abstained (Absent)	George VanNest	Abstained (Absent)

MOTION CARRIED.

Item 8

Proposed Subdivision Law Amendments

Non-Agenda Item

Building Permit Cap

Action:

Motion made by Pat Powers, seconded by Wendy Salvati, that in accordance with Master Plan 2015, the Planning Board refers to MRC for review a proposed change to the Master Plan, amending the Master Plan to lower the building permit cap. Upon

completion of its review, in accordance with the SEQR provisions, the MRC shall provide its recommendation to the Town Board.

On the question?

Phil Sgamma said that this was a strong recommendation at the last Town Board meeting. Pat Powers said, "What we are doing is the referring to the MRC." David Donohue added that the Master Plan then directs the MRC to report back to the Town Board and not to the Planning Board.

Action:

Motion by Tim Pazda, seconded by Gerald Drinkard, to refer Item 6: Master Plan 2015 to the MRC for further study.

Gerald Drinkard	AYE	Phil Sgamma	AYE
Wendy Salvati	AYE	Tim Pazda	AYE
Roy McCready	AYE	Pat Powers	AYE
Jeff Grenzebach	Abstained (Absent)	George VanNest	Abstained (Absent)

MOTION CARRIED.

Non-Agenda Item

Amendment of Master Plan 2015
(with particular reference to the Harris Hill Traditional Neighborhood District)

Discussion:

Pat Powers said, "We were negligent in that we didn't refer this to MRC, so I am looking for a motion to refer this item to the MRC."

Action:

Motion by Wendy Salvati, seconded by Phil Sgamma, to refer the resolution regarding Amendment of Master Plan 2015 (with particular reference to the Harris Hill Traditional Neighborhood District) to the MRC for review.

Gerald Drinkard	AYE	Phil Sgamma	AYE
Wendy Salvati	AYE	Tim Pazda	AYE
Roy McCready	AYE	Pat Powers	AYE
Jeff Grenzebach	Abstained (Absent)	George VanNest	Abstained (Absent)

MOTION CARRIED.

Meeting adjourned at 10:15 PM
Pat Powers, Chairperson