

Town of Clarence  
Planning Board Minutes  
Wednesday July 7, 2010

**Work Session 6:30 pm**

Roll Call  
Update on Pending Items  
Zoning Reports  
Committee Reports  
Miscellaneous

**Agenda Items 7:30 pm**

Approval of Minutes

**Item 1**

St. Mary's Church  
Traditional Neighborhood District

Requests a Clearing, Filling and Grading Permit for the development of athletic fields at 6925 Transit Road.

**Item 2**

John Collana  
Residential Single-Family

Requests subdivision approval for property located at Shimerville Road and Roll Road.

Chairman Al Schultz 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 Al Schultz  
Timothy Pazda  
Richard Bigler

Vice-Chairperson Wendy Salvati  
George Van Nest  
Gregory Todaro

Planning Board Members absent:

None

Town Officials Present:

Director of Community Development James Callahan  
Planner Brad Packard

Other Interested Parties Present:

Frank Wailand  
Doug Cipillone

Nicholas Knorz  
John Collana

Chairman Schultz explained that the Planning Board is technically a seven (7) member board; presently there are five (5) appointed members and one (1) alternate member. It takes four (4) members for a quorum. The alternate, Gregory Todaro, will participate in all discussions and vote on all agenda items.

Motion by Wendy Salvati, seconded by Gregory Todaro, to **approve** the minutes of the meeting held on June 16, 2010, as written.

**ON THE QUESTION:**

The last paragraph on page 2010-48 is replaced with the following:

Chairman Schultz noted that this plan has not been through the Traffic Safety or Fire Advisory Boards. Issues raised by these groups could require wider streets and/or increased turn radii; these could affect “buildable land”. In addition, the applicant will have to address utility easements, which could also affect “buildable land”. Mr. Curry is aware of these possibilities.

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

**MOTION CARRIED.**

Chairman Schultz explained that the Planning Board is a recommending body that may vote to refer agenda items to other committees such as the TEQR Committee, Fire Advisory and Traffic Safety for their study and comment. A project may be tabled pending further information. 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 each project. The applicant will then have the opportunity to speak on the project. The Planning Board members will then have an opportunity to ask questions. The public will be offered the opportunity to speak on the subject; all commentary will be addressed to the Planning Board and will be limited to three (3) minutes. The applicant will then have the opportunity to respond to the public comment. A motion will be called for with a roll call vote.

**Item 1**

St. Mary’s Church  
Traditional Neighborhood District

Requests a Clearing, Filling and Grading Permit for the development of athletic fields at 6925 Transit Road.

**DISCUSSION:**

Jim Callahan provides the history on the project. It is located in the Traditional Neighborhood District at the south east corner of Transit Road and Stahley Road. It is an existing and previously approved

church campus located in the Traditional Neighborhood District of Swormville. The applicant is proposing to add athletic fields per the submitted design and has requested a Clearing, Filling and Grading permit. The Town Board referred the application to the Planning Board for review and recommendation.

Frank Wailand, of F.J. Wailand Associates, is representing St. Mary's Church. The condition that Mr. Wailand has received from the Army Corp of Engineers is that there must be at least 50' of land maintained between Ransom Creek and any development. The proposal is for a slow pitch softball diamond; it is about 250' to the outfield. There will be no additional fill added, rough spots will be smoothed and seeded. The proposed soccer field will be in the floodplain area, running north to south there is a change in elevation of only a few feet. The objective is to balance the site at a 1% pitch going east and west from the center of the field for drainage purposes. He is working with the Engineering Department in order to handle the drainage on the site. A pea gravel drainage slot will be used on both sides of the site; there will be minimal run-off and it appears there will be no problem with drainage. There will be a 6' wide jogging track around the perimeter of the soccer field; it will have a perma-life sports fill surface.

Wendy Salvati asked if the ball field could be moved to the north and the east to pull it out of the floodway area. Mr. Wailand said he is sure it is possible however he said there are neighbor concerns in which they want the fields as far away from their property as possible.

The fields will be used by St. Mary's parishioners and the Swormville Fire Department. The soccer field is strictly for high school soccer.

In response to Mr. Pazda's question, Mr. Wailand explained there is not much pitch on the ball diamond, it is pretty level. This area will not be filled at all.

Mr. Wailand will comply with the Town Engineer's letter dated June 10, 2010. The letter is on file. He said the project will impact some trees on the sight. Chairman Schultz explained if the applicant clears trees, the Town's Landscape Law says the trees must be replaced at a ratio of 2 for 1, Mr. Wailand is aware of this. Mr. Wailand is also aware that a tree survey is required. Chairman Schultz suggested the applicant work with the Landscape Committee.

There will be no driveway to the field, just a walkway made of blacktop or crushed stone. There will be no lighting at the fields. Mr. Pazda asked if the DEC knows the jogging track, made of rubber material, is part of the plan. Mr. Wailand said the DEC is aware of it.

Ken Leising, of 8066 Stahley Road, is present along with his sister-in-law who resides at 8107 Stahley Road. Mr. Leising is concerned about the drainage at 8107 Stahley Road. He said it appears there will be no fill as a result of the project that would affect the drainage in the area and looks for clarification on this issue. Chairman Schultz will obtain clarification from the applicant. Mr. Leising asked what the distance is between the property line and the ball diamond. Mr. Wailand said the distance is 110'. Chairman Schultz suggested Mr. Leising meet with Mr. Wailand to discuss the plan further.

Chairman Schultz suggested landscape screening in the area between the 8107 Stahley Road property line and the ball diamond, provided no flooding is caused as a result of the screening.

Mr. Wailand said if there were any drainage issues he is sure the drainage can be re-routed to correct the problem, however this is lower land so drainage will not go to the neighbor’s property. The only fill will be to level the soccer field; the pitch will run east and west into the drainage areas.

**ACTION:**

Motion by Wendy Salvati, seconded by George Van Nest, to **recommend** the Town Board issue a SEQRA Negative Declaration for the grading and filling permit necessary to allow St. Mary’s to build a softball diamond and soccer field on their Swormville Campus. This proposal is an Unlisted Action under SEQRA. This recommendation is based on letters received from the NYSDEC, the Army Corp of Engineers and the Clarence Town Engineer and on the fact that there can be no filling or modifications that would increase the elevation within the adjacent floodway.

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

MOTION CARRIED.

Motion by Wendy Salvati, seconded by Gregory Todaro, to **recommend** approval of the grading and filing permit necessary for St. Mary’s to construct a softball diamond and soccer field on their Swormville campus. This recommendation is subject to the following conditions:

1. The Town Engineering Department review and approve elevations and surface grading for the softball diamond to ensure that encroachment in the adjacent floodway does not adversely impact this resource.
2. Ensure that any surface grading does not adversely affect drainage for residences along Stahley Road, which currently flows across the area where the ball diamond is proposed and to the creek.
3. Affected trees are to be surveyed and any trees to be removed are to be replaced per code, on a “2 for 1” basis. New trees are to be planted so as to screen the facility from nearby residences along Stahley Road and County Road.
4. A Landscape Plan is to be approved by the Landscape Committee.

**ON THE QUESTION:**

Mr. Pazda asked if there will be a backstop and all of the permits that are normally associated with a softball diamond. Mr. Wailand said there will be a backstop but it will be out of the floodway area. The path will stop short of the floodway.

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

MOTION CARRIED.

**Item 2**

John Collana  
Residential Single-Family

Requests subdivision approval for property located at Shimerville Road and Roll Road.

**DISCUSSION:**

Jim Callahan provides a brief history on the project. It is located on the east side of Shimerville Road and north of Roll Road. It is vacant property; the applicant is proposing to subdivide the property per the submitted design. The Town Board referred the application to the Planning Board for review and recommendation at the June 10, 2009 meeting.

Doug Cipillone is representing John Collana. Mr. Cipillone has obtained a letter from the NYS DEC, which was requested of him at the previous Planning Board meeting. The DEC is not concerned with putting a driveway through a floodplain, but is concerned that the project remains 100' from the wetland. Mr. Cipillone said the plan indicates 100'-118' from the wetland. There is also a letter on file from the Town Engineer dated June 10, 2010 indicating a permit is required to install the driveway.

Chairman Schultz pointed out that if for some reason the applicant cannot put a driveway in, there will be a large piece of land that he cannot utilize. Mr. Cipillone is willing to take that chance; if there are problems he would have to find access another way.

Ms. Salvati asked if the flagged extension on lot #2 can be combined with lot #1. Mr. Cipillone said he can do that.

Chairman Schultz noted that pre-existing lot #1 poses awkward situation. Mr. Cipillone said there is the option of someone buying proposed lot #1 and adding pre-existing lot #1 to their purchase. Chairman Schultz also pointed out that some Town Board members do not like the idea of a house behind a house.

Ms. Salvati noted that the NYS DEC letter highly recommended having a wetland delineation done prior to building. Mr. Cipillone understands this recommendation. Ms. Salvati suggested balancing the location of the driveway so that it leaves a buffer between the driveway and the existing house.

**ACTION:**

Motion by George Van Nest, seconded by Timothy Pazda, to **recommend** the Town Board issue a SEQRA Negative Declaration for the three-lot split on Shimerville Road and the two-lot combination on Roll Road as depicted in the subdivision drawing of May 28, 2010, labeled CP-1. This proposal is an Unlisted Action under SEQRA and will have no negative environmental impact based upon the letter received from NYS DEC, the letter from the Town Engineer, the Town's evaluation of the proposal and the short Environmental Assessment Form (EAF) submitted.

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

MOTION CARRIED.

**ACTION:**

Motion by George Van Nest, seconded by Richard Bigler, to **recommend** approval of a three-lot split along Shimerville Road and the two-lot combination on Roll Road as depicted in subdivision drawing on May 28, 2010, labeled CP-1. Any trees removed in order to provide access from Roll Road must be replaced on a 2 for 1 basis the Town’s Landscape Law; replacement to be approved by the Town Landscape Committee.

**ON THE QUESTION:**

If the driveway is built it is to be situated as far east as possible. The applicant is to have the wetland delineation done prior to building a house on proposed combination lot #1.

1. The overall parcel has had several problems that have evolved over past years including:
  - Three “land-locked” lots, including one built-out with access via a driveway to Shimerville Road.
  - One non-conforming lot at 5615 Shimerville Road.
2. This recommendation eliminates the non-conforming lot at 5615 Shimerville Road by combining it with the land to the immediate north and splitting the resultant parcel into three (3) conforming lots labeled “Proposed New Lots #1, #2 and #3” on the drawing.
3. This recommendation eliminates the Southernmost land-locked lot by combining it with a frontage lot on Roll Road (labeled “Proposed Combination Lot #1 on the drawing). This lot will require an access drive from Roll Road which will cross a floodplain, and must remain at least 100 feet from the adjacent wetland. This driveway will require a permit from the Town Engineer. The NYS DEC letter of July 1, 2010 recommends a delineation of the wetland boundary, which will ultimately determine both the wetland boundary and 100’ buffer.
4. Pre-existing non-conforming lot #2 remains “land-locked” with access via right-of-way from the north; this is a pre-existing condition.
5. Pre-existing non-conforming lot #1 remains with no frontage, and difficult to access. This will be addressed in the future, most likely by combining with another lot.
6. This recommendation may result in a home being built in front of an existing home at 5645 Shimerville Road (pre-existing lot #2). While this could create an awkward situation, it was a situation that was established when the home was built without frontage.

The narrow extension that runs in the north south direction on proposed new lot #3 be combined with proposed combination lot #1.

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

**MOTION CARRIED.**

Meeting adjourned at 8:05 p.m.

Carolyn Delgato  
Senior Clerk Typist