

Clarence Planning Board Minutes
Wednesday, July 20, 2005

Work Session (6:30 PM)

The work session was called to order at 6:30 p.m. by Pat Powers, Chairperson.

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

Motion by Pat Powers, seconded by George Van Nest to enter into Executive Session at 7:20 p.m. pursuant to section 105(d) of the Open Meetings Law to confer with the Deputy Town Attorney regarding pending litigation, Meteor vs. Town et al.

All Ayes. Motion carried.

Motion by Tim Pazda, seconded by Phil Sgamma to adjourn the Executive Session at 7:30 p.m.

All Ayes. Motion carried. No action taken.

Agenda Items (7:30 PM)

Planning Board Members Present:

Patrica Powers	Wendy Salvati
George Van Nest	Jeff Grenzebach
Phil Sgamma	Gerald Drinkard
Tim Pazda	

Other Town Officials Present:

Councilman Scott Bylewski
James Hartz, Asst. Director of Community Development
David Donohue, Deputy Town Attorney
David Metzger, Senior Building Inspector

Other Interested Parties Present:

Colleen Tripi	Jim Blum
Norm Castine	Michael Drescher
Bill Schutt	John Braddell
Ed Braddell	Tim Krantz
Connie Lydon	Kevin Zuger
Hank Stockwell	Frank Rivett
Frank Rivett Jr.	Kathryn Klein
Henry Williams	Jack Grochocki
Steve Tripi	

Motion by Wendy Salvati, seconded by Gerald Drinkard , to approve the minutes of the meeting held on July 6, 2005, as written.

Patrica Powers	AYE	Wendy Salvati	AYE
George Van Nest	Recused	Jeff Grenzebach	Recused
Phil Sgamma	AYE	Gerald Drinkard	AYE
Tim Pazda	AYE		

MOTION CARRIED.

Item 1

Norm Castine
Agricultural Rural Residential

Requests a preliminary review for a 4-lot open development area with one additional frontage lot at 7050 Goodrich Road.

Discussion:

Jim Hartz gave a brief description of the property which is approximately 40 acres with frontage on both Goodrich and Lapp. The applicant was here back in February and April of this year and submitted a revised site plan showing an open development area consisting of a 4 lot layout. Also included are 2 remaining lots with frontage on Lapp and Goodrich.

Norm Castine and Michael Drescher were present. Phil Sgamma asked the applicant about driveway access to one of the parcels on the property. Mr. Castine indicated on the plan where the proposed access would be located. It was stated that Mr. Drescher owns all of the property shown on the plan, but that only the four open development lots would be sold. Mr. Castine said that the plan had Town engineering approval and there are no wetlands. Pat Powers said, "You do understand that there will be no further parcel division on this piece of property." Mr. Castine responded "yes."

Tim Pazda said, "When you were in before, there were an awful lot of concerns from the neighbors about drainage and I know that will be addressed by the town engineer, but I am just reiterating the fact that it is a big concern based on the number of complaints we had." Mr. Drescher responded, "When I got my variance, I had to go to all the neighbors and get a signature. "

Mr. Castine replied that he had spoken to Mr. Latona who assured him that there are no drainage problems. He said, "Those people will never have a drainage problem. They don't have any water problems there." Wendy Salvati wondered what Mr. Drescher's plans were concerning clearing the land. He assured her that it was not his intention to clear the land of all the trees. "We want most trees for privacy, if possible," he said. "The more trees the better."

Pat Powers expressed her concern regarding space between parcels one and five. Per the map and the way the lines are drawn, she said it appears there is a separate parcel at that location. Mr. Drescher assured her that the space in question is green space, not a separate parcel. She felt it looks like two separate parcels and said that

they need the lines removed. Mr. Castine said, "You tell me how you want them drawn and we'll draw them for you. We're not trying to change anything." Pat Powers stated that they are going to need 7 additional copies of the plan and that she would like that corrected so that it's clearly shown that those parcels or sections are part of parcel five and parcel one. Pat Powers asked if there was anyone in the audience wishing to speak on this agenda item and there was no one.

Action:

Motion by Wendy Salvati, seconded by Jeff Grenzebach that this agenda item be returned to Municipal Review Committee, Traffic Safety Advisory Committee, and Fire Advisory Committee for additional study and review.

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

MOTION CARRIED.

Item 2

Tim Krantz
Agricultural Rural Residential

Requests Development Plan Approval for a 4-lot open development area at 9086 Lapp Road.

Discussion:

Jim Hartz stated that this project was first introduced to the Planning Board in March 2003, and also to the Town Board in March 2003. It received a concept plan approval in May 2003. It has received a negative declaration. It is in the Agricultural Rural Residential zone and Agricultural Flood zone. It is a 4-lot open development, with an existing home on one of the parcels. A majority of the property is in the Federal wetland conservation program.

Tim Krantz was present to answer questions from the Board. Pat Powers asked Mr. Krantz if he intended to have a homeowners association. He stated that one was underway with an attorney who is developing it and will register it with the State. It's about 80 percent complete. Pat Powers requested that, when completed, the homeowners association agreement be reviewed by the Town attorney prior to the project being placed on the Town Board agenda. She stated that all agencies have signed off on the project.

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

Action:

Motion by Phil Sgamma, seconded by Tim Pazda, to recommend development plan approval to the Town Board, subject to the following conditions:

1. The conditions listed in the Town Engineer's letter of June 5, 2005;
2. Open space and recreation fees;
3. Utilities to be installed underground;
4. Parcels are to be deed restricted so as not to encroach into Federal wetlands;
5. Three (3) fire hydrants as shown on the plan;
6. Traffic Safety recommended that the private road be built to Town standards to width and cul-de-sac; and
7. The homeowners agreement will be reviewed by the Town attorney prior to being placed on the Town Board agenda.

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

MOTION CARRIED.

Item 3

Benchmark Development
Major Arterial

Requests Development Plan Approval for the redevelopment of Clarence Mall at 4401 Transit Road (The Shops At Main – Transit).

Discussion:

Jim Hartz stated that the project was first introduced to the Town Board in February 2005. It was presented to the Planning Board in March. The project has received a negative declaration, landscape approval and engineering approval.

Bill Schutt, project engineer; Connie Lydon, landscape architect; and Kevin Zuger, Benchmark Development were present to answer questions from the Board. Mr. Schutt stated, "In the Town engineer's letter it says that the Fire Advisory Board is recommending one or two additional hydrants; we are more than willing to meet with Mr. Metzger and the Fire Advisory Board to work that out ASAP."

Jeff Grenzebach asked about the water/irrigation to the islands. Mr. Schutt stated that the individual islands would not have water to them, but the larger, landscaped islands will have water to them. Mr. Sgamma stated, "It's an awful lot of landscaping for it just to dry up. Years back, they tried to have islands in the middle of Transit Road and now they're paved over because Amherst didn't water and Clarence didn't water and they dried up." He added that he was very impressed with what is proposed for the corner.

Pat Powers thanked Mr. Schutt for the development plan checklist. She also said that it was a pleasure to work with Benchmark on this project; it's a great improvement to what is "the gateway to the Town."

Wendy Salvati mentioned that the landscape plan does not show any improvements for the corner near the HSBC Bank. Mr. Schutt stated that the

improvements at HSBC would be minor. The aboveground, concrete planters will be removed. The parking lot will be repaved and re-stripped. He said, "Although there's not a lot at HSBC, the remainder will be enhanced."

Tim Pazda asked about an area on the site plan that is being set aside for future development. Bill Schutt mentioned an area along the east property line that would become a Town road, pending arrangements with the Town and Eastern Hills Mall. He indicated on the site plan a storm water detention basin and an area north of it, which would be for future, Phase II development. Tim Pazda asked if there were any plans for parking behind the building. Mr. Schutt stated that most of the area behind the building is for service access to the building. It will be lighted, with loading docks, dumpsters, etc.

Kevin Zuger stated, "I have talked to our construction people about possibly putting in a parking area back there for some of the Brennans people." Wendy Salvati said, "We understand that you are going to have a variety of uses, with some operating at different times of the day, but there was some concern about the demand for the parking at the south end where all the restaurants are. Would it be possible to put any other employee parking back there for some of the other facilities?" Kevin Zuger said, "Yes, we want to put it in an area where there's not a lot of truck traffic, but behind Brennan's is a good spot for it." Wendy Salvati said, "The thought was, that if you could have employees parking behind the buildings, it would free up parking spaces in the lot for customers."

David Donohue asked, "Has there been any discussion with the landscape committee about putting something at the apex of the boulevard and the building to accentuate it?" Mr. Schutt said it would have extensive entranceway details. Kevin Zuger said that additional trees were added at the first north/south access road. Connie Lydon said that the area Mr. Donohue was referring to is still under design and consideration.

Phil Sgamma asked, "what consideration has been given to snow removal and the salt that is pushed onto the islands?" Connie Lydon stated that she is very familiar with the hazards of snowplowing and salt. She said the maintenance contract will include a plowing pattern. They will need to work very hard with the maintenance people to control it.

Wendy Salvati said, "Would you remove snow from the site, instead of building giant piles?" Kevin Zuger said, "If needed, yes, but sometimes you have to. Fortunately, we have a large area behind which we are not developing and it's a good spot to dump it." She also said, "It's my understanding that you are going to lower the height of the lighting standards by a few feet. Are you using the shoebox style of lighting fixtures, and will there be recessed lens in those?" Mr. Schutt answered yes. Mr. Zuger said, "Just so you know, we are coordinating with the out parcel users and requiring them to have the same light standards that we have." Mr. Schutt said that they would also be changing the lighting by the HSBC parcel.

Pat Powers asked if anyone in the audience wished to speak to this agenda item. Councilman Bylewski mentioned that it would be nice to see something that would terminate the vista, whether part of the façade or part of the landscaping in front. He felt

it would add a nice element to an already classy design. Connie Lydon said that Councilman Bylewski’s concerns would be addressed.

Action:

Motion by Jeff Grenzebach, seconded by Tim Pazda, to recommend development plan approval to the Town Board with the following conditions:

1. Conditions listed in the Town Engineer’s letter of July 20, 2005 which include the additional fire hydrants (1 or 2, as required by the Fire Advisory Board) and PIPs required prior to construction;
2. They have traffic safety approval concept;
3. The approved landscape plan as subject to open space fees, as required; and
4. If needed, additional parking can be gained at the rear of the property, possibly employee parking.

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

Item 4

John/Ed Braddell
Industrial

Requests Concept Plan Approval for a proposed 43.4 acre industrial park on County Road (Lakeside Industrial Park).

Discussion:

Jim Hartz stated that the property is located in the Industrial Business Park zoning. The applicant appeared before the Planning Board in June 2005 with a preliminary layout. They have taken comments from the last meeting and have submitted a revised plan.

Bill Schutt, project engineer, John Braddell and Ed Braddell were present to answer questions from the Board. Pat Powers asked Bill Schutt to discuss the possibilities of sewers in this area. He said, “We have met with the Town Board and Town engineers and have proposed coupling this project with a subdivision project to the south. The subdivision project will require the construction of a pump station. We have structured the pump station plant to assist the Town in abandoning the existing pump station at Goodrich and Keller Roads. We would be trading one decrepit pump station for a brand new pump station. To be able to abandon the Keller Road pump station and provide service for the subdivision, the new pump station is deeper than what we would normally need. But since we are deeper, the next question was ‘how far can we extend the service?’ By deepening the pump station by 6 or 7 feet, we can provide sanitary sewers all the way out to County Road. We are trying to work with the project sponsors from both projects, the Town, and Erie County 5 to make it happen.”

Pat Powers said, “This isn’t going to happen overnight and shouldn’t hold up this project. As this project moves forward, the laterals would be installed so that when

sewers came down the road, it would make it easier for the people to connect?" Bill Schutt said, "That's correct; we would structure it to easily provide public sanitary sewer service in the future. He added that sewers could be extended westerly along County Road, as well as across Goodrich and easterly, and across County Road too.

Phil Sgamma said, "Isn't there a capacity problem on the east side of Transit Road, as far as major trunk lines to the Amherst station?" Mr. Schutt said, "Yes, there is a capacity limit. It's something that would need to be discussed." Mr. Sgamma said, "So this is a very long term, ambitious project."

Pat Powers asked for an explanation of an area shown on the site plan. Mr. Schutt said that it would be for future development, if it could be rezoned to an industrial zoning. Pat Powers said, "Is it the plan that the entire parcel might someday be an industrial park?" Mr. Schutt said, "That's correct." He indicated the area that the Bakowski's have an offer on, which is about 50 percent of the additional development.

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

A Goodrich Road resident stated that he felt the project was good for the Town, especially if sewers will be put in.

Action:

Motion by Pat Powers, seconded by Wendy Salvati, to refer this project to the Muncipal Review Committee, Traffic Safety and Fire Advisory for further study and review, with the stipulation that the Municipal Review Committee review the entire parcel to avoid any segmentation.

On the question?

Phil Sgamma asked Mr. Schutt where the new pumping station would be located. Mr. Schutt said that it would be located on the Goodrich Road subdivision and he showed on the map where it would be located.

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

MOTION CARRIED.

Item 5

Frank Rivett & Hank Stockwell
Agricultural

Requests Development Plan Approval for a proposed 80 +/- acre subdivision at 5700 Strickler Road (Strickler Estates).

Discussion:

Jim Hartz stated that this project was first introduced to the Town Board in September 2001 and to the Planning Board in October 2001. It received a negative declaration from the Town Board on November 19, 2003. The project received a revised concept plan approval in December 2003. Development plans have been submitted and approved by the Town's engineering department and landscape committee.

Bill Schutt, project engineer; Hank Stockwell; Frank Rivett; and Frank Rivett Jr. were present to answer questions from the Planning Board. Mr. Schutt stated that the project has been through several public hearings; through the process, the project has been shaped and tweaked slightly. He said that they have a comprehensive landscape plan and an entrance detail plan that has been approved by the landscape committee. There are extensive natural buffers on all sides of the development to shield and buffer the neighbors. He said, "We've gone through an extensive regulatory review process which includes dealing with some wetland issues. You can see that the area along the eastern property line is a wetland mitigation area, where some wetland disturbances will be mitigated. It creates a 150-foot natural buffer from the neighbors to the east. This development, in the eyes of the health department, is not a subdivision. It will be developed as 'four lots over three years'. Initially, all that will be developed are the four lots closest to Strickler Road – lots 1, 2, 7 and 8, and possibly the five larger parcels in the back, which are each in excess of 5 acres. We will need to wait for the other lots, under the lot build schedule as developed by the Erie County Health Department. The development will take place along Shamus Lane until it is built out. The court will be developed at some future date. Pat Powers asked if anyone in the audience wished to speak to this agenda item.

Henry A. Williams, 5685 Kraus Road said, "This piece of land is close to my property. My property is agricultural. I have 36 acres. The property is in my wife's name but she couldn't be here – she's hospitalized."

Pat Powers said, "Even though this parcel is large, it will remain an agricultural zoning.

Mr. Williams said, "How can that be. They're going to do a lot of building, aren't they?"

Pat Powers said, "I believe it's 23 homes.

Mr. Williams said, "I don't get it – 23 homes in an agricultural on 80 acres?" It doesn't sound like agricultural to me."

Pat Powers said, "Do you want them to be farming there?"

Mr. Williams said, "They should be doing something in agriculture besides building houses."

Jim Hartz said, "In this particular zoning, you can do housing with the appropriate lot sizes which they currently meet. It's the Town Board's decision to approve the public road for these new lots."

Wendy Salvati said, "The correct name of the zoning district is Agricultural Rural Residential, so it does allow for low density residential development."

Mr. Williams said, "When was it changed from agriculture?"

Jim Hartz said, "It was never changed. You could always do housing in agricultural zoning with the appropriate, low density lot size."

Mr. Williams said, "There are no sewers out there, only septic tanks. What are you going to do about that?"

Jim Hartz said, "The septic systems are approved by the Health Department – that's why they can only build four every 3 years."

Mr. Williams said, "Are you going to have 5 acres for each home?"

Jim Hartz said, "Five lots are five acres, and the rest are just over 2 acres, I believe."

Mr. Williams said, "The type of soil is solid clay, and I don't know how you can put in septic tanks."

Jim Hartz said, "The Health Department looked at the soil type and said they will have to use raised sand filter septic systems. It's a special system."

Mr. Williams said, "I thought the rule was that you needed 5 acres."

Jim Hartz said, "No, you only need three-quarters of an acre – it's the minimum for a septic field in Erie County."

Mr. Williams said, "When did they change that?"

Jim Hartz said, "It's always been that way – at least for the last 10 to 20 years."

Mr. Williams said, "I don't think it's possible to drain a septic tank in three-quarters of an acre in solid clay. It takes all of 5 acres to drain a septic tank."

Jim Hartz said, "These lots aren't three-quarters of an acre."

George Van Nest said, "Mr. Williams, is your property currently being farmed right now?"

Mr. Williams said, "No, I'm getting too old to farm it. We did farm it."

Mr. Van Nest said, "There's no suggestion to change your zoning. My question is: Do you have current farming operations on your property that you are concerned about?"

Mr. Williams said, "I'm sorry, I have a problem with my hearing. The reason I'm not farming my property is that I'm too old. That doesn't mean I can't rent it out or have my son farm it."

Mr. Van Nest said, "Sir, my question was only about the nature of your concern. We are not changing anything regarding what you can do with your property."

Mr. Williams said, "I thought the Planning Board wanted to keep open space in the Town of Clarence, but this is going the other way. You don't want Clarence to become a city, do you? I would say that this shouldn't be allowed."

Pat Powers said, "There's no rezoning that's going to take place on your property. It will remain zoned in an agricultural area. The property that these gentlemen plan to build on is going to remain agricultural, as well. There's no zoning change for either of these parcels."

Mr. Williams said, "What good is an agricultural zoning if you're going to build 23 homes?"

Pat Powers said, "It would be at least 6 years before all 23 homes would be there – possibly even longer."

Mr. Williams said, "But that's not 5 acres per home."

Pat Powers said, "That's right. They aren't all 5 acres. The five at the rear are 5 acres, and the rest of them are 2+ acres."

Mr. Williams said, "How do they get around the septic tank situation?"

Pat Powers said, "The septic system plan has been approved by the Erie County Health Department. It has also been signed off by the Town engineer. We thank you for your comments this evening. This plan is up for development plan approval tonight. That means that all the required agencies have looked at the project. This project has been on the books since September 2001. It isn't something that just came up. I'm trying to assure you that all the necessary agencies have looked at this project and have given the go-ahead on it. It meets the requirements as required by law."

Mr. Williams said, "I haven't had a chance to talk to anyone about. These people have been working on it for quite a while."

Pat Powers said, "I'm sure you were notified because you are a neighbor."

Mr. Williams said, "I don't know when I got this notice, but it wasn't too long ago. How long have they been planning? I see by the paperwork that it wasn't just yesterday."

Pat Powers said, "Since September 2001."

Mr. Williams said, "And we have a week to have a rebuttal against professionals?"

Pat Powers said, "There is a list of neighbors who were notified back in February 2002."

David Donohue said, "Is the property under your wife's name?"

Mr. Williams said, "Yes, Ruth Williams."

Pat Powers said, "Yes, there is a Ruth Williams on the list. She must have received a notice back in February 2002."

Mr. Williams said, "I know we never got a notice, or we would have come."

Pat Powers said, "We are going to move along this evening. We will recommend the project to the Town Board. On August 10th there will be a meeting of the Town Board. You can attend that meeting and there will a place for you to speak."

Mr. Williams said, "But how can he build so many houses?"

Pat Powers said, "That's what the law permits. I have tried to explain that all the agencies who are required to look at a project of this type have looked at it and have issued the proper permits for this project to go forward. Perhaps Bill Schutt can help us explain." Mr. Schutt said that he would be happy to talk to Mr. Williams outside.

Mr. Williams said, "You're the ones that said you wanted open spaces."

Pat Powers said, "Exactly. But we also have to follow the law, Mr. Williams. The law says that they can proceed with this project as long as they follow the law. We have to follow that law as well. Thank you for your comments."

Kathryn Klein, 5630 Strickler Road, stated that her property borders this project and she doesn't want to be looking at playgrounds or swing sets. She wants to have trees put in. She said, "No one has addressed the speed limit. Every time I bring it up they say it's an Erie County problem."

Pat Powers said, "It's a county road and we don't have any control over the speed limit."

Mrs. Klein said, "You could go to the County and get this corrected. It's 55 mph and they go down there at 95 to 100. They race between Greiner and Clarence Center. Somebody is going to get killed. Whose fault will it be then? I don't know how Strickler Road is going to handle all the heavy construction. Has anybody addressed the infrastructure? The road is very narrow as it is. It's a great concern."

Pat Powers said, "If we are able to have the developers extend the landscaping along Stricker Road and up the side of your property, would that be acceptable to you?"

Mrs. Klein said, "That would be fine. I want that. It's been beautiful fields for 20 years."

Frank Rivett said, "We have been through this project for four years. One of the concerns was putting 5-acre parcels right on Strickler Road. We could have put ten driveways on Strickler Road, but we worked out an arrangement to make one road cut, which minimizes the amount of traffic. We think the single road and two cul-de-sacs improves the traffic situation.

Mrs. Klein said, "It improves it, but it doesn't eliminate it. There is a little rise in front of my house, and when they come up Strickler Road they are going 80 mph – they will hit that driveway and someone will be creeping out. You can't see over that rise."

Tim Pazda, "Since that's a county road, have you called the Sheriff."

Mrs. Klein said, "I've tried for ten years. No one addresses it."

Mr. Rivett said, "It's 23 homes on 80 acres. It's an awful lot of green space. I back up to the property, and it was my interest to minimize the amount of homes on that 80 acres."

Mrs. Klein said, "When will the homes be put in – the ones that butt up to my property?"

Mr. Rivett said, "That would be the last phase of the project. We're talking maybe 9 years. We can only sell off 4 lots every 3 years, of the less than 5-acre parcels. This is a very slow moving project."

Jim Hartz said, "Madam Chair, if I could suggest directing her concerns regarding traffic on Strickler to the Traffic Safety Advisory Board. They may make recommendations to the County to make a formal study."

Mrs. Klein asked Mr. Rivett about putting trees in along her property line. He said, "That lot line is a pretty good length for us to be treeing. I'm not totally in agreement that we're willing to put trees all the way down that lot line. We've made a lot of concessions in this landscape plan. I don't know if I'm ready to make that kind of agreement." He said that the parcel, which borders Mrs. Klein's property, is 3-1/3 acres and it would be the last to be developed. He suggested that she might want to plant trees as a barrier since it would be 6 – 9 years before the parcel would be developed. She did not feel it was her responsibility to plant trees if they are developing the property. There was discussion regarding how far the new home would be from Mrs. Klein's home.

Pat Powers said, "Mrs. Klein, this project will go from the Planning Board to the Town Board. This should be on the Town Board agenda of August 10th, and there will be a place for you to speak for a limit of 3 minutes. We thank you for bringing these matters to our attention, Mrs. Klein."

Jack Grochocki, 5769 Strickler Road, stated that a marsh swale was indicated on a plan he was looking at. He asked what it was because he had a concern about the west Nile virus.

Mr. Schutt indicated that the area he was referring to was the wetland mitigation area. He said, "We are going to be creating wetlands in that area, which is a series of marshes that drain from one to another in a northerly direction. They are designed and approved by the Corps of Engineers. They are specifically designed not to breed mosquitoes."

Mr. Grochocki said, "That's reassuring. My other question is in regards to Ransom Creek. I guess they are going to be putting in some culvert pipes."

Mr. Schutt said, "This project doesn't touch Ransom Creek. There's a Town ditch that passes through here which ultimately gets to Ransom Creek."

Steve Tripi, 5850 Strickler Road, asked about the cul-de-sac and if it would abut his property. He asked if there would be a tree buffer.

Mr. Schutt said that the latest plan shows the cul-de-sac moved farther away from Mr. Tripi's property line, specifically to save some trees. As a result of a tree survey, the road was moved to the west in order to save an existing group of trees.

Mr. Tripi also stated that the Town must suggest to the County that the speed limit be reduced on Strickler Road. He said, "There are so many houses being built on Strickler. There are kids running up to the road. They are 10 feet away from the road and cars are going 60 mph. Cars are just flying down there. I know it's a county road, but the Town has to be able to suggest something."

Pat Powers said, "As we stated earlier, we will direct that concern to the Traffic Safety Advisory Committee, have them study it, and approach the County to see if anything can be done. Thank you Mr. Tripi."

Scott Bylewski referred to page 3 of the Master Plan, 2nd paragraph, beginning at the second sentence: "The Town should be steering any future residential development toward approved subdivisions with sewers rather than allowing septic system development to grow at the market rate for an indefinite period of time. Allowing unrestricted development in areas that are not serviced by sewers creates a potential environmental hazard for local stream corridors and underground aquifers." He said he just wanted to bring this to the Planning Board's attention as it deliberates on this project.

Harold Frey, 6560 Goodrich Road, said, "Good evening Madam Chair. I feel bad that an old friend of 40 years will go away from here very confused and very unhappy. Sitting on the Board when this project started, one of the main concerns was the drainage. Unless I'm completely wrong, the majority of the drainage from that detention pond is going to go within 75 feet of his house. That's where the drainage from this property goes -- right by his house. This was one of his concerns from day one. Since the time that this project was put in, there's been some controversy about septic systems. As I look at this Board, there's one person that was here when this thing started. If I remember, one of the conditions was that each lot would contain it's own septic system, built for that lot, and there would be no access from the overflow of the filter bed system into the front ditch. It would have an aeration system on the property, with the lots being big enough to handle it. This was one of the concerns of Henry's. I don't think you've explained the whole truth to him. It isn't 4 lots every 3 years. The first 3 years he'll have 8. The four lots in the back do not involve the realty law -- they supersede it. I have no problem with it -- I'm one of the people who talked about it when it first started. He doesn't understand how 23 houses can be built on this amount of land. I've asked Bill (Schutt) to talk to him to try to explain some of these things. This project did have the majority of its bases covered when I left your seat. I think it's a good project for the Town. There are big lots, and it's exactly what we've always looked for. I think it needs to be explained to Henry, and I'm not happy that he will go away frustrated and confused."

Tim Pazda said, "It's certainly regrettable that he had a difficult time hearing us. We attempted at least three times to explain it to him."

Mr. Frey said, "I understand that. That's why I asked Bill Schutt to talk to him. I just wanted the people that are sitting here to know that the majority of these things have been addressed. One of his main concerns is the water that goes right by his house, from this project. He's worried about that."

Action:

Motion by Pat Powers, seconded by Jeff Grenzebach, to recommend development plan approval to the Town Board for a proposed 80+/- acre subdivision at 5700 Strickler Road, known as Strickler Estates, with the following conditions:

1. Subject to the conditions outlined in the Town Engineer's letter of 7/20/2005;
2. Subject to all recreation and open space fees;
3. Homeowners agreement to be reviewed by the Town attorney prior to being placed on the Town Board agenda;
4. There's an approved landscape plan for entrance planting, and berm of pine trees shall start at a minimum of 10 feet off the property line, parallel to Strickler Road. The pines trees are to be a minimum of 6 feet high;
5. Four (4) lots over three (3) years, with the first four lots being #1, #2, #7 and #8; if plan is altered, then Erie County Health Department is to be notified.
6. Safety concerns expressed by Mrs. Klein and Mr. Tripi be referred to the Traffic Safety Advisory Committee; and
7. The lots over five (5) acres could be built during the first year.

On the question?

Mr. Rivett asked about the tree planting out in the front of the property. He didn't think the "berm" was correct in the stipulations. Pat Powers apologized for using the word "berm". He also said that the Erie County Health Department stated that they could alter the order of lots sold as long as they were on Shamus Lane, keeping with the "4 lots every 3 years." (This change was reflected in the conditions.)

Patrica Powers	AYE	Wendy Salvati	NAY
George Van Nest	AYE	Jeff Grenzebach	AYE
Phil Sgamma	Recused	Gerald Drinkard	AYE
Tim Pazda	AYE		

MOTION CARRIED.

Item 6

Subdivision Law

Subdivision Law Review

Discussion:

Pat Powers said, "Since we have already scheduled a work session for July 28th, I would suggest that we table this item until then. If we can get through it on July 28th, there's a chance we might be able to refer the Subdivision Law to the Town Board at one of our August meetings. It's a goal we should strive for."

Action:

Motion by Jeff Grenzebach, seconded by Tim Pazda, to TABLE Item 6, Subdivision Law Review.

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

Meeting adjourned at 9:27 p.m.
Patricia Powers, Chairperson