

Town of Clarence
Planning Board Minutes
Wednesday September 17, 2008

Work Session 6:30 pm

Roll Call
Update on Pending Items
Zoning Reports
Committee Reports
Miscellaneous

Agenda Items 7:30 pm

Approval of Minutes

Item 1

Stone Ridge Estates
Agricultural Rural Residential

Requests Preliminary Concept Review of a proposed major subdivision at Stage and Ransom Roads.

Item 2

Newhouse Acres
Residential Single-Family

Requests Preliminary Concept Review of a proposed 60 lot subdivision on Newhouse Road.

Item 3

Robert Szulis
Agricultural Rural Residential

Requests a minor subdivision approval to create two (2) additional residential building lots on Kenfield Road.

Item 4

Master Plan 2015 Amendments
Harris Hill Road Corridor

Discussion.

Chairman Gerald Drinkard called the meeting to order at 7:30 p.m. Councilman Peter DiCostanzo led the pledge to the flag.

Planning Board Members Present:

Chairman Gerald Drinkard
2nd Vice Chairman Timothy Pazda
Richard Bigler
Gregory Todaro

1st Vice Chairperson Wendy Salvati
Jeffrey Grenzebach
Albert Schultz

Planning Board Members Absent:

George Van Nest

Other Town Officials Present:

Director of Community Development James Callahan
 Planner Brad Packard
 Councilman Peter DiCostanzo
 Deputy Town Attorney David Donohue

Other Interested Parties Present:

Michael Metzger	Robert Sackett
John Kavanagh	Dolores Liebner
Sheri Ehlert	Fred Ehlert
Scott Glassman	Jen Glassman
Carol Minnick	Bob Szulis
Craig Tierney	Mary Powell
Sean Hopkins	Leanne Voit

Chairman Drinkard explains that in the absence of Planning Board Member George Van Nest, alternate Planning Board Member Gregory Todaro will participate in all discussions and vote on all agenda items this evening.

Motion by Jeffrey Grenzebach, seconded by Timothy Pazda, to **approve** the minutes of the meeting held on August 6, 2008, as written.

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

MOTION CARRIED.

Motion by Timothy Pazda, seconded by Richard Bigler, to **approve** the minutes of the Work Session meeting held on August 20, 2008, as written.

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

MOTION CARRIED.

Chairman Drinkard explains that the Planning Board is a recommending body that may vote to refer agenda items to other committees such as the TEQR Committee, Fire Advisory and Traffic Safety for their study and comment. The Planning Board may vote to recommend an action to the Town Board with conditions. The Town Board is the governing body and as such will have the final vote on all items. The procedure for agenda items starts with Jim Callahan introducing and providing a brief history of the item. The applicant will then have the opportunity to speak on the project. The Planning Board members will then have an opportunity to ask questions. The public will be offered the opportunity to speak on the subject; all commentary will be addressed to the Planning Board and will

be limited to three (3) minutes. The applicant will then have the opportunity to respond to the public comment. A motion will be called for with a roll call vote.

Item 1

Stone Ridge Estates
Agricultural Rural Residential

Requests Preliminary Concept Review of a proposed major subdivision at Stage and Ransom Roads.

DISCUSSION:

Jim Callahan provides the history on the project. It is located at the southeast corner of Stage and Ransom Roads and consists of a former quarry on approximately 127 acres. The project was tabled at the August 6, 2008 Planning Board meeting. A work session was held by the Planning Board on August 20, 2008 to further discuss local, regional and Master Plan issues.

Michael Metzger, of Metzger Civil Engineers, is the project engineer. Clayt Ertel, of Realty USA, will be coordinating the development as well as marketing the property once the approvals are had. Both Mr. Metzger and Mr. Ertel have a copy of the Table of Considerations that has been drawn up and distributed to all Planning Board members. Chairman Drinkard explains the Table of Considerations is a matrix of considerations that bear on the project and the applicable codes or laws that may be invoked. A copy of the table is on file.

Timothy Pazda refers item number 1 on the Table of Considerations entitled Lakes. The applicable code is 193-22 Easements: C. Lakes...may be accepted for maintenance by the Town only if sufficient land is dedicated as a public recreation area or park. Lake safety and maintenance must be part of the Homeowner's agreement.

Chairman Drinkard refers to item number 2 on the Table of Considerations entitled Lot Size. The applicable code is 193-24 Utilities: A (2) (b) Since it requires private sewage disposal systems (this area is not on sewers), the development must have no more than four (4) lots of less than five (5) acres. This is consistent with State Law, except Town law does not have a three (3) year time period. The developer must manage lot size in a "rational" way. This can probably be done without seriously contorted lot lines. Each lot has to have frontage on a public road; the applicant clearly demonstrated there is enough frontage for the number of proposed lots. However, the back lots had very contorted strips of land in order to get to frontage on either Stage Road or Ransom Road. The Planning Board could not see how the contortedness of the lots could be enforced in the future. The Planning Board asked the applicant to make the lots simple.

Jeffrey Grenzebach asked Mr. Metzger if the applicant has thought about the septic system. Mr. Metzger said they are not at that point, but knowing the soils that are at the site he suspects a standard septic system will be used.

Timothy Pazda refers to item number 3 on the Table of Considerations entitled Site Surface. The applicable code is 193-25 Site Surface Improvements: This section is written to control site erosion, top soil distribution, etc., and includes statements such as "A minimum of eight (8) inches of topsoil must remain..." This is impractical on a site which has essentially no top soil and would require a variance. Wendy Salvati adds that the code also indicates that top soil shall be redistributed

so as to cover all areas of the subdivision adequately; the applicant will not cover everything, it is not feasible with this project. A super majority vote by the Town Board will be required.

Deputy Town Attorney David Donohue said there was discussion that a variance would be required to satisfy the lot frontage requirement.

Chairman Drinkard refers to item number 4 on the Table of Considerations entitled Streets/Cul-de-sacs. Public/Private determination would have substantial impact on this area of discussion. As written, this area assumes the breakdown requested by the applicant; public cul-de-sac with private road at the end. The applicable code is 193-27 Streets: B (3) (a) Street grades may not be more than 7% and (b)...may not exceed 4% within 100 ft. of intersection, (8)...not more than 12 single-family residences may gain access through a cul-de-sac street. The applicant proposes 14 single-family units off a single cul-de-sac. This would require a Town Board variance. (8) (a) maximum cul-de-sac length is 1500 feet. Cul-de-sac, as shown, is 1250 feet, but cul-de-sac plus private road is 1750 feet. This would most likely require a variance. (8) (b) Turnaround right-of-way radius of 60 feet is required for any cul-de-sac or dead end street. Cul-de-sac shows the turnaround, private road does not; may be inconsistent with applicant's wishes. (13) Pedestrian and Bike Paths, the requirements could be waived by the Town Board because of the nature of the subdivision.

Wendy Salvati refers to item number 5 on the Table of Considerations entitled Recreation Space. The applicable code is 193-29 Park and passive recreation space dedication (A) 12% required, none noted on the drawings. (H) Payment in lieu of space. Limited accessibility of the land may indicate "payment in lieu of" option. Mr. Ertel said of the 92 acres 16 will be used leaving the remaining 76 acres in its natural state. To make a recreation requirement is almost a redundancy; he thinks the Board should consider waving the Recreation Space requirement. Chairman Drinkard said the concept of Recreation Space is for the whole Town to enjoy.

Chairman Drinkard refers to item number 6 on the Table of Considerations entitled Open Development Area. Again, assumes Public/Private split as requested by applicant. The applicable code is 193-31 Purpose: Open developments are established to "retain rural character" where an area "lacks adequate public road frontage." The proposal seems to meet this intent, particularly if a "buffer area" is dedicated along the road(s). Another applicable code is 193-32 Requirements: (A) Maximum number of lots is four. The applicant shows five. The fifth lot would require a variance under Public/private split as requested. (B) Requires 100 foot separation between driveway on cul-de-sac and private road. This would most likely require a variance based on the applicant's drawing. Mr. Metzger said he sees no reason why those 2 driveways can't be accessed off the open development driveway. He goes on to say there are two lots that meet the 150' frontage requirement of the Zoning Classification however they do not meet the 200' frontage requirement for the Open Development portion of the Subdivision Regulations.

Timothy Pazda refers to item number 7 on the Table of Considerations entitled Site is Zoned A-RR. The applicable code is 229-40 Lot Width: (A) All lots must front along a minimum of 150 feet of publicly dedicated right-of-way. Decision regarding public dedication of road has not been made. Subdivision of Land codes would most logically apply.

Mr. Schultz refers to item number 8 on the Table of Considerations entitled Public/Private road break down. The question is posed: Which public or private alternative best serves the Town's interest. The applicable code is Page 17 of The Master Plan: Transportation Systems: Objective is to "...ensure that there is adequate connectivity to existing north/south roads." A second applicable code

is Section 193-27 Streets: (A) Street systems shall promote connectivity. There are four (4) possible scenarios: A.) A public cul-de-sac with a private road off it, this is the applicant's request. This requires dedication and maintenance of a 1250 foot "dead end" road. It also requires about five (5) variances and provides no connectivity. B.) Make the entire road public; extend the cul-de-sac. This requires dedication and maintenance of a 1750 foot cul-de-sac. It denies the "super-private gated community" plan and requires three variances. C.) Make the entire roadway private, the project becomes an "Open Development", requires a variance regarding the number of homes on a cul-de-sac and an Open Development. Since there is enough "frontage" on the parcel, would not require variances described in item 6 on the Table of Considerations. This scenario provides no connectivity. D.) Install a public road through road from Stage to Jones Road. The only variance required would be under item number 3 on the Table of Considerations; this option provides connectivity and denies "super-private gated community."

Mr. Metzger said his applicant has no control over the land from Stage to Jones Road, so option (D) is impossible. Mr. Schultz said another option is a loop road, instead of a through road, from Stage Road to Stage Road. Mr. Callahan said there was discussion of a stub road for future connection if there ever was development to the south of the project. Mr. Ertel said the loop road option is cost prohibitive. Mr. Metzger said the proposed location of the road is due to the varying elevations of the land; it is located on a less steep portion of the project site. Chairman Drinkard said the slope of the land was a concern discussed at the May 21, 2008 Planning Board meeting; input on the roads and the cul-de-sac was requested from the Highway Department, the Engineering Department and the Fire Advisory Board. They were unanimous in their statement advising all roads be either all private or all public, not mixed. The Planning Board would like to refer the project to the TEQR Committee but they need to refer it as a project with either all private roads or all public roads. Mr. Metzger said he believes the only response with regards to the roads came from the Engineering Department in which the Department had no preference to public or private roads.

Chairman Drinkard explains the basis for the request of either all public or all private roads. One reason is the length of the cul-de-sac; this is a unique piece of property with huge lots. Wendy Salvati points out that the Planning Board is looking for the plan with the least number of variances. If the plan was for all private or all public roads, as opposed to a mix of public and private roads, fewer variances would be required. Mr. Ertel said the applicant would prefer a private road.

Mr. Pazda points out that the number of required variances has increased since the Table of Considerations was printed.

Scott Glassman, of 10725 Stage Road, asked that the Planning Board keep in mind his request for a berm as his property is adjacent to the project site. He is against a loop road as he believes it would create more traffic.

Carol Minnick, 4220 Ransom Road, is concerned with water pressure in the area; it is currently very low. There are people in the area that are on wells and she wondered how the blasting will affect the water table.

Mr. Ertel said there shouldn't be any blasting because the area is sand and gravel. Mr. Metzger said it is unlikely there will be any blasting.

Mr. Metzger will work with Erie County to contain water pressure in the area.

ACTION:

Motion by Jeffrey Grenzebach, seconded by Gregory Todaro, to **refer** agenda item number 1 to the TEQR Committee based on the entire project is a proposed Open Development Area with the roadway structure being private.

ON THE QUESTION:

Timothy Pazda asked if the current plan will or has changed from what has been submitted. Wendy Salvati said it will change because of the cul-de-sac discussion. Mr. Metzger said if the roads are all private he sees no reason why the current configuration can't remain the same.

Wendy Salvati said the issue of water pressure needs to be addressed under the SEQRA process. The drainage of ponds and the bringing in of soil also needs to be addressed by the TEQR Committee.

Chairman Drinkard said the TEQR Committee needs to be aware that this project will require a super-majority variance for a number of reasons. These reasons include, but are not limited to, the number of houses on a cul-de-sac and 8" of soil required.

Chairman Drinkard makes the Town Board and the TEQR Committee aware that, because the proposal is for a private road, there is no benefit to the Town and there is no connectivity of roads.

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

MOTION CARRIED.

Wendy Salvati will make the Conservation Advisory Council aware of this project. Mr. Schultz explains that the Town can designate anybody as an interested agency.

Item 2

Newhouse Acres Residential Single-Family	Requests Preliminary Concept Review of a proposed 60 lot subdivision on Newhouse Road.
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DISCUSSION:

Jim Callahan provides the history on the project. It is located on the west side of Newhouse Road between Roll Road and Clarence Center Road and within Erie County Sewer District #5. The property consists of 57+ acres, maximum yield of 60 lots. An Incentive Lot Design has been approved by the Town Board.

Sean Hopkins, of Hopkins, Garas & Sorgi PLLC, is representing the applicant. Project sponsor, Fred Cimato is present along with Leanne Voit, a representative from Greenman Pedersen. Mr. Hopkins refers to the northern property boundary; the Casilio family owns a horse farm directly north of the project site. A buffer for this area was discussed. Mr. Hopkins submitted a letter indicating he would be willing to install a fence on the northern boundary; however the Planning Board

and members of the Casilio family reached a consensus that a fence was not a good idea. After an Executive Planning Board meeting on September 16, 2008 with members of the Casilio family, it appeared that a consensus was reached with respect to the buffer. As a result of the meeting a stated design objective was to provide a minimum buffer of 45'. A revised plan was drawn up showing a minimum buffer of 50'. This buffer increases as it gets closer to the detention pond. This has been added into the proposed permanent open space, which brings the amount of permanent open space to over 20 acres. The length of some of the lots has been shortened; they are not any closer to the Gott Creek Corridor than they previously were. The small strip of open space leading back to Newhouse road has been widened to 18'. The applicant indicated that he will install a path made of millings to provide access to what would be a future bike path.

Chairman Drinkard expresses the concern of the accessibility to the future bike path area. Originally the Planning Board did not care for the cul-de-sac but the proposed opening makes it a walkable cul-de-sac. The two (2) corner lots can not open out on to the cul-de-sac.

Chairman Drinkard refers to the horse farm property to the exact north of the project site and said there was some agreement at the Executive Planning Board meeting about how that area would be buffered with green space. The concern was regarding a precedent that was set on County Road where there was a Business Industrial use right next to an agricultural farm that had horses. That project was referred to the Right-to-Farm group who recommended a 45' buffer; this would be sufficient to buffer the horses from an Industrial respect. The project at hand is Residential Single-Family zoning to Residential Single-Family zoning and the Right-to-Farm group indicated a 25' buffer with a living fence is sufficient, with clear delineation to the horse farm to the north and the residences to the south. Chairman Drinkard will request the TEQR Committee pay close attention to the proximity of the detention pond.

Wendy Salvati asked how the 20+ acres of open space will be handled. Mr. Hopkins said one option is for the open space to be dedicated; a Homeowners Association would be formed. The land would be owned and maintained by the Homeowners Association and would be subject to a conservation easement. There would be no structures allowed in the permanent open space and as much vegetation as possible would be preserved. The Homeowners Association contract would be reviewed by the Town Attorney's office.

Wendy Salvati wants to make sure the Casilio family is OK with the proposal. Mr. Hopkins said the two (2) members of the Casilio family that were present at the Executive Planning Board meeting on September 16, 2008 said a 45' buffer would be acceptable, the proposal is for a 50' buffer.

Timothy Pazda asked how the easement will be noted. Ms. Voit said it will be filed with Erie County; it will be on a plat map and will be indicated on the property surveys.

Mr. Pazda asked the applicant about physically installing the bike path. Mr. Hopkins said the applicant is not willing to install the bike path. Since it is going to be a Town project he does not believe it should be forced on private project sponsors, more importantly it is a liability concern. Jim Callahan explains that the Subdivision Law requires 12% contribution in terms of active recreation or payment in lieu of; this would have to be decided through a Planning Board recommendation and a Town Board approval.

Mr. Hopkins refers to the exception parcel, his client does not own this parcel, but he will follow up with the property owner to see if they are willing to participate in granting an easement across the front of their property.

Mr. Pazda asked for clarification on the bike path. Mr. Hopkins said Mr. Cimato agreed to donate material for the bike path.

Phil Casilio, of Casilio Co., said there is a proposed 200' buffer along Newhouse Road at every residential lot. The southeast corner is his late father's former residence; it does not have a buffer. He would like to see a buffer at this corner. He requested a berm and a treed area, as opposed to a fence, along the adjoining property line of the proposed project and the property to the north. The primary occupant of the property to the north of the project site is Legacy Hunters. He is requesting a minimum buffer larger than 50'. An important factor for this request is that the majority of the use on the adjoining property is a horse boarding and riding facility. Horses are a sensitive animal and easily intimidated. The horses will be ridden down the driveway so the rider must be taken into consideration as well.

Mary Powell, of 4354 Homestead Lane, is the president of the companies that own the land adjacent to the project site; she is also one of the executors of the estate of Pat Casilio. She is concerned with respect to the liability, not only of boarders, but they have a large lesson program as well. She is also concerned that there is no buffer for lots 22 and 23; these lots are up against the residential driveway. She is aware of the 45' buffer requirement but would like a buffer larger than the proposed 50'. Chairman Drinkard said the Planning Board must adhere to the law, which is at least 45'. The representatives of the Casilio family that were present at the Executive Planning Board meeting explained that they are part of a five member board that has to agree with all decisions; the two representatives agreed with what was discussed at the meeting but clarified they have to run it by the rest of the members of their board.

Mr. Hopkins refers to the rear portions of lot 22 and 23; the house that is on the adjacent lot is not located anywhere near the shared property line. There is more than an adequate buffer in this area.

Chairman Drinkard points out that there is no way to get to the house that is on the parcel adjacent to lots 22 and 23 without going through the horse farm. So the horse farm property will have to have a split off to have access should that parcel ever be developed.

Wendy Salvati said there was discussion about having a connection between the open space around the pond and the open space on the northern side of the property. If there was a buffer behind lots 22 and 23 it would provide connected open space all the way around the property.

Mr. Hopkins said there will be no trees removed from the open space area. Nor does he want to encourage any type of activity close to the Gott Creek corridor. Wendy Salvati objects to anyone doing anything in the open space except for putting the milled path through, nobody should be playing football or having picnics in this area; the land is dedicated open space for preservation. A recreational area can be set aside for such activities.

Chairman Drinkard said an analysis was done of the entire Gott Creek corridor and the TEQR Committee came up with recommendations and statements of observations in many areas. The Gott Creek study is available in the Planning and Zoning Office.

Mr. Schultz asked how wide the buffer gets, Mr. Hopkins said it widens to 75'. Mr. Schultz refers to the Agricultural Right to Farm Code does not provide a specific requirement for what the buffer needs to be. In fact the code is written to prevent the farm from getting sued by residents for odors. Mr. Schultz refers to section 193-23 Buffer Strips/greenbelt: When residential districts directly abut major arterials and/or commercial and industrial development or other areas as determined by the Town Board, a buffer strip consisting of at least 45' shall be provided... Mr. Schultz points out that an agricultural zone is not listed in the code; the speculation is that the Board would include it because it has been discussed previously. He refers to the Right-to-Farm group who advised a 25' buffer would be reasonable, Mr. Cimato agreed. After further discussion, the Planning Board decided to be more accurate and refer to the code, which requires a 45' buffer, Mr. Cimato agreed. Mr. Schultz said this is being very reasonable in order to try and appease the neighboring business. The Board needs to look at who is being reasonable and who is not.

Mr. Pazda said he is offended and will not vote to move this proposal anywhere. He was in attendance at the Executive Planning Board meeting and remembers the applicant saying he would provide base for the bike path, now Mr. Hopkins is saying the applicant will not provide base. Mr. Hopkins clarifies that the applicant said it is something that could be considered.

ACTION:

Motion by Richard Bigler, seconded by Albert Schultz, to **refer** agenda item number 2 to the TEQR Committee for their review of a 60 Lot Incentive Design Subdivision on Newhouse Road.

ON THE QUESTION:

The TEQR Committee shall pay particular attention to the placement of the detention pond and the potential disturbance of Gott Creek and its feeders and streams in the immediate area. The TEQR Committee is asked to consider the potential for having connected green space all the way around the project. TEQR is made aware that lots 1 and 2 will be a common curb cut. Specific letters with regards to sewer transport and treatment capacity will be required from the Town of Amherst and Erie County Sewer District #5.

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

MOTION CARRIED.

Item 3

Robert Szulis	Requests a minor subdivision approval to create
Agricultural Rural Residential	two (2) additional residential building lots on
	Kenfield Road.

DISCUSSION:

Jim Callahan provides the history on the project. It is located on the east side of Kenfield Road and consists of 16+ acres. Previous splits to the parent parcel have created five (5) residential lots. The applicant is seeking approval for two (2) additional residential lot splits.

Craig Tierney, of Hunt Real Estate, is representing the applicant. He explains that there is a house to the south of lot 2. The size of the lots are 150' x 421', which is 1.33 acreage; this exceeds the Erie County Health Department requirement for septic systems; the plan is for sand filters going to the front ditch.

Jim Callahan explains that the applicant was made aware that his last split was the fifth split and was a majority approval by the Town Board. Anything beyond four (4) splits is a major subdivision per Law, thus the reason the proposal is before the Planning Board.

Wendy Salvati refers to item number 4 Lot Size on the Table of Considerations for this project. A copy of this table is on file. The applicable code is 193-24 Utilities: A (2) (b) Since it requires private sewage disposal systems, the development must have no more than 4 lots of less than 5 acres. Town Law does not allow additional splits of less than 5 acres every three years as the State Regulation does. The proposal would have to be modified to increase lot size to 5 acres. This would require over 560 feet of frontage per lot, which would essentially consume the entire parcel. Alternatively, proposal would require a Town Board variance allowing splits (considerably) less than 5 acres.

The Planning Board can not accept this proposal because it violates the law. The proposal will be rejected this evening; the applicant may seek advice from the Planning and Zoning office with regards to a variance request or the applicant can comply with the code.

John Kavanagh, of 7185 Kenfield Road, wants the Board to be aware of the poor quality of the well water. There is very high sulfur content in the water. The well water quality has decreased for his neighbor to the south. Mr. Kavanagh spends approximately \$100 a month to make the water drinkable. He has approached the Erie County Water Authority about bringing a water line to his house from Lapp Road; the estimate to do this was approximately \$2,000. He wonders if the Town can do anything to work with Erie County to bring public water to this area. This question can be asked of the Town Board, but ultimately, it is the responsibility of Erie County. Mr. Kavanagh said the aquifer quality will decrease with each new house that is built in that area.

Bob Szulis, owner of the land, said he asked Erie County to run water in the area but he was unsuccessful. He wonders why the Town can't help the people in this area get water.

Chairman Drinkard asked if Mr. Szulis was aware that splitting this last lot would put him in the major subdivision category. Mr. Szulis said no. Chairman Drinkard suggests Mr. Szulis speak with Mr. Callahan or the Town Engineer to learn how to proceed.

Mr. Callahan asked Mr. Szulis if he intends to split more lots off after these two (2) proposed splits. Mr. Szulis said no this will be it; the rest is his farm land.

Mr. Schultz reads from Section 193-24 Utilities of the Subdivision Code: improvements required to assure that the property is adequately served by a water distribution system transmitting potable water to the subdivision and appurtenances. This is for any subdivision. It is further clarified that no subdivision can be put in on a well water system.

ACTION:

Motion by Albert Schultz, seconded by Wendy Salvati, to **recommend denial** of this project as it does not adhere to the Major or Minor Subdivision Code.

ON THE QUESTION:

It is noted for the record that the current owner identified these last two (2) splits as the final splits of the land; agricultural land will be preserved. When Mr. Szulis purchased the property there were already 3 lot splits.

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

MOTION CARRIED.

Item 4

Master Plan 2015 Amendments
Harris Hill Road Corridor

Discussion.

DISCUSSION:

Jim Callahan explains that at the annual public hearing for the Master Plan 2015 held in February 2008 a request was made to consider amending the future land use map for the Harris Hill Road Corridor. The Planning Board held an introductory meeting to analyze and hear preliminary comments on the proposed amendments. The Planning Board identified additional information would be required to properly review the request. No additional information has been submitted as of this date.

Meetings with regard to the Master Plan 2015 amendments for the Harris Hill Road corridor were held at the Town Board on February 27, 2008, and at the Planning Board on May 7, 2008 and May 21, 2008. The item was then tabled for five (5) days to allow more time to provide additional information.

ACTION:

Motion by Timothy Pazda, seconded by Gregory Todaro, to **recommend** Master Plan 2015 **not** be changed in the areas off Harris Hill Road, north of Greiner Road as described in the various minutes.

ON THE QUESTION:

A request to change the Master Plan was made at the Town Board on February 27, 2008; the request was forwarded to the Planning Board for review. The Planning Board held two (2) public meetings asking for resident input, all people heard spoke against the rezone request with one (1) exception. Specific people and comments are noted in the minutes of the Planning Board meetings.

After significant analysis of the Planning Board and input from the public, the motion above was made.

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

MOTION CARRIED.

MISCELLANEOUS:

Discussion took place regarding a sign that was approved by the Sign Review Committee for the Buffalo Road Hobby and Toy Shop on Main Street. The sign application was submitted December 18, 2006. Attached to the application is a pictorial representation of what was desired. The pictorial shows the sign as stark yellow (the actual sign is not as stark), the two (2) monuments on either side was approved on the condition that the monuments would be equal to the height of the sign, which does comply with all requirements. Two comments were made regarding the sign: 1.) the look and the color of the sign and 2.) the representation or what was on the sign. Chairman Drinkard said the content of the sign is something that, legally, under the First Amendment Right, the Sign Committee can not control. Within the Sign Committee's purview they the can not reject the sign because of content. Chairman Drinkard does not think it is an ugly sign. Jim Callahan said the sign is not finished yet; the columns need to be completed.

Further discussion ensued regarding signs.

Meeting adjourned at 9:37 p.m.

Carolyn Delgato
Senior Clerk Typist