

Town of Clarence
Planning Board Minutes
Wednesday December 23, 2009

Agenda Items 6:30 pm

Approval of Minutes

Item 1

Stahley Road LLC
Residential Single-Family

Requests recommendation on a subdivision for residential building lots at 8315-8385 Stahley Road.

Chairman Gerald Drinkard called the meeting to order at 6:30 p.m.

Deputy Town Attorney David Donohue led the pledge to the flag.

Planning Board Members Present:

Chairman Gerald Drinkard
2nd Vice Chairman Wendy Salvati
Richard Bigler

1st Vice Chairman Albert Schultz
Jeffrey Grenzebach
Gregory Todaro

Planning Board Members Absent:

George Van Nest

Timothy Pazda

Other Town Officials Present:

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

Other Interested Parties Present:

Nancy Lamm
Ed Burkard
J. Normandin

Joan Matheis
G. Tinklepaugh
Linda Doerfler

Chairman Drinkard explained that in the absence of George Van Nest and Timothy Pazda, Planning Board Alternate member Gregory Todaro will be participating in all discussions and voting on all agenda items.

Motion by Jeffrey Grenzebach, seconded by Richard Bigler, to **approve** the minutes of the meeting held on December 9, 2009, as written.

Gregory Todaro	Aye	Richard Bigler	Aye
Jeffrey Grenzabach	Aye	Wendy Salvati	Aye
Al Schultz	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 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

Stahley Road LLC
Residential Single-Family

Requests recommendation on a subdivision for residential building lots at 8315-8385 Stahley Road.

DISCUSSION:

Jim Callahan provides the history of the project. The property is located on the south side of Stahley Road, east of Miles Road. It is existing vacant land located in the Residential Single-Family Zone. The applicant is present seeking a recommendation from the Planning Board to create a major subdivision along the road frontage. The application was referred by the Town Board at the November 4, 2009 meeting. The application was tabled at the December 9, 2009 Planning Board meeting pending comment from the Engineering Department. A memo dated December 17, 2009 has been received from the Engineering Department; the memo is on file. Verification has been provided that there is minimum frontage for 5 lots. The Board has done research on the 5 lots and the lots meet the minimum requirements for frontage and lot size, and so the 5 lots as proposed would comply with zoning.

Mr. Schultz reads the memo dated December 17, 2009 from the Town Engineering Department: "The Town of Clarence Engineering Department has conceptually reviewed the request for the proposed 5-lot subdivision located at 8315-8385 Stahley Road. The Engineering Department recommends approval of the Stahley Road Subdivision based only on grading and drainage subject to the following conditions:

1. A comprehensive drainage and grading plan be prepared, reviewed and approved by the Engineering Department for the entire 5-lot subdivision prior to issuance of any building permits or land disturbance.
2. Individual drainage and grading plans are required for each building permit application. The individual drainage and grading plan must represent the intent of the approved comprehensive drainage and grading plan for the entire subdivision.

3. The applicant meets with representatives of the Engineering Department on site to discuss the overall drainage patterns of the property and discuss immediate corrective actions (if any) for any existing drainage concerns.
4. The applicant meets with representatives of Erie County Department of Public Works Division of Highways relative to any drainage concerns within the Stahley Road Right of Way (if any).
5. No filling is allowed beyond the existing southern limit of fill except for minor grading and seeding.
6. Rough and final grading inspections conducted by the Engineering Department and respective approvals are required prior to issuance of Certificates of Occupancy.”

Kevin Curry, of Patrick Homes, is present.

Assistant Town Engineer, Timothy Lavocat, said he performed a site visit on December 8, 2009 and took measurements of what has been filled and reconfirmed some items from previously issued permits.

Ed Burkard, of 8395 Stahley Road, asked what the long range plan is for the Stahley Road corridor. Projects move forward and develop on Stahley Road, but Mr. Burkard has not seen a plan to improve the drainage. This project will add to the drainage issues.

George Tinklepaugh, of 8384 Stahley Road, thanks the Planning Board for listening to his comments and welcomes Kevin Curry, should everything be approved, to the neighborhood. He is also concerned with the drainage and whatever the Town can do will be appreciated.

Nancy Lamm, 8406 Stahley Road, is also concerned with the drainage problems. She has only lived at her property for a year and a half but has had major flooding twice. She is concerned the water will come into her house and would appreciate anything that can be done about the current flooding issues. She previously wrote a letter stating her concerns, the letter is on file.

Linda Doerfler, of 8400 Stahley Road, is also concerned about the drainage. Her property takes the brunt of the water; it is like a lake in her backyard. After a rainstorm most of the water will recede, however the ground stays wet for quite some time.

ACTION:

Motion by Al Schultz, seconded by Wendy Salvati, to **recommend** the Town Board issue a Negative Declaration under NYS SEQRA Law for a 5-lot split at 8315-8385 Stahley Road as proposed by Stahley Road LLC on December 9, 2009. This recommendation is base on a Short Environmental Assessment Form prepared by the Planning Department and the supporting documentation in the Planning Office files

ON THE QUESTION:

Mr. Schultz said there was a lot of previous work done which includes a wetland delineation, drainage, architectural and archeological studies. These studies are in the file.

Gregory Todaro	Aye	Richard Bigler	Aye
Jeffrey Grenzebach	Aye	Wendy Salvati	Aye
Al Schultz	Aye	Gerald Drinkard	Aye

MOTION CARRIED.

Mr. Schultz explained there are three (3) parts to the next motion, as an overview it is based on the fact that this is a major subdivision but is not laid out like many other subdivisions where there are many houses with a separate road going around it. If the second motion is passed it is intended to comply with the reality of the situation.

ACTION:

Motion by Al Schultz, seconded by Wendy Salvati, to **recommend** the following action to the Town Board with regard to the 5-lot major subdivision at 8315-8385 Stahley Road:

1. Approve the lot split as proposed by Stahley Road LLC on December 9, 2009. Approval should require that the applicant comply with each of the six (6) conditions spelled out in the letter from the Clarence Town Engineer's Office to the Planning Board dated December 17, 2009.
2. Waive the requirement under paragraph 193-21(E) where driveways must share a common curb cut, and allow an individual curb cut for each of the five (5) parcels consistent with the other residential development along Stahley Road.
3. Allow Engineering Review/Development Plan Approval on a lot by lot basis as each individual parcel is developed.

Gregory Todaro	Aye	Richard Bigler	Aye
Jeffrey Grenzebach	Aye	Wendy Salvati	Aye
Al Schultz	Aye	Gerald Drinkard	Aye

MOTION CARRIED.

Chairman Drinkard notes that this is Jeffrey Grenzebach's last meeting as he is resigning. He thanks Mr. Grenzebach for his past service on various committees in the Town for the past 20 plus years.

Wendy Salvati notes that this is Chairman Drinkard's last meeting and she thanks him for his services as well.

Meeting adjourned at 6:53 p.m.

Carolyn Delgato
Senior Clerk Typist