

Town of Clarence
Planning Board Minutes
Wednesday November 30, 2011

Work Session 6:30 pm

Status of TEQR Coordinated Reviews
Review of Agenda Items
Miscellaneous

Agenda Items 7:30 pm

Approval of Minutes

Item 1

Susan Ballard/Patrick Custom Homes. LLC
Residential Single-Family

Requests Minor Subdivision Approval to create one (1) new residential building lot north of 5775 Newhouse Road.

Item 2

Northwoods Open Space Design Subdivision
Residential Single-Family

Public Scoping Session for Open Space Design Subdivision on the north side of Greiner Road, east of Shimerville Road.

Item 3

Affordable Senior Housing Opportunities of New York, Inc.
Commercial

Requests an Action under the State Environmental Quality Review Act (SEQRA) and Concept Review of a proposed Senior Housing project at 8040 Roll Road.

Item 4

John and Flora Leamer
Residential Single-Family

Requests Preliminary Concept Review of a proposed multi-family housing project at 6150 Goodrich Road.

Chairman Al Schultz called the meeting to order at 7:30 p.m.

Supervisor-elect David Hartzell led the pledge to the flag.

Planning Board Members present:

Chairman Al Schultz
2nd Vice-Chairman Richard Bigler
George Van Nest
Robert Sackett

Vice-Chairperson Wendy Salvati
Timothy Pazda
Paul Shear
Gregory Todaro

Planning Board Members absent: none

Town Officials Present:

Director of Community Development James Callahan
 Planner Brad Packard
 Supervisor-elect David Hartzell
 Councilman Peter DiCostanzo
 Councilman Robert Geiger
 Deputy Town Attorney David Donohue

Other Interested Parties Present:

Susan Ballard	Kim Grant
Duane Burkard	Norm Radtke
Gail Berger	Karen Willyoung
Beverly Polito	Dave Horbinsky
John Fisher	Timothy Ronald
Joe Clouse	Helen Turyk
Dee Folger	

Motion by Paul Shear, seconded by Timothy Pazda, to **approve** the minutes of the meeting held on November 9, 2011, as written.

ON THE QUESTION:

Page 2011-169, paragraph four is amended as follows: “It is noted that the plan does not include a driveway **to the adjacent Dorr residence.**”

Robert Sackett	Aye	Paul Shear	Aye
George Van Nest	Abstain	Timothy Pazda	Aye
Richard Bigler	Aye	Wendy Salvati	Aye
Al Schultz	Aye		

MOTION CARRIED.

Jim Callahan will introduce each agenda item. Before the Planning Board takes any action the public will have the opportunity to voice any questions or concerns.

Item 1

Susan Ballard/Patrick Custom Homes. LLC
 Residential Single-Family

Requests Minor Subdivision Approval to create one (1) new residential building lot north of 5775 Newhouse Road.

DISCUSSION:

Jim Callahan provided the background on the project stating that it is located on the east side of Newhouse Road south of Clarence Center Road. It is existing vacant land located in the Residential Single-Family zone. The applicant is proposing to split the lot to create an additional residential building lot. Per the Zoning Law the Planning Board has final approval authority on minor subdivisions.

Susan Ballard is representing the owner of the property and the potential future owner. The future owner would like to build a 3,000 square foot single-family residence and the setbacks would be consistent with the homes on either side of property. The future homeowner has an interest in owning horses at this location. There will be one lot left approximately 5 acres in size, suitable for one single family home. There is no intention to develop any further on the back wetlands.

John Fisher asked how the creek that drains the wetland is going to be managed.

Ms. Ballard said the creek is not in the area that is going to be disturbed during the construction of the house. Wendy Salvati said the property owners need to be aware that there are wetlands in the back of the property and if they want to do anything back there they need to go to the appropriate agencies and seek the proper permits. Any grading and drainage plan needs to be approved by the Town Engineer.

ACTION:

Motion by Robert Sackett, seconded by Richard Bigler, pursuant to Article 8 of the Environmental Conservation Law, to **issue** a Negative Declaration on the proposed Patrick Custom Homes Minor Subdivision located on the east side of Newhouse Road south of Clarence Center Road. This Unlisted Action involves a minor subdivision to create one new residential building lot in the Residential Single-Family zone. After thorough review of the submitted site plan and EAF, it is determined that the proposed action will not have a significant negative impact upon the environment.

Robert Sackett	Aye	Paul Shear	Aye
George Van Nest	Aye	Timothy Pazda	Aye
Richard Bigler	Aye	Wendy Salvati	Aye
Al Schultz	Aye		

MOTION CARRIED.

ACTION:

Motion by Robert Sackett, seconded by Richard Bigler, to **approve** the minor subdivision of Patrick Custom Homes located on the east side of Newhouse Road, south of Clarence Center Road with the following conditions:

1. Review and approval of the Town Building and Engineering Department related to any future building construction on the property.
2. Review and approval of the Erie County DPW related to any access drives/curb cuts related to future property development.
3. Review and approval of the Erie County Health Department related to any future on-site sanitary sewer facilities.
4. Subject to Open Space and Recreation Fees.

Robert Sackett	Aye	Paul Shear	Aye
George Van Nest	Aye	Timothy Pazda	Aye
Richard Bigler	Aye	Wendy Salvati	Aye
Al Schultz	Aye		

MOTION CARRIED.

Item 2

Northwoods Open Space Design Subdivision
Residential Single-Family

Public Scoping Session for Open Space Design
Subdivision on the north side of Greiner Road,
east of Shimerville Road.

DISCUSSION:

Jim Callahan provided the history on the project stated that it is located on the north side of Greiner Road between Shimerville Road and Thompson Road. It is existing vacant farmland located in the Residential Single-Family zone. The applicant is proposing an Open Space Design Subdivision. A Positive Declaration under the State Environmental Quality Review Act (SEQRA) was issued by the Town Board on November 16, 2011. The Planning Board is holding this public scoping session to identify the potential environmental impacts associated with this project.

Timothy Pazda recuses himself from the discussion and vote as he owns land adjacent to the project site.

The applicant is not present.

Chairman Schultz reads a statement into the record: "After a thorough review of all relevant information, including responses from all involved agencies, the Planning Board determined that the Northwoods project proposal warranted a Positive Declaration (or a "Pos Dec") under the New York State Environmental Quality Review Act in our public meeting of November 9, 2011. In that meeting we announced that this recommendation could be reviewed by the Town Board on November 16, 2011 and, if the Town Board agreed and issued a "Pos Dec" we would begin the scoping process for the necessary Supplemental Environmental Impact Statement immediately, and would hold a public meeting on that scoping on November 30, 2011. The applicant suggested an informal scoping meeting. We established this aggressive timetable because we believed that the project sponsor was anxious to move the project forward, and we were determined to do what we could to facilitate the resolution of environmental issues. We further felt that, since the local residents had been concerned and involved in this project evaluation from the beginning, the scoping would be done in a public forum. The Clarence Town Board, in their role as Lead Agency, issued a "Pos Dec" on this project proposal at their November 16, 2011 public meeting; they further charged the Planning Board with leading the scoping process. The next step in the process, under State Law, is for the Project Sponsor to submit a Draft Scope for review. We believed, based on the Sponsor's expressed desire to move this proposal forward, that this Draft Scope would be received by the Town well in advance of tonight's meeting. We were surprised that the Project Sponsor has not submitted a Draft Scope and, further, informed us that they would not participate in the scoping process pending their reevaluation of certain aspects of their plan. They asked to be removed from tonight's agenda. The meeting, however, had been set and the public notified. We cannot make real progress on the Environmental Impact Scope until the applicant submits a draft. We can, however, show the audience a brief summary of the issues identified

in the reviews and solicit comments on those issues. We will put these comments on the public record for future reference, along with any other environmental issues raised by the public.”

There are five (5) issues that were identified in the environmental assessment as needing additional work:

- **State/Federal Wetland Areas**- The project site contains both state and federally protected wetland areas that could be impacted by the project and utility extensions.
- **Sanitary Sewer Districting/Capacity**- The project site is not currently within a sewer district; available capacity and potential district service options are unknown.
- **Agricultural and Aesthetic Resources**- The project site is currently utilized for agricultural production and contains open space vistas that are significant to the community.
- **Archeological Resources**- The project site has been identified as potentially archaeologically sensitive based both on general and specific site information.
- **Existing Transportation Systems**- As currently planned, the project site is intended to have access to 3 existing County Right of Ways. Previous traffic studies did not include development of this parcel.

Any public comment will be included in the scope and the Planning Board’s review of said scope. Once the scope is received it will be presented to the public.

Timothy Ronald, of 5275 Shimerville Road, said there are a lot of homes on Greiner Road that would negatively impact the green space, specifically homes 1 thru 4 and homes 142 thru 150. He suggested moving the homes further into the development.

Michael Rogers, of 8905 Country Club Drive, is concerned with the three (3) access points of the subdivision. He would rather not see an access point on Country Club but if it must be he said it is important to keep the other two (2) access points so that it will lessen the traffic on Country Club. With the increased traffic on Country Club Drive he asked if the project will bring any improvements to that road or to the drainage. With sewers being introduced to the immediate east of his home he asked if there will be any provisions for future extensions down Country Club. He would like to see lots 147 and 148 moved to increase the buffer between his property line and the development. He would not like to see Country Club Drive used as a construction access for the development.

Donald Schulz, of 8902 Greiner Road, voiced his concern with the increased traffic and poor drainage in the area.

Chairman Schultz said there was a detailed traffic study done 10 years ago when the Heise Brookhaven line was installed which specified the traffic would be all east of Thompson Road. This project is west of Thompson Road. The Planning Board recognizes the traffic concerns associated with this project.

Sery Marasco, of 8901 Country Club Drive, agreed with the statements that Mr. Rogers made. He is concerned with what will happen to Country Club Drive when construction begins. Will it be a major construction route? He does not want to see this happen.

Any other concerns or comments can be sent to the Planning and Zoning Department where they will become part of the file.

Wendy Salvati said view sheds should be looked at during the scoping session.

ACTION:

Motion by George Van Nest, seconded by Paul Shear, to **table** any action related to the SEQRA review and scoping until such time the project applicant provides the Planning and Zoning Office with a written Draft Scope and Supplemental Environmental Impact Statement.

ON THE QUESTION:

When the Draft Scope is received it will be made available for public review and comment. Meanwhile, comments made here tonight are made part of the SEQRA record.

Robert Sackett	Aye	Paul Shear	Aye
George Van Nest	Aye	Timothy Pazda	Recuse
Richard Bigler	Aye	Wendy Salvati	Aye
Al Schultz	Aye		

MOTION CARRIED.

Item 3

Affordable Senior Housing Opportunities of New York, Inc.
Commercial

Requests an Action under the State Environmental Quality Review Act (SEQRA) and Concept Review of a proposed Senior Housing project at 8040 Roll Road.

DISCUSSION:

Jim Callahan provided the history on the project stating that it is located on the north side of Roll Road, east of Transit Road. It is existing vacant land identified as a commercial and restricted business in the latest Master Plan 2015 amendment. The applicant is proposing to develop a senior housing complex on the property and is present seeking a recommendation under the State Environmental Quality Review Act and on the proposed Concept to move the project forward for further review.

Michael Connors, of 348 Harris Hill Road, Suite B, Williamsville, NY, is present. Mr. Connors explained the intention of the project is to build a senior citizen complex. It would be a single three (3) story building. The ingress to the property is from Roll Road. The eastern side of the building extends 300' from the western border of the property owners in the neighboring residential subdivision. There will be landscaping added to the design to provide additional buffering. The target market is senior citizens 60 years of age and greater capable of living independently.

Chairman Schultz noted that the entire action for this project requires a Special Exception Use Permit; therefore the Planning Board is only a recommending body. The Town Board has the approval authority. This project will require a public hearing; it also requires a rezoning of the property and needs a zoning variance on density. Mr. Connors is aware of all that is required.

Mr. Connors explained there are 138 units in the building with a mixture of one (1) and two (2) bedroom apartments. Currently there is a 1 to 1 ratio for the parking and a limited number of garages; there are 138 parking spaces including the garages. There is very limited staff for the building; it is not assisted living. There will be approximately three (3) staff members, a maintenance person, a leasing

agent and an on-site property manager. Mr. Connors has implemented nine (9) other such buildings in the area with similar parking ratios and it has proved to be more than enough.

Mr. Pazda asked the applicant if he is amenable to land banking some of the parking to the east and only put it in if needed. Mr. Connor said he will look into this but he does have to keep emergency services in mind to be sure they have enough room to maneuver at the site.

Mr. Van Nest noted that Mr. Connors has experience with the parking ratio due to the other buildings he has been involved with and if Mr. Connors feels this parking is adequate, Mr. Van Nest would tend to agree with him.

Mr. Shear asked if the house at the Roll Road access will remain, Mr. Connors said yes. Mr. Shear asked if the curb cut for the house and the project could be blended together to make a single curb cut at the street. Mr. Connors said the existing curb cut will be eliminated and there will be one for the main drive to the apartment building that may “elbow” over to the house. There will not be two (2) curb cuts close to each other.

Mrs. Salvati voiced her concern regarding the narrow area between the property line to the west and the proposed entrance drive. She is concerned about potential impacts to the owner of that land and how the applicant would go about mitigating those impacts. Mr. Connors said he has not had a specific meeting with that homeowner; however that homeowner has attended informational meetings that were held early on in the process. He has also attended meetings held by the Town. Mr. Connor said he can sit down with the neighbor and discuss adding some screening not only for the neighbor’s privacy but for the privacy of the occupants of the apartment building as well. Mrs. Salvati asked if the applicant could move the driveway so that it is more centrally located between the neighbor’s property line and the structure; this may enable some of the trees in that area to be saved. Mr. Connors said they will consider shifting the driveway closer to the existing home as the drawings mature.

Deputy Town Attorney David Donohue asked if the applicant’s company has taken title to the property yet. Mr. Connors said not yet, he typically doesn’t take title to the property until they advance a bit further in the process.

Chairman Schultz noted that there were no responses from any of the involved agencies on the SEQRA review.

ACTION:

Motion by Timothy Pazda, seconded by Wendy Salvati, pursuant to Article 8 of the Environmental Conservation Law, to **recommend** a Negative Declaration to the Clarence Town Board on the proposed Affordable Senior Housing Opportunities of New York, Inc. Senior Housing Project located at 8040 Roll Road in the Town of Clarence. This Type I Action involves the Rezoning of Property in conformance with Master Plan 2015 and construction of a Senior Housing Complex in the Commercial and Restricted Business Zones. After thorough review of the submitted site plan and Environmental Assessment Forms Parts 1, 2 and 3, it is determined that the proposed action will not have a significant negative impact upon the environment.

Robert Sackett	Aye	Paul Shear	Aye
George Van Nest	Aye	Timothy Pazda	Aye
Richard Bigler	Aye	Wendy Salvati	Aye
Al Schultz	Aye		

MOTION CARRIED.

Mr. Callahan noted that this project would go as a recommendation under councilmatic reports at the next Town Board meeting.

ACTION:

Motion by George Van Nest, seconded by Paul Shear, to **recommend** rezoning the properties (SBL # 57.09-6-12 and 57.05-5-8) on the east side of Transit Road and north side of Roll Road by extending the Commercial Zone 180 +/- feet east and creating Restricted Business Zoning per the recent Master Plan 2015 Amendment.

1. Commercial and Restricted Business Zones as previously described in 2011 Master Plan 2015 Amendment approved on 9/14/11.

Robert Sackett	Aye	Paul Shear	Aye
George Van Nest	Aye	Timothy Pazda	Aye
Richard Bigler	Aye	Wendy Salvati	Aye
Al Schultz	Aye		

MOTION CARRIED.

Jim Callahan noted that the Town Board will be the responsible agent for rezoning. A public hearing will be set and specifically described in the public notice. This would need to be identified on the Town Board work session prior to being a formal agenda item.

ACTION:

Motion by Paul Shear, seconded by George Van Nest, to **recommend** Concept Approval of the proposed Affordable Senior Housing Opportunities of New York Senior Housing Project located at 8040 Roll Road in the Town of Clarence, with the following conditions:

1. Per the site plan dated 4/4/11 by C&S Engineers, Inc.
2. This will represent maximum build-out of the parcel.

ON THE QUESTION:

The project will require a Special Exception Use Permit as issued by the Clarence Town Board and approval of the proposed unit density as per the Zoning Board of Appeals.

Mrs. Salvati asked what the buffer between the project and the Kippen Drive community will be. Mr. Connors said after the engineer reviews the project it is possible that the detention pond could go there. A preliminary broad brush review shows the pond may go to the north behind the building. The buffer

may be a berm and some landscape or left undisturbed or a combination of both. If the area was left natural it would be maintained.

Currently the dumpsters are at the northeast corner of the project site. The maintenance person will take the garbage to the dumpster.

Chairman Schultz noted that the road will have to be up to Town standards, public water and hydrants as appropriate, drainage and storm water management will have to be designed and approved by the Town Engineer. Appropriate sidewalk access will need to be determined. Landscape Plan approval will be required by the Landscape Committee. Commercial Open Space fees and Recreation fees will be required as well.

Mr. Pazda asked what the plan is for the ingress/egress on Roll Road. Mr. Connors said it will be a two (2) lane access drive. Two cars can pass, one heading into the development the other heading out of it. Traffic can take a left or right entering and exiting the site. Mr. Pazda voiced his concern regarding traffic on Roll Road and turning left onto it. Mr. Connors said he considered that when he selected this location for the project. He explained that these tenants are not typical peak-hour drivers.

Mr. Sackett asked about sidewalk access and if the applicant would extend the sidewalk to the 7-11 store that is there and then to the pharmacy that is across Transit Road. Mr. Connors said that typically the tenants would not walk to the 7-11 store and would definitely not cross Transit Road.

Robert Sackett	Aye	Paul Shear	Aye
George Van Nest	Aye	Timothy Pazda	Aye
Richard Bigler	Aye	Wendy Salvati	Aye
Al Schultz	Aye		

MOTION CARRIED.

Item 4

John and Flora Leamer
Residential Single-Family

Requests Preliminary Concept Review of a
proposed multi-family housing project at 6150
Goodrich Road.

DISCUSSION:

Jim Callahan provided the history on the project. It is located on the west side of Goodrich Road, south of the Peanut Line. It is existing residential property located in the future Traditional Neighborhood District per recent Master Plan 2015 Amendment. The applicant is proposing a senior housing project.

Flora Leamer, of 6150 Goodrich Road, is present and explained that the project is for a multi-family structure consisting of 18 units that are one (1) floor, two (2) bedroom, two (2) bath, handi-cap accessible geared toward individuals 55 years of age and older. She would like people to enjoy a walkable community.

Chairman Schultz explained that this project requires a Special Exception Use Permit and will be under the purview of the Town Board. The Planning Board is a recommending body only for this proposal.

Mrs. Salvati said the layout of Clarence Center is all connected roadways and she asked why the applicant wouldn't connect to Long Street. Mrs. Leamer explained that Long Street will be completely blocked off with a buffer; the main reason for this is not to interrupt the life on Long Street. It would be better to drive into the site under the power lines and have access driveways off of that rather than the interruption of entering on Long Street.

Mr. Sackett noted that Concept Plan may change after the Environmental Review has been done. Mrs. Leamer understands this.

Chairman Schultz noted that under the SEQRA review it is required the review be conducted with maximum potential build-out. Mrs. Leamer understands this.

Pat Dolan, of 9421 Douglas Fir Court, is representing two of his neighbors as well who live at 9437 and 9431 Douglas Fir Court. He owns land on the other side of the bike path where the backyard faces the wooded area as it exists today. He voiced his concern regarding water retention, snow removal and traffic particularly out of Goodrich Road. Is there lighting associated with the road that enters the site? He is concerned with the engineering of the project and lack of professional review. What would the water requirements be? What about trash removal? He purchased his home for the aesthetic value and the quiet value; he is concerned what impact the proposal will have on these features. How would the values of the homes in the area be impacted?

Dave Hallock, of 6089 Long Street, voiced his concern that the end of Long Street not be opened to facilitate this project. He said Mr. Leamer assured him that it will not be opened up. Mr. Hallock would like Mr. or Mrs. Leamer read that promise into the record. The neighbors are most nervous about this. Mr. Van Nest asked Mr. Hallock if the current project design which closes off Long Street reflects the neighbors' desires. Mr. Hallock said yes, but noted that this is a concept.

Duane Burkard, of 6124 Long Street, said he does not want Long Street extended.

Mrs. Leamer said there is no intention to extend Long Street. The intent is to block it off and have a buffer there. There would be 60' between the driveway and the bike path; there are trees on either side of the bike path so there would be about 100' between the driveway and the houses on the other side of the bike path.

ACTION:

Motion by Richard Bigler, seconded by Wendy Salvati, to **accept** the Part 1 Environmental Assessment Form (EAF) as complete.

Robert Sackett	Aye	Paul Shear	Aye
George Van Nest	Aye	Timothy Pazda	Aye
Richard Bigler	Aye	Wendy Salvati	Aye
Al Schultz	Aye		

MOTION CARRIED.

ACTION:

Motion by Wendy Salvati, seconded by Richard Bigler, to **recommend** that the Town Board seek Lead Agency Status and initiate coordinated review on the proposed Leamer Multiple-Family Housing Project located at 6150 Goodrich Road.

Robert Sackett	Aye	Paul Shear	Aye
George Van Nest	Aye	Timothy Pazda	Aye
Richard Bigler	Aye	Wendy Salvati	Aye
Al Schultz	Aye		

MOTION CARRIED.

Jim Callahan said the Town Board would review this project one week from this meeting; it would be part of the councilmatic reports on December 7, 2011.

Meeting adjourned at 8:40 p.m.

Carolyn Delgato
Senior Clerk Typist