

Town of Clarence
Planning Board Minutes
Wednesday May 18, 2011

Work Session 6:30 pm

Roll Call
Update on Pending Items
Zoning Reports
Committee Reports
Miscellaneous

Agenda Items 7:30 pm

Approval of Minutes

Item 1

St. Mary's Church
Traditional Neighborhood

Requests Approval for a Minor Subdivision on the west side of Stahley Road north of County Road.

Item 2

Ron Grimm
Agricultural Rural Residential

Requests Preliminary Concept Review of a proposed Open Development Area at 6491 Conner Road.

Item 3

Jeff Blum
Agricultural Rural Residential

Requests determination under Town Environmental Quality Review (TEQR) for demolition of a structure built prior to 1950 at 5774 Salt Road.

Item 4

Fred Cimato
Residential Single Family

Requests determination under Town Environmental Quality Review (TEQR) for demolition of structures built prior to 1950 at 6285 Herr Road.

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

Councilman Peter DiCostanzo led the pledge to the flag.

Planning Board Members present:

Chairman Al Schultz
Timothy Pazda
Paul Shear
Gregory Todaro

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

Planning Board Members absent: Wendy Salvati

Town Officials Present:

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

Other Interested Parties Present:

Craig Tierney
Sharon Belles
Ron Grimm
Mark Woodward
Edward Burkard
Jeffrey Blum
Andy Grimm

Chairman Schultz noted that Wendy Salvati is not present therefore Gregory Todaro will participate in all discussions and vote on all agenda items this evening.

Motion by Robert Sackett, seconded by Gregory Todaro, to **approve** the minutes of the meeting held on April 4, 2011, as written.

Gregory Todaro	Aye	Paul Shear	Aye
Robert Sackett	Aye	George Van Nest	Aye
Timothy Pazda	Aye	Richard Bigler	Aye
Al Schultz	Aye		

MOTION CARRIED.

Motion by Timothy Pazda, seconded by Gregory Todaro, to **approve** the minutes of the meeting held on April 20, 2011, as written.

Gregory Todaro	Aye	Paul Shear	Aye
Robert Sackett	Aye	George Van Nest	Abstain
Timothy Pazda	Aye	Richard Bigler	Aye
Al Schultz	Aye		

MOTION CARRIED.

Chairman Schultz explained that the Planning Board is the authority on each of the four (4) agenda items for this meeting. The procedure will begin with the agenda item being introduced. The Planning Board will discuss it with the applicant. The public will be allowed to speak on the proposal before the Planning Board takes an action.

Item 1

St. Mary's Church
Traditional Neighborhood

Requests Approval for a Minor Subdivision on the west side of Stahley road north of County Road.

DISCUSSION:

Jim Callahan provides the background on the project. It is located on the west side of Stahley Road, north of County Road. It is existing residential property located in the Swormville Traditional Neighborhood District. The applicant is proposing to split the existing home on the property. Minor subdivision approval will be required per the Subdivision Law as approved by the Planning Board.

Ed Burkard, trustee of St. Mary’s parish, is representing Father Yetter this evening. Craig Tierney, real estate broker, is present as well.

Chairman Schultz said this is a split of one lot off a large parcel; it will require an action under the NYS Environmental Quality Review and also an action from the Board in terms of approval or denial of the split.

It is confirmed that the outbuildings will be removed.

Mr. Pazda asked what will happen to the land once the outbuildings are removed. Mr. Tierney said it will remain vacant for now. It may be a future building lot if the market gets better; it is a buildable lot.

ACTION:

Motion by Gregory Todaro, seconded by Richard Bigler, pursuant to Article 8 of the Environmental Conservation Law, the Planning Board **issues** a Negative Declaration on the proposed Minor Subdivision proposed by St. Mary’s Church along Stahley Road, north of County Road. After thorough review of the submitted site plan and the Environmental Assessment Form (EAF), it is determined that the proposed action will not have a significant negative impact upon the environment.

Gregory Todaro	Aye	Paul Shear	Aye
Robert Sackett	Aye	George Van Nest	Aye
Timothy Pazda	Aye	Richard Bigler	Aye
Al Schultz	Aye		

MOTION CARRIED.

Motion by Timothy Pazda, seconded by Richard Bigler, to **approve** the Minor Subdivision as presented, creating a separate residential lot in the Traditional Neighborhood District.

Gregory Todaro	Aye	Paul Shear	Aye
Robert Sackett	Aye	George Van Nest	Aye
Timothy Pazda	Aye	Richard Bigler	Aye
Al Schultz	Aye		

MOTION CARRIED.

Item 2

Ron Grimm
Agricultural Rural Residential

Requests Preliminary Concept Review of a proposed Open Development Area at 6491 Conner Road.

DISCUSSION:

Brad Packard provides the background on the project. It is located on the east side of Conner Road and consists of approximately nine (9) acres. The proposal is for an Open Development Area and would include the development of four (4) new additional residential building lots with a private road.

The owner, Ronald Grimm, is present. Andy Grimm, his brother and home builder, is present as well. Mr. Ronald Grimm explained that he has been working with Wes Stone of Bissell-Stone for the engineering aspects of the project. The development will be unsewered; it will be an on-site septic system.

Mr. Bigler said there is a problem with the driveway to the west indicating that the applicant needs 100'. Mr. Ronald Grimm said Mr. Stone addressed that issue; he will check to make sure it was taken care of. The intent of the applicant is to meet the 100' requirement between his driveway and the adjacent driveway. Mr. Ronald Grimm said the entrance will be beautiful.

Mr. Bigler referred to the front lower adjacent property and voiced his concern with regard to vehicle headlights shining into the homes as they leave the development; there needs to be some mitigation to avoid this. Mr. Ronald Grimm said he planned on putting a green barrier there.

Chairman Schultz explained that this approval is a Planning Board decision.

Jim Gustafson, of 6590 Conner Road, is concerned with the drainage on the road. The land from Heise Road drains to Conner Road and he wondered how this will be mitigated.

RJ Connelly, of 6591 Conner Road, is also concerned with drainage. He owns agricultural property and with this development being "high-end" he does not want to receive complaints from people in these homes that he is spreading manure on his property that is so close to the development. He wants people to know that there may be substantial agricultural activities that take place on his property. It is noted that this road is in shambles and something needs to be done to fix it.

Sue Gustafson, of 6590 Conner Road, is concerned with what the project will do to the water table.

Mr. Ronald Grimm discussed the water issue with Mr. Stone and Mr. Stone said the project will actually help the water situation. There is hard drainage in the area that will be funneled to a retention pond; as per the NYS specs it will go out to the road drainage. The retention pond is up front.

Chairman Schultz said input on the project is needed from involved agencies. These agencies include DEC, ECDPW and the Erie County Highway Department.

Mr. Todaro asked what the elevation of the proposed homes is. Mr. Ronald Grimm said it is 30" above curb. The minimum square footage of the homes has not yet been determined.

Mr. Shear said the Part I EAF states that the housing size is 100' x 80'; Mr. Ronald Grimm said that figure is incorrect. The square footage of the homes will be approximately 3500 to 5500.

Mr. Van Nest asked what direction the drainage flows, it is clarified that it flows west.

Mrs. Gustafson said she thought the Town did not want homes built behind other homes. Mr. Pazda said it is allowed by the Code.

Mr. Pazda pointed out that Clarence is a Right-to-Farm Committee and in the past there have been situations where a deed restriction was placed on property so the buyers cannot complain about agricultural uses.

ACTION:

Motion by Robert Sackett, seconded by Paul Shear, to seek Lead Agency and initiate coordinated review under SEQRA on the proposed Grimm Open Area Development. This Unlisted Action involves the development of a 4-lot Open Area Development in the Agriculture Rural Residential Zone.

ON THE QUESTION:

Mr. Ronald Grimm has agreed to have a 100' separation between the driveway and the gravel driveway road cut to the north.

Gregory Todaro	Aye	Paul Shear	Aye
Robert Sackett	Aye	George Van Nest	Aye
Timothy Pazda	Aye	Richard Bigler	Aye
Al Schultz	Aye		

MOTION CARRIED.

Item 3

Jeff Blum
Agricultural Rural Residential

Requests determination under Town Environmental Quality Review (TEQR) for demolition of a structure built prior to 1950 at 5774 Salt Road.

DISCUSSION:

Brad Packard provides the background on the project. The existing parcel consists of approximately 113 acres; the applicant is present requesting demolition of a structure built prior to 1950.

Sharon Belles, property owner, is present along with Jeff Blum, applicant.

Ms. Belles said she wants to build a new house and the existing house is in the way. The driveway needs to go in this area because the line of sight is at its best here. A lot of work has been done on the existing barn.

Chairman Schultz said the Historic Preservation Commission has reviewed the demolition request and has placed conditions on it. Mr. Blum said the Commission wanted a copy of the Abstract of Title and photographs of the structure. If a convenient time cannot be made between the home owner and a professional photographer, a representative from the Planning and Zoning office will take photographs.

Mark Woodward, Town Historian, sits on the Historic Preservation Commission. Mr. Woodward noted that Shirley Walker, of Heirloom Photography, has taken photos for him in the past and would bring out the homes architectural features in her photos. Mr. Woodward has a small budget as Town Historian and is willing to cover the cost of having Ms. Walker take photos of the home; there would be no cost to the homeowner.

Chairman Schultz asked Mr. Woodward for his thoughts on the demolition. Mr. Woodward said a recent study said this property was one of the last intact family farms within Western New York. The right side of the house dates back to 1826; this is the time period that some of the soldiers from the American Revolution settled in Clarence. The middle part of the house is Greek Revival. It is thought that one part of the house was part of the Underground Railroad. A former Clarence Supervisor lived there and a Civil War veteran lived there. Mr. Woodward mentioned Annie Ricken, an historical archeologist. He would like to move the house to another location. Ms. Belles asked Mr. Blum if construction could start on the driveway without demolishing the house, he said yes they can wait on building the house.

Chairman Schultz asked how long it will take to see if funding is available and to find a location for the home. Mr. Woodward does not know but he spoke with a gentleman who could drive by to look at the house the week after Memorial Day to see if it would be possible to move it.

Ms. Belles said once the new house is built and the old house is gone, the area will probably remain landscaped. If the construction vehicles can get through, she can wait to demolish or move the house. The house will be built on the highest part of the property to ensure it stays dry.

An audience member noted that the Town has money that is used for buying greenspace, could this same money be used to move the house. Mr. Callahan clarified that the Greenprint program is for land, not for moving structures.

Chairman Schultz asked what the time line is for the project. Ms. Belles said perhaps Mr. Woodward should look at the house to see if it worthwhile to re-locate it.

Mr. Packard noted that the Building Department will not issue a permit and allow two (2) principle structures on the property. A variance may be needed. Mr. Blum said a front yard setback variance has been granted. A minor subdivision has been granted, but the property was not formally deeded.

Mr. Van Nest suggested bringing the project back after further discussion as long as it is not delaying the applicant's plans. Chairman Schultz agreed.

ACTION:

Motion by George Van Nest, seconded by Timothy Pazda, to **table** agenda item number 3.

ON THE QUESTION:

The Planning Board wants to give the applicant a chance to work out the situation now that she is aware of the historic significance of the site.

Gregory Todaro	Aye	Paul Shear	Aye
Robert Sackett	Aye	George Van Nest	Aye
Timothy Pazda	Aye	Richard Bigler	Aye
Al Schultz	Aye		

MOTION CARRIED.

Item 4

Fred Cimato
Residential Single Family

Requests determination under Town Environmental Quality Review (TEQR) for demolition of structures built prior to 1950 at 6285 Herr Road.

DISCUSSION:

The applicant is not present. Mr. Packard explained that the project is approximately 37 acres and is located on the east side of Herr Road. The applicant is proposing the demolition of two (2) structures with the addresses of 6285 Herr Road and 6305 Herr Road.

ACTION:

Motion by Al Schultz, seconded by Richard Bigler, to **table** agenda item number 4 until the applicant is available.

ON THE QUESTION:

Mr. Pazda would like to see this project move forward.

Gregory Todaro	Aye	Paul Shear	Nay
Robert Sackett	Aye	George Van Nest	Aye
Timothy Pazda	Nay	Richard Bigler	Aye
Al Schultz	Aye		

MOTION CARRIED.

Meeting adjourned at 8:25 p.m.

Carolyn Delgato
Senior Clerk Typist