

**Municipal Review Committee
Planning & Zoning Conference Room**

**May 16, 2005
7:00 p.m.**

Municipal Review Committee Meeting Minutes of May 16, 2005

Attendance:

Matt Balling, MRC Chairman	Paul Shear, MRC Member
John Moulin, MRC Member	Rick Bigler, MRC Member
Dan Michnik, MRC Member	Scott Bylewski, Town Board Liaison
Jeff Grenzebach, Planning Board Liaison	Jim Hartz, Asst. Dir. Of Comm. Dev.
Jim Callahan, Director of Comm. Dev.	Rocco DelGrosso
Jocelyn Bos	Bill Schutt

Meeting Minutes of April 25, 2005

ACTION: Motion by Dan Michnik, seconded by John Moulin, that the board accept the minutes of the April 25, 2005 meeting as the official record.

VOTING: Ayes: Balling, Michnik, Moulin, Bigler, Shear
Nays: None.
Absent: McNamara, Depowski **MOTION PASSED**

Communications:

Matt Balling handed out some information regarding the purchase of development rights from Greg Ribbeck on Shimerville Road. He would like a motion that the MRC endorses the purchase of development rights for the Ribbeck Property. The Town Board will be holding the public hearing on Wednesday, May 25, 2005 to consider the purchase.

ACTION: Motion by Dan Michnik, seconded by John Moulin, that the board endorse the purchase of development rights for the Ribbeck Property located off of Roll Road.

VOTING: Ayes: Michnik, Moulin, Bigler, Balling
Nays: Shear
Absent: McNamara, Depowski **MOTION PASSED**

Old Business:

Agenda Item I - Krislyn Office Building, 6215 Transit Road

Jim Callahan gave a brief history of the project. The applicant has received a variance to allow the building to move forward on the site. He has correspondence from the USACOE, NYSDEC, and the NYSDOT. Rocco DelGrosso described some of the problems they had designing the site around the wetland area and parking area. Rocco said that they are retaining the largest trees on the property. Wes Stone said that the parking lot will be able to sheet drain to the retention area.

Paul Shear said that this land was an ice skating pond and has been filled in significantly over the years. Paul asked how much more fill will be required. Rocco said that they need about another 8-9 inches of elevation to get above the base flood elevation. The land sits significantly below the elevation of Transit Road but is fairly flat. They actually have to remove some soil near the Western portion of the site.

Matt Balling said that they are concerned about the integrity of the soils and what has been dumped in there. John Moulin asked if there have been any soil samples taken on the property. Rocco said that they will be doing the soil testing once they are at the building design stage. Rocco said that they design their projects according to the results of the compaction analysis. Jim Callahan stated that State Code requires that the foundations be designed according to the soils conditions.

Rocco said that they use a footer process that HUD has approved that involves building with a slab that is not pinned to solid material. Basically, we do whatever is required by the Code.

Dan Michnik said that he is concerned about the lighting situation in the rear yard area with the neighbor to the East. Rocco said that they have decided not to do any stand lighting in the parking area at all. They are using bollard lighting in the parking area, which will give a nice effect in the evening and be relatively low. They will install a shrubbery line in the rear that will protect the neighbor to the East from any light. There will be some wall pack lighting on the building.

John Moulin asked what type of building this will be. Rocco said that they do not have any tenant deals at this point. It will be a professional office type of use.

Matt Balling said he is concerned about the proximity of the site to Gott Creek. He said that you would have to mitigate any pollutants through an erosion & sediment control plan as well as a stormwater discharge plan.

Paul Shear said that the predominant soil type section of the EAF is blank. Paul said that the whole area was part of the creek and a false bank was constructed to alter the flow of the creek. Jim Callahan said that the type would be listed as Ud or Urban type.

Jim Callahan also said that there is a letter from the NYSOPRHP that no archeological artifacts could have remained intact after the years of filling on the property. There is a letter from the NYSDOT that states there will not be a significant impact on the State Highway System as a result of the proposed action. The NYSDEC said that the property is located in the 100-yr. Floodplain and a floodplain development permit will be required from the Town's Engineering Department.

ACTION: Motion by Matt Balling, seconded by Dan Michnik, that the board recommend that the Town Board issue a negative declaration after review of the EAF parts I, II, & III and agency correspondence from USACOE, NYSDOT, and the NYSDEC. Water impacts could be a potentially large impact due to the proximity to Gott Creek and non-point source pollutants, but can be mitigated through an acceptable engineered design. Impacts on aesthetic impacts are potentially large because of the proximity to existing residents, but could be mitigated with an acceptable landscaping plan that includes acceptable lighting.

VOTING: Ayes: Balling, Michnik, Moulin, Bigler, Shear
Nays: None.
Absent: McNamara, Depowski

MOTION PASSED

**Agenda Item II - People Inc./Oak Housing Project
Eastern Hills Mall – Sheridan Drive Entrance**

Jim Callahan gave an update of the agency correspondence received to date on the proposed action. The NYSDOT said that the proposed action will not have a significant impact on the State Highway System. The NYSDEC said that the applicant will need a SPDES permit for general disturbance over 1 acre. Erie County Health Dept approval is required for the sewer connection.

Bill Schutt was present with Jocelyn Bos from People Inc. to answer any questions from the board. Mr. Schutt said that the project is located in Erie County Sewer District # 5 and that sewer capacity is available for the connection. Mr. Schutt also presented the board with a letter from the Fish & Wildlife Service arm of DEC stating that there is no occurrence of any threatened or endangered species on the property.

Mr. Schutt then presented a letter from NYSOPRHP indicating that there are no archeological or cultural resources located on the property.

Matt Balling asked Jeff Grenzebach if the Planning Board thought that the project conformed to all of the legal requirements of the newly adopted zoning law. Mr. Grenzebach said that they have reviewed the plan and it is acceptable. The project has received two variances from the zoning law on the size of the unit and the overall density of the project.

Matt Balling said that the site is very suburbanized. Aesthetic resource impacts are minimized because they are preserving half of the property,

they are avoiding any critical environmental area, and have received clearance from all state and county agencies involved with the review.

Paul Shear questioned the letter on sewer capacity from Sewer District #5. Bill Schutt said that the Health Dept. makes a distinction between a public sewer line extension and a lateral tap in. This project involves the latter. It is assumed that all vacant parcels within Erie County Sewer District #5 has capacity available for their projects.

Matt Balling asked the board members if they were comfortable with the two access points for the project. Jocelyn Bos said that they have removed the drive in the front of the building and Mr. Schutt said that the project generates very few vehicle trips per day.

ACTION: Motion by John Moulin, seconded by Paul Shear, that the board recommend that the Town Board issue a negative declaration on this project based on the EAF parts I & II as well as agency correspondence from Erie County DEP, Erie County Sewer District #5, NYSDEC, NYSDOT, NYS Fish & Wildlife Service, & NYSOPRHP.

VOTING: Ayes: Balling, Michnik, Moulin, Bigler, Shear

Nays: None.

Absent: McNamara, Depowski

MOTION PASSED

New Business:

Agenda Item I- Casilio Office Building, 8755 Sheridan Drive

Matt Balling asked Scott Bylewski what the protocol as been for receiving the EAF part I the night of the meeting. Jim Hartz distributed the EAF part I to the board and went through the information. A few items were identified that require more information before being distributed to the involved agencies in order to properly evaluate the project.

Dan Michnik questioned the number of jobs generated and wanted to know the types of businesses that would be moving into the building. Jim Hartz clarified that the project is being designed as a professional office building. Medical Uses would require several more parking spaces.

Matt Balling said that we need more information about the trips generated and what uses the applicant is proposing for the project. Dan Michnik also questioned the water usage data at 4,200 gallons per day.

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ACTION: Motion by Rick Bigler, seconded by Paul Shear, that the board table this item until they receive a revised EAF and the applicant can be present to answer some questions regarding the project.

VOTING: Ayes: Balling, Michnik, Moulin, Bigler, Shear
Nays: None.

Absent: McNamara, Depowski

MOTION PASSED

The next meeting will be held on June 20th at 7:00 p.m. with a 6:30 p.m. work session.

The meeting adjourned at 8:10 p.m.