

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

**July 18, 2005  
7:00 p.m.**

Municipal Review Committee Meeting Minutes of July 18, 2005

Attendance: Matt Balling, MRC Chairman Paul Shear, MRC Member  
Richard Bigler, MRC Member Jim Callahan  
Dan Michnik, MRC Member Joe Weiss  
John Moulin, MRC Member Scott Bylewski  
Jeff Grenzebach Peter Casilio  
Chris Wood, Carmina & Wood Gene Jason  
Gary Jason

Minutes of the June 20, 2005 Meeting

ACTION: Motion made by John Moulin, seconded by Dan Michnik, to accept the minutes with a correction on page one: Phil Sgamma's name should be deleted, and replaced by Richard Bigler's name, under "Attendance."

VOTING: Ayes: ALL MOTION PASSED

**Communications**

Matt Balling informed the board that he received a communication from Joe Weiss regarding the State's Community Preservation Act. Scott Bylewski stated that there has been a proposed resolution prepared at the Town Board level in support of this act. Matt Balling said that the law would allow the Town the ability to enact a 2 percent real estate transfer fee on all land transactions.

**Unfinished Business**

**Agenda Item I – Casilio Office Building, 8755 Sheridan Drive**

Matt Balling mentioned the revised environmental assessment form that was accepted at last month's meeting, which had a change in it regarding blasting. The Town Board solicited lead agency status at their meeting on June 22, 2005. A letter was received from the NYS DEC which stated that over an acre will be disturbed. In order to move forward, a State Pollution Discharge Elimination System permit would need to be obtained. The letter also stated that the area is in an archeologically sensitive area and that the Town should evaluate this concern. Being that the Town does not have any kind of archeology board, Matt Balling suggested the MRC recommend to the Town a small to moderate impact. The DEC also identified the Northern Tanzy Mustard plant might be on the site, and if found, consideration should be given to preserving it.

Present at the meeting are Chris Wood with Carmina & Wood, Architects & Engineers, and Peter Casilio representing the owner and contractor. Matt Balling initiated a discussion regarding the direction of this project. Two Board members felt that the proposed building was unique and that the project would complement the area. There was a discussion regarding the height of the

building as it relates to the grade. Regarding a question on segmentation, Matt Balling stated that the intention with this project is to take one lot and divide it into two, building on the one half and leaving the other half in reserve for future development. He did not feel that this was segmentation. Other questions raised were related to parking and future building on the remaining 2.1 acres of property. It was stated that there are no present plans “on the books” for the remaining part of the site. Scott Bylewski mentioned the use of a cross access driveway. Peter Casilio said that their goal is to cut down on the exits onto Sheridan Drive. Their intent has always been to have an easement.

Matt Balling stated that Part 2 in the environmental process is important. He highlighted some of the potential project impacts and their magnitude. The project results in a physical change in the project site. Depth of water table is less than 3 ft and should be indicated as potentially large. Construction on land where bedrock is exposed is within 3 ft of existing ground surfaces. This is potentially large impact from a drainage standpoint because the property drains very rapidly off of the bedrock.

Matt Balling suggested the applicant should prepare an on-site stormwater drainage plan. Chris Wood said that there would be a detention basin in the front portion of the building. Matt Balling noted that adjacent landowners have used an injection well as a solution to the problem. There were some concerns mentioned about the capacity of an injection well. Peter Casilio said that he was in agreement with Matt Balling regarding the injection wells. Matt Balling stated that it’s worth investigating because it provides more grassy open space on the property. Peter Casilio said that he would prefer not to see an excavation on the site; plus they need room for the septic system in the front yard.

Matt Balling then discussed the impact of the project on aesthetic resources. He stated that the Town, as well as the neighborhood, has grown very accustomed to the area as an open space. The view out of the neighbors’ homes has always been woods. He added that the applicant has shown on the plans that a fence would be installed with trees on one side. Peter Casilio said that it is not their intent to install a fence; they are waiting for input from the Town and the neighbors as to what they want put there. There was further discussion regarding the buffer area between the project site and the neighbors’ property. Matt Balling asked the applicant if it was possible to have the buffer in place before construction begins. Peter Casilio said that if it was the right time of year, it would be possible.

Regarding traffic concerns, Matt Balling wondered if the Boncest neighborhood would be used as a bypass to get the project site. There are two failing intersections at Harris Hill and Main and Harris Hill and Sheridan Drive that would affect travel to the site. People may use the neighborhood to avoid these intersections. All responding to the question felt that most people would stay on the major roads to access the site. The curvilinear pattern of the neighborhood does not make it easy to negotiate through.

Matt Balling brought up for discussion the architectural style of the building. He stated that the Town Zoning Code requires that the architectural style of a building over 35,000 sq. feet conform to the styles in the immediate vicinity. Peter Casilio stated that there really isn’t a “style” in the area, but that the area is a professional corridor within the Town. Matt Balling

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suggested to the applicant that the roof style be redesigned because it doesn't fit in with other styles in the area. Peter Casilio stated that it is very difficult to get a sloped roof to work on a commercial building, as well as very expensive. He cited the Clarence Library and the Erie-Niagara Building as examples. He also stated that they didn't choose a peaked roof because they wanted to control the elevation so that the neighbors wouldn't see it. Mr. Casilio added that, in lieu of the original building proposed, the outside of the building will be "softened" so that it fits in with the area better.

There was a discussion regarding Part I of the EAF and changes which needed to be addressed. Paul Shear commented that it didn't seem right to forward this Part 1 with the errors on it. Peter Casilio expressed concerns about various Town boards not receiving information, which he provides, in a timely fashion. Also, the engineers he pays are directed wrongly from the Planning office. He stated that they'd been to this meeting twice already and wants to move forward.

**ACTION:** Motion by Matt Balling, seconded by Paul Shear, to amend EAF Part I, Section B, Item j, to change the dimensions to 450+/- ft; and to amend Part I, Section C, Item 9, to 3.2 acres and 450 feet of frontage, subject to the approval of the Planning & Zoning Department.

**VOTING:** Ayes: ALL MOTION CARRIED

**ACTION:** Motion by Paul Shear, seconded by Dan Michnik, to recommend the Town Board issue a negative declaration on this project with the understanding that there are four days remaining in the 30-day public response period; subject to not receiving any additional information during the remaining open days, a negative declaration is recommended.

On the Question:

Matt Balling stated that he would like to make a copy of his field notes part of the record for the project.

**VOTING:** Ayes: ALL MOTION CARRIED

Scott Bylewski pointed out that several potentially large impacts were raised by the Chairman and whether the MRC has made a recommendation regarding them. Matt Balling stated that the Committee listened to his comments and determined as a whole that they are not potentially large impacts.

**Agenda Item II – Stage/Schurr Road Subdivision**

Paul Shear stated that, based on his conversation with Jim Callahan, this project was "in the system" prior to the moratorium. It has been re-introduced at a lower density, from 21 to 12. During the moratorium, the Town Board is not in a position to act, but it is not inappropriate for the MRC to review the project (according to his conversations with Jim Callahan).

Jim Callahan gave background information on the project, as follows:

- Project was initiated approximately 2 years ago, with public road and 22 lots
- Introduced to the Town Board and the Planning Board; subsequently referred to the MRC
- MRC had two meetings (they did seek lead agency and sent out for coordinated review)
- DEC came back with the wetland identification, needing more information
- The Jason's have done the delineation on the wetland and provided the updated delineation
- They have also altered the project to 12 lots

The Jasons' stated that instead of two entrances, there will be one entrance off of Schurr Road.

The right-of-way on the property was discussed. There was some discussion about the wetlands and whether there would be a conservation easement. A question was raised regarding the dead-end and whether Fire Advisory had reviewed it (nothing was in the file). Matt Balling said he was concerned about a public road that would dead end "this far out". Jim Callahan stated that the road wasn't wide enough for a public road, in terms of right-of-way. A question was raised about sewers; Jim Callahan said that sewers didn't come up far enough and that the project would be septic. Scott Bylewski brought up the Master Plan, specifically page 3, and its discussion regarding subdivision development with sewers rather than septic. There was a discussion regarding water pressure in the area. There was more discussion on private versus public road for the project.

**ACTION:** Motion by Dan Michnik, seconded by John Moulin, to TABLE this agenda item, pending additional work by the developer, specifically related to the public/private road issue, water pressure impacts and septic system impacts and with additional input from the Fire Advisory Committee and the Traffic Safety Committee.

**VOTING:** Ayes: ALL

**MOTION CARRIED**

### **New Business**

#### **Agenda Item I – Residential Home Building Permit Growth Cap (Referred from Town Board)**

Matt Balling stated that it is Jim Callahan's recommendation that the MRC start the formal SEQR process. Scott Bylewski said that other areas in the country adopt building caps as a local law. Paul Shear asked about the legal obligation to the consortium of builders with regards to a certain number of taps. Scott Bylewski said that there are various contingencies if taps are not used within a certain time period. He stated that, internally, the Town needs to consider what can be handled in terms of the workload; externally, it needs to be determined what can be handled as a market. Rather than taking any specific action on this agenda item, it was discussed that the members will review the discussion and any information that can be supplied to augment further discussions. The Planning and Zoning Department will make copies of the Nutter Study/Center for Government Research Study completed as a part of Master Plan 2015 as well as the sewer

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agreement between the Town of Amherst and the Town of Clarence and distribute these documents to the members.

**Agenda Item II** – Amendments to Master Plan 2015 –Harris Hill Traditional Neighborhood District.

A Part I EAF has been prepared by the Planning and Zoning Department identifying the potential impacts associated with adoption of this proposed amendment as forwarded by the Planning Board.

**ACTION:** Motion by John Moulin, seconded by Dan Michnik, to Seek Lead Agency and Commence Coordinated Review Period on the proposed amendments to Master Plan 2015.

**VOTING:** Ayes: ALL

**MOTION CARRIED**

**Agenda Item III** – Amendment to Master Plan 2015-Adequate Public Facilities Local Law.

A draft of the proposed Adequate Public Facilities Local Law and proposed amendments to the Master Plan 2015, including a Part I EAF has been prepared by the consultants and the Planning and Zoning Department.

**ACTION:** Motion by John Moulin, seconded by Dan Michnik, to seek Lead Agency and Commence Coordinated Review Period on the proposed Law and Amendments to Master Plan 2015.

**VOTING:** Ayes: ALL

**MOTION CARRIED**

The Board established their next meeting date as August 15, 2005 at 7 p.m. with a 6:30 p.m. work session.

Motion by Paul Shear, seconded by Richard Bigler to adjourn the meeting at 9:15 p.m.