

**Town of Clarence**  
**Planning Board Minutes**  
Wednesday, January 10, 2007

Work Session (6:30 PM)

- |                           |                     |
|---------------------------|---------------------|
| ➤ Roll Call               | ➤ Committee reports |
| ➤ Minutes                 | ➤ Zoning reports    |
| ➤ Sign review             | ➤ Miscellaneous     |
| ➤ Update on pending items | ➤ Agenda Items      |

Agenda Items (7:30 PM)

**Item 1**

Metzger Civil Engineering  
Agricultural Rural Residential

Requests Preliminary Concept Plan Review for a four (4) lot Open Development Area located on the north side of County Road, west of Heise Road.

**Item 2**

Regent Development, Inc.  
Major Arterial

Requests an amended Concept Plan Approval and a Development Plan Approval for Phase II of Transit Center Office Park at 6105 Transit Road.

Patricia Powers, Chairperson, called the meeting to order at 7:30 p.m. Councilman Bylewski led the pledge to the flag.

Planning Board Members Present:

Patricia Powers, Chairperson  
Jeffrey Grenzebach  
George Van Nest

Gerald Drinkard, 2<sup>nd</sup> Vice Chairperson  
Timothy Pazda  
Richard Bigler

Planning Board Members Absent:

Wendy Salvati, 1<sup>st</sup> Vice Chairperson

Other Town Officials Present:

James Callahan, Director of Community Development  
Councilman Scott Bylewski  
David Donohue, Deputy Town Attorney

Other Interested Parties Present:

Paul Case  
Bruce Phillips

Robert Mitchell  
Karen Phillips

Clifford Benson  
 Daniel Kowalski  
 Robert Rackl  
 Michael Metzger  
 Dave Huck

Carol Benson  
 Benito Shirir  
 Clay Carson  
 Phil Silvestri

Motion by Gerald Drinkard, seconded by Jeff Grenzebach, to **approve** the minutes of the meeting held on December 13, 2006, as written.

Patricia Powers      Aye  
 Jeffrey Grenzebach   Aye  
 George Van Nest      Aye

Gerald Drinkard      Aye  
 Timothy Pazda        Aye  
 Richard Bigler        Aye

MOTION CARRIED.

**Item 1**

Metzger Civil Engineering  
 Agricultural Rural Residential

Requests Preliminary Concept Plan Review for a four (4) lot Open Development Area located on the north side of County Road, west of Heise Road.

**DISCUSSION:**

Patricia Powers believes the location of the project is between 8940 and 8960 County Road.

Jim Callahan provides the history on the project. The property is located on the north side of County Road, west of Heise Road and consists of approximately 28.9 acres. The Master Plan identifies the area as an Agricultural classification. The applicant is proposing to split the property creating a four (4) lot Open Development on the western portion of the property. This represents the initial presentation of the project to the full Planning Board.

Paul Case, of Metzger Engineering, is representing the applicant. Mr. Case explains that the project was presented to the Town Board on December 20, 2006, where it was referred to the Planning Board. Of the 28.9 acres, only, approximately 12.5 acres would be used for this project. The Concept Plan complies with the Town Codes. The lot sizes range from 2.3 acres to 3.6 acres. There is a 60' right-of-way for access. The plan provides the minimum 200' lot width at the setback. There are Federal Wetlands shown on the plan and they have been delineated.

Jeff Grenzebach asks what amount of acreage will be left on the larger parcel, once the project site is split off. Mr. Case said there will be approximately sixteen (16) acres left.

Gerald Drinkard asks what the plans are for the remaining parcel. Mr. Case said at this time there are no plans; there is a possibility of another Open Development Area in the future.

Mr. Case said the wetlands were delineated in November 2005. He also indicated septic systems will be used.

George Van Nest asks if the Army Corp of Engineers has looked at the wetlands recently. Mr. Case said not his knowledge.

Gerald Drinkard said the land looks pretty wet and wonders if there have been any PERC tests done. Mr. Case is unaware of any tests being done. He confirms that the wetlands are Federal.

Jim Callahan explains that a letter from the Army Corp of Engineers would be required before any homes can be built.

Bruce Phillips, of 8860 Cambridge Court, is concerned with the water issue. He has water problems and wonders how this project will deal with this. The water sits or flows depending on how much rainfall there is. At times, his backyard looks like a lake. There is a collection ditch to the west of his property; it has not been full since the Town improved it. He has two (2) sump pumps in his basement that are on all the time. He feels the water problem is the main issue that needs to be addressed.

Clay Carson, of 9000 County Road, echoes Mr. Phillips concerns with the water problems. He currently has standing water in his backyard and it will be there, at least, until May. Mr. Carson would like the details on what the regulations are concerning the issues around the Federal Wetlands. Drainage has to be the number one concern.

Clifford Benson is also concerned with the drainage. He lives on the south side of the project and if the homes are built up there would be more issues with the water drainage. He is concerned with the possibility of project changing the grade and wonders if there will be rearranging of the land height with this project. This needs to be addressed before the project can be approved.

Paul Case said the project will receive due diligence in terms of grading and drainage of the site. They will work with the Town Engineer in regards to the storm water and drainage. They will prepare an acceptable plan. Mr. Case said the Wetlands delineation that was done by the Army Corp of Engineers is valid for five (5) years. The intent of the project is to leave the Federal Wetlands alone; no part of the Wetlands will be filled.

Jeff Grenzebach asks if there will be a deed restriction with regards to the Wetlands. Mr. Case said, "Yes."

Gerald Drinkard asks if the applicant saw any need to bring in fill for the site. Mr. Case said, at this point, they have not looked at grading and filling.

Patricia Powers explains that the proposal will be tabled this evening. The Planning Board will be looking for a letter from the Army Corp of Engineers relative to the Wetlands. At some point, the project will be referred to the Town Environmental Quality Review (TEQR) Committee and she explains the procedure.

Mr. Case confirms that the proposal calls for a private road; he realizes a Homeowners Agreement will be required to maintain the road.

**ACTION:**

Motion by Jeff Grenzebach, seconded by Gerald Drinkard, to **table** agenda item #1, pending further review of the project and a letter from the Army Corp of Engineers relative to the Wetlands.

Patricia Powers      Aye  
 Jeffrey Grenzebach   Aye  
 George Van Nest      Aye

Gerald Drinkard      Aye  
 Timothy Pazda        Aye  
 Richard Bigler        Aye

MOTION CARRIED.

Patricia Powers explains that St. Mary's Church was removed from this evening's agenda due to the applicant's request.

**Item 2**

Regent Development, Inc.  
 Major Arterial

Requests an amended Concept Plan Approval and a Development Plan Approval for Phase II of Transit Center Office Park at 6105 Transit Road.

**DISCUSSION:**

Jim Callahan provides the history on the project. The property is located on the east side of Transit Road, south of Woodbridge Lane. It consists of approximately 2.9 acres. The applicant is proposing to amend a previously approved Concept Plan to allow for construction of a 9,000 square foot medical office building. The previous Concept Plan was approved in 2004.

Phil Silvestri, of Silvestri Architects, is representing the owner, Dave Huck, who is present as well. Mr. Silvestri explains that the previously approved plan was one (1) building, which was 19,840 square feet. The reason for the resubmission is the owner has decided to do a three (3) phase project. The first Phase is the 9,000 square foot medical office building, Phase II would be a 4,000 square foot addition to this building, Phase III would be a 4,583 square foot freestanding building. The dark lines on the plan, that is displayed, indicates Phase I. Mr. Silvestri is requesting Concept Approval for all three (3) phases of the project.

Mr. Silvestri points out that the proposed building will be constructed of similar materials as that of the existing building. The project will have a pitched roof, ground face concrete block at the base, brick veneer and aluminum windows, and architectural asphalt shingles.

Mr. Huck explains that the previous approval was for a 20,000 square foot building, this amended request is for a total of 17,500 square foot, this includes all three (3) phases.

Mr. Huck does not know when Phase II would occur, it is dependant on tenants.

Gerald Drinkard said the lot is heavily wooded and asks if the applicant will only clear that part of the land that will be built on. Mr. Huck said, "Yes." He explains that there is an area at the site that will never be touched. He confirms that there will be no clearing until the building is ready to be constructed. Mr. Huck said there are many trees that have been damaged from the October 2006 storm.

Gerald Drinkard refers to the drainage ditch and said the plan shows a 21' private right-of-way, he explains that it must be 24' for fire access egress. Mr. Silvestri views the plan and agrees to make the change.

Mr. Huck explains that the setback on the proposed building will be, at least, the same as the existing building, it may even be a greater distance from Transit Road, it will not be in front of the existing building. The driveway is designed to be shared.

Gerald Drinkard points out that the applicant has Concept Approval under a different set of laws and parking for a medical office building today would require ninety (90) spaces, this plan shows about half of that. Mr. Huck explains that he has two (2) medical groups in the existing building, he acquired a variance for the parking at these buildings and they have never had an issue. There has always been at least twenty percent (20%) of the parking spaces open, even in the peak hours. Patricia Powers said the parking ratio that the Concept Plan was approved with was one (1) per 200'. In this instance the applicant has the necessary parking required to maintain the Concept Plan Approval.

Gerald Drinkard advises the applicant that a walkway is required perpendicular to the sidewalk on Transit Road. This would be for any client who may be dropped off at the road.

Gerald Drinkard suggested the applicant indicate the balled and burlapped trees be planted 6 inches above grade on the next plan.

Mr. Huck said he owns approximately one (1) foot of land on the other side of the ditch.

Jim Callahan clarifies the request. The applicant is amending the original Concept that was approved, it was for a 20,000 square foot building, the amendment is for a total of 17,500 square feet. The request for Development Plan will be in phases; however, the Concept Plan Approval is overall.

**ACTION:**

Motion by Jeff Grenzebach, seconded by Tim Pazda, to **recommend** amended Concept Plan Approval for agenda item #2, with the following conditions:

- Access road must be a minimum of 24 feet per the original Concept and Fire Advisory recommendations.
- Sidewalk access from the office to the existing sidewalk on Transit Road.
- Engineering approval of the amended design.
- Site disturbance shall be limited to Phase II, all other greenspace is to be left untouched and undisturbed, protected by yellow tape or fencing. The landscaping shall remain untouched, except for the clean up from the October 2006 storm, until construction of the addition is ready to move forward.
- An approved Landscape Plan is required.
- Subject to Commerical Open Space Fee(s).

Patricia Powers	Aye	Gerald Drinkard	Aye
Jeffrey Grenzebach	Aye	Timothy Pazda	Aye
George Van Nest	Aye	Richard Bigler	Aye

MOTION CARRIED.

**Miscellaneous Item:**

**DISCUSSION:**

Councilman Bylewski asks how traffic safety should be reviewed. At the 2007 Organizational meeting of the Town Board the Traffic Safety Committee was disbanded. He said one suggestion was that two (2) individuals from the former Traffic Safety Committee, who are current employees of New York State Department of Transportation, and have expressed an interest, help the Town with traffic safety issues. How can this best be addressed. If a project is sent to the Highway Superintendent and he chooses not to comment, perhaps these individuals can forward comments. It is suggested that these individuals may want to be present at a Planning Board meeting when preliminary Concept Review is being requested on a project. The plans can also be reviewed by these individuals, at will, in the Planning and Zoning Office. Jim Callahan suggests a site plan be sent to the individuals for their review and comment.

Patricia Powers said the Planning Board members agree that they would like to see input from individuals who have traffic safety expertise on the projects that come before their Board. Further discussion ensued regarding this issue.

Councilman Bylewski will bring this issue before the Town Board at their next meeting. He also suggests the Planning Board work with the Town Attorney's office for correct language regarding the issue.

Liability issues are discussed relative to having a traffic safety expert or not.

Gerald Drinkard suggests one member of the Planning Board should sit on the new traffic committee.

It is suggested that the traffic review be done at the beginning of the review process as opposed to the end.

Meeting adjourned at 8:22 p.m.

Patricia Powers, Chairperson