

Clarence Planning Board Minutes

Wednesday, January 11, 2006

Work Session (6:30 PM)

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

Agenda Items (7:30 PM)

Patricia Powers, Chairperson, called the meeting to order at 7:40 PM.
Councilman Scott Bylewski led the pledge to the flag.

Planning Board Members Present:

Patricia Powers
Phil Sgamma
Timothy Pazda

George Van Nest
Gerald Drinkard

Other Town Officials Present:

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

Other Interested Parties Present:

Mark Zografos
Frank Wailand
David & Jodi Miller
Eric Grajek
Sean Hopkins
Elizabeth Smoka
Harry Lipka
Lori Lipka
Marjorie Chase
Robert Fogelsonger
William Schutt
Marie Mulaniff
Nick Piestrik

Tom Thielmann
Cesare Banach
Leonard Wzontek
Angelo Natale
JoAnn Pickering
Karl Frizlen
Nancy LaTona
Thomas Hanifin
Bill Kicman
Rosemarie Synor-Hoth
Jerry Szymanski
Fred LoFaso

ACTION:

Motion by Gerald Drinkard, seconded by Timothy Pazda, to approve the minutes of the meeting held on December 14, 2005, as written.

Patricia Powers	AYE	George Van Nest	AYE
Phil Sgamma	AYE	Gerald Drinkard	AYE
Timothy Pazda	AYE		

MOTION CARRIED.

Item 1

Cesare Banach
Residential Single-Family

Requests Preliminary Concept Review
for a proposed office and warehouse at
8500 Roll Road.

DISCUSSION:

The applicant, Cesare Banach, is present along with a representative from Urban Engineers.

Jim Callahan provides the background on the project. The property is located on the north side of Roll Road just west of the Harris Hill intersection. It consists of approximately six acres zoned residential. The applicant was granted a variance in May 2005 to allow for commercial uses on the property. This concept was referred from the Town Board on December 7, 2005 and is present for preliminary review of the concept plan as amended on December 12, 2005.

Mr. Banach has no further comments at this time; he is looking to move the project forward.

Jim Callahan asks Mr. Banach to describe the sewer situation to the Planning Board. Mr. Banach advises that the Town of Amherst's waste management facility cannot take on further capacity regarding this project. The line from Clarence to Amherst is not sufficient to handle what needs to be carried. The sewer situation is still being discussed. Mr. Banach indicates that they may install a sand filter system at this time and then set up the elevations for a sewer system to be built in the future.

Phil Sgamma points out that, if in the future, Harris Hill Road is extended, the proposed office building is too close to the road. The Planning Board suggests moving the parking so that the building can be moved to accommodate any future extension of Harris Hill Road.

The planned setback for the building is currently at 25 feet. Mr. Callahan advises that the setback will be established by the Town Board and because it is zoned residential a 45-foot setback would be appropriate.

Gerald Drinkard points out that if a row of parking is removed from the west of the first building on the proposed plan, there would still be sufficient parking, meeting the context of the code. It is clarified that only the front building needs to be moved. Due to the fact that the proposed road bends it appears that the setback on the rear building would be acceptable.

Pat Powers advises that the Planning Board would like to see the parking that is at the side of the building, begin at the front wall of the building. Mr. Banach asks for clarification regarding the extension of the parking into the one-hundred year floodplain. Mr. Sgamma advises it is his understanding that this is allowed.

ACTION:

Motion by Timothy Pazda, seconded by Phil Sgamma, to TABLE Item No. 1 for further review and allow the applicant to review the points that have been discussed.

ON THE QUESTION:

The representative from Urban Engineers asks if it is possible to obtain a conditional approval. The Planning Board will not grant a conditional approval and prefers to see the revised site plan prior to approval.

Phil Sgamma advises the applicant in order to move along on the project, he is welcome to attend a Planning Board Executive meeting with any questions he may have.

Patricia Powers	AYE	George Van Nest	AYE
Phil Sgamma	AYE	Gerald Drinkard	AYE
Timothy Pazda	AYE		

MOTION CARRIED.

Item 2
Italian Marble and Granite
Industrial Business Park

Requests Development Plan Approval
for construction of a new facility at
8540 Roll Road.

DISCUSSION:

Jim Callahan provides the background on the project. The property is located on the north side of Roll Road, just east of Harris Hill Road. A minor subdivision was approved by the Planning Board to create an approximate 3.16-acre parcel. The Master Plan identifies this area as an Industrial Business Park area. The Town Board issued a negative declaration on December 7, 2005. The Planning Board is recommending Concept Approval on the submitted design from December 14, 2005. The applicant has received all departmental and regulatory agency approvals and is here seeking a recommendation on the submitted Development Plan.

Frank Wailand of F. J. Wailand and Associates is present along with Mark Zografos, president of Italian Marble and Granite.

Pat Powers inquires on the sign location. Mr. Wailand advises there will be no freestanding sign; the sign will be on the building.

The address has been clarified with the Assessor's office.

ACTION:

Motion by Phil Sgamma, seconded by Gerald Drinkard, to recommend Development Plan approval subject to the conditions listed in the Town Engineer's letter of December 16, 2005 and subject to the commercial open space fee.

Patricia Powers	AYE	George Van Nest	AYE
Phil Sgamma	AYE	Gerald Drinkard	AYE
Timothy Pazda	AYE		

MOTION CARRIED.

Item 3

Roll Road Industrial Park
Industrial

Requests Preliminary Concept Review
of a proposed Industrial Business park
at 8520 Roll Road.

This item is delayed in order to allow the representative to arrive at the meeting.

Item 4

Natale Builders
Commercial

Requests Development Plan Approval
for construction of a new office building
at 9159 Main Street.

DISCUSSION:

Jim Callahan provides the background on the project. The project is located on the south side of Main Street, west of Thompson Road. It consists of approximately 1.4 acres. The Master Plan identifies this area as a commercial classification. The proposed office building was originally introduced to the Town Board on January 19, 2005 and referred to the Planning Board. The Town Board issued a negative declaration under SEQR on September 28, 2005. The Planning Board recommended Concept Approval on October 5, 2005. The applicant is present this evening and is seeking a recommendation on the Development Plan Approval. All departmental and regulatory agency approvals are in order.

Angelo Natale from Natale Builders is the project sponsor and is present to discuss the project. The building consists of approximately 9,000 square feet. Currently on the north side of the building, between the road and the building, there is a planned septic system. On the south side of the building behind the parking lot is a planned retention area with some buffer. Currently Mr. Natale has a lease from a dentist that will be occupying approximately 4,400 square feet of the building.

The planned retention pond is in addition to the pond shown in the right hand corner of the property.

Pat Powers asks if the parking requirements will have to change to accommodate a medical office. Mr. Natale would like to move forward with the office building requirements for the parking lot. The lease from the dentist is not signed yet and if the project requires more parking in the future he would build to accommodate. There are currently 62 parking spaces shown on the plan.

The exterior color scheme will be similar to Mr. Natale's office building at 9276 Main Street. He has not decided if he will be one of the tenants in this building.

Mr. Natale advises the plan to provide a traffic flow or a walkway for pedestrian flow is to allow a certain section of the pavement to be for pedestrians and block it off, as such, with striping. He would consider a sidewalk if the Planning Board absolutely recommends it.

ACTION:

Motion by Gerald Drinkard, seconded by Timothy Pazda, to recommend Development Plan approval.

ON THE QUESTION:

Pat Powers indicates that approval is subject to the following conditions:

- the project will be subject to the Town Engineer's letter of November 30, 2005.
- the project will not be placed on the Town Board agenda until a written confirmation of the Health Department approval is on file in the Planning/Zoning office and the Town Engineer's office.
- an approved landscape plan is also required prior to being placed on the Town Board agenda.
- sidewalk access from the building to the public sidewalks that are at the street.
- curbing on both sides of the drive to the building.
- the project is subject to Open-Space fees.
- the applicant is willing to make necessary parking adjustments if the building becomes occupied with medical offices.

Patricia Powers	AYE	George Van Nest	AYE
Phil Sgamma	AYE	Gerald Drinkard	AYE
Timothy Pazda	AYE		

MOTION CARRIED.

Item 5

Essex Homes
Residential Single-Family

Requests Preliminary Concept Review
of a proposed Major Subdivision at
6460 Goodrich Road.

DISCUSSION:

Jim Callahan provides the background on the project. The property is located on the west side of Goodrich Road, north of Keller Road and north of the Pinebreeze subdivision. It consists of approximately 52 acres. The Master Plan identifies the area as Residential Single-Family classification. The applicant is proposing a major subdivision. The project was introduced to the Town Board on December 7, 2005 and referred to the Planning Board. This represents the introduction of the project to the full Planning Board.

Sean Hopkins, of Hopkins, Garas & Sorgi, PLLC, is present on behalf of the project sponsor. William Schutt, of William Schutt and Associates is present, he is the project engineer. Jerry Szymanski, of Essex Homes, is also present.

The project site consists of 68 acres. The proposal is for an open space design and will preserve 50 percent of the entire project site acreage as permanent open space. Included in the permanent open space is a 45 foot buffer strip along Pinyon Court. There is also a buffer strip along the rears of the homes on Goodrich Road, with a minimum of 55 feet.

In order to protect the 50 percent permanent green space there will be a conservation easement and a homeowners association will be involved to both own and maintain the permanent open space.

The project consists of 42 residential A-lots and 45 patio-home type units along a private roadway.

Mr. Schutt's density calculations were submitted with the application.

An informational meeting was held with the residents at the Clarence library on Monday January 10, 2006. Regarding the buffer strips, most of the neighbors would like to see the existing vegetation, including the trees, preserved. Mr. Hopkins made a commitment to honor this request.

The project site is located in a sanitary sewer district. Mr. Hopkins has submitted a letter regarding the sanitary sewer district to the Planning Board Executive Committee providing the most up to date information available. Mr. Schutt met with the Town Engineering department and provided the Board with the summary of that meeting.

The applicant has made a commitment to the adjoining property owners that meetings will be held in the near future to update them as more information becomes available.

Mr. Hopkins indicates the existing pond directly north of the project site would be enlarged, with the permission of the property owner, to handle the project's storm water. Mr. Schutt's firm would need to prepare an engineer's report, it would be reviewed and approved by the Town of Clarence Engineer Department.

Pat Powers voices her concerns regarding the off-site retention pond. In the past the Planning Board has requested all projects have a drainage plan that keeps the water from the property on the property, it has to be contained on site. She questions the legality of an off-site retention pond. If this were to be considered, the Town Engineer would need to review plan to see that the pond would accommodate the discharge. It would also require a permanent easement.

Gerald Drinkard advises that there are studies being done, currently, to determine capacity issues. Mr. Drinkard also points out the heavily wooded area at the lower right corner of the site. He asks the question, "How can we preserve the woods and is it possible that you could move around or reconfigure what you propose?" Woodlands figure in to the calculation for open space.

Timothy Pazda questions the density of the project and reads from the Code book which indicates that dense areas of mature woodlands shall be subtracted from the total gross area. Viewing the plans it does not appear that the calculation is correct.

George VanNest voices his concern regarding the calculation of open space verses developable space. It appears to Mr. VanNest that roughly 75 percent of what is deemed open space is going to be state or federal wetlands. Mr. Hopkins reiterates the fact that Mr. Schutt submitted the calculations with the application nine months ago. Jim Callahan advised that a rough grid pattern was laid out. The pattern indicated what might be developable based on the laws written, the yield was substantially less, however the calculations have not yet been compared to those that were submitted with the application.

Timothy Pazda reads a letter signed by 26 neighbors of the project site. The letter voices their concerns and suggestions. The letter is a permanent part of the file.

Lori & Harry Lipka of 6430 Goodrich Road are present. Mr. Lipka reads a letter voicing their traffic concerns. The letter is a permanent part of the file.

Dave Miller of 9374 Pinyon Court is present and voices his opinion saying that the project is misleading regarding the applicant's plan to leave so much green space when much of the area is wetlands and can not be developed anyway. He does not agree with the 45-foot buffer. The trees within that 45 feet will die due to the development around them. He is not opposed to developing in the area but he feels this is excessive.

Nancy LaTona of 6440 Goodrich Road voices her concerns regarding the traffic and drainage. She agrees with the contents of the letter that was read and if they build behind her she hopes it is on a much smaller scale that what is being proposed.

Tom Hanifin of 9364 Pinyon Court points out that there will be a numerous amount of children if this project is completed as planned.

JoAnn Pickering, a long-term resident of the "Hamlet" of Clarence Center, would like to see the builders consider changing the name of this development.

Ms. Pickering reads from documents/literature that refer to the name "Hamlet" of Clarence Center being dated back to 1847. With another "Hamlet" in Clarence it could lead to some confusion, even for the Post Office.

Jodi Miller, of 9374 Pinyon Court, advises she was not notified of the proposed development by Essex Homes. At the informational meeting the neighbors were told that everyone in the development received a letter inviting them to attend the informational meeting. Mr. & Mrs. Miller did not receive this letter. She is also aware that her neighbor at 9384 Pinyon Court did not receive the letter either. She wants to make sure the lines of communication are open.

Jerry Szymanski, of Essex Homes, confirms that there was a mailing in December 2005 and it was the intention to send the letter to all the neighbors. He cannot account for why two neighbors did not receive the letter but it was not an intentional "snub" and he apologizes to anyone who did not receive the letter.

Marjie Chase, of 6105 Long, reads a letter from Louis Thompson. Ms. Thompson is the past president of the Clarence Community Association and the former Post Mistress. The letter is in opposition to the name of the subdivision.

Bill Kicman of 9380 Pinyon Court points out that the off-site retention pond, being in wetlands, is always full. He does not know where all the extra water will be pushed. He agrees that a traffic study needs to be done for the whole area.

Robert Fogelsonger of 9670 Clarence Center Road. He has lived in Clarence since he was born in 1918. Mr. Fogelsonger objects to the name of the subdivision.

Eric Grajek of 9324 Pinyon Court voices his concern regarding the proposed location for the homes of the subdivision, they will be close to his home and he would like to see a larger buffer.

Marie Mulaniff of 6556 Goodrich Road is present. She points out that she lives where the retention pond would be. The developer has approached her regarding the use of her pond as the retention pond; she does not have an issue with that. Ms. Mulaniff advises she did not receive a letter from Essex Homes regarding the informational meeting.

Rosemarie Synor-Hoth of 9450 Clarence Center Road objects to the project name. Ms. Synor-Hoth also voices her concern regarding the traffic.

Sean Hopkins will discuss the name change with the client.

The project sponsor plans on preparing a traffic study and will submit it to the Town of Clarence for review.

Regarding the drainage concerns, Mr. Hopkins indicates the project is not to that point, yet. Once the drainage plans are complete they will be reviewed by the Town's Engineering Department.

Mr. Hopkins will meet with Mr. Callahan and Mr. Hartz to review the density calculations.

For future mailings, the applicant will make sure that letters are mailed to ALL appropriate neighbors, the addresses will be double-checked. Informational meetings will be held in the future.

Pat Powers points out that lot number 1 has wetlands extending into it. She poses the question, "Can this lot be part of the green space?" It is the entrance to the proposed project. It is a legal lot. Mrs. Powers also suggests the applicant look closer at the plan for the tree line.

ACTION:

Motion by Timothy Pazda, seconded by George VanNest, to TABLE the project.

ON THE QUESTION:

Gerald Drinkard asks what the Planning Board needs to do to look at and preserve the wooded area in the lower right corner. Mr. Hopkins will contact the applicant and discuss obtaining permission for the Planning Board members to "walk the site".

Patricia Powers	AYE	George Van Nest	AYE
Phil Sgamma	AYE	Gerald Drinkard	AYE
Timothy Pazda	AYE		

MOTION CARRIED.

Item 6

Carl Frizlen
Agricultural Rural Residential

Requests Preliminary Concept Review
of a proposed Mixed-Use Development
at 9435 Main Street.

DISCUSSION:

Fred LoFaso is present and representing the owner. Carl Frizlen is the architect and is also present.

Jim Callahan provides the background on the project. The property is located on the south side of Main Street, west of Goodrich Road. It consists of approximately 21 acres, the front 750 feet of this acreage is zoned Commercial. The Master Plan identifies the frontage area a Commercial classification. The project was introduced to the Town Board on December 7, 2005 and referred to the Planning Board. This represents the introduction of the project to the full Planning Board.

Fred LoFaso describes the project as a 14,000 square foot office building; the owners are residents of Clarence and will occupy approximately 20 percent of the building. The remaining office space will be leased out. The residential component consists of 17 units, 5 will be townhouses and 12 will be flat units, condominiums.

Pat Powers advises that there seems to be a discrepancy on the scale of the plan. The plan stated a ratio of one to thirty. After measuring it, the plan proved to be closer to the ratio of one to fifty. One to fifty is correct.

The parcel to the west of the site is owned in conjunction with the development, the parcel to the east is not owned.

At this time, there are no plans for the parcel on Main Street. Mr. LoFaso is envisioning some sort of retail office use.

Mr. LoFaso anticipates draining the sewage on to a buffer area of the wetlands. He has had extensive discussions with the Department of Environmental Conservation, to find out what would be required. There would be two disposal systems, one would handle the residential component and the other would handle commercial component. One component would be on the west side of the project and the other on the east side.

Phil Sgamma advises the applicant that the Town does not look favorably on common or package sewers/septic systems. The Town might be in favor of each unit having an individual septic system.

Councilman Scott Bylewski advises there is a law being worked on, by the Town Attorney, which would limit condo status based on the size of the dwelling. Mr. LoFaso advises whatever the law dictates, he will conform to.

It is recommended that the next plan identify the surrounding drives so that the Planning Board can identify any conflict points.

Carl Frizlen advises that each unit has it's own egress and ingress.

The wetlands have been delineated.

The units will be sold not rented. In the past, the Planning Board has recommended a Homeowners Association as opposed to a Condominium Association in similar situations.

David Donohue asks if the two units will be on the same property and the common external areas be operated by the same association? As far as maintenance how would the common land be divided if this is one lot?

The property to the east would be maintained by the Homeowner's Association, the property to the west would be maintained by the office owner.

David Donohue asks Jim Callahan if, by not having the land divided, it will cause any problems. Mr. Callahan will look into the question. Timothy Pazda advises it could be a frontage problem. Mr. Callahan advises if it is split, the frontage issue comes into play. Mr. Donohue questions how the "marriage" between the commercial and residential will work out legally, without dividing the land.

David Donohue also questions the insurance, if someone slips and falls who owns what and who is following what?

Phil Sgamma asks if there is a sufficient buffer area between the commercial and the residential. Jim Callahan advises the law indicates "to a residential district property line" therefore it would not come into play in this common ownership. The only residential district boundary is in the Patricia Drive and Melinda Drive area. Jim Hartz advises there is sufficient setback in this area.

David Donohue asks if the project needs to be divided between commercial and residential what would be the setback requirements for the buildings.

Jim Callahan advises the project can be handled through the Special Exception Use Permit, where it can be established that the residential area is a permitted use within this overall scheme.

Pat Powers suggests that, in the interest of consistency, the Planning Board is asking all builders and developers to provide a written statement as to how this project fits the Master Plan for the Town of Clarence. A conservation plan is requested. A tree survey will be requested in the future.

ACTION:

Motion by Timothy Pazda, seconded by Gerald Drinkard to TABLE the project.

ON THE QUESTION:

Phil Sgamma clarifies: there are 17 units that are individually owned with one town septic system, this requires a SPDES permit. He reads the law: An SPDES permit for sewage disposal system serving or intended to serve more than one separately owned property shall be issued only to either a government agency, municipality or a sewage disposal corporation formed and regulated pursuant to Article 10 of the Transportation Corporation Law. In addition to the guaranty, the stock of the corporation shall be placed in escrow and title thereto shall pass to the local governing body in the event of failure to complete the construction therefore, or in the event of abandonment or discontinue of the maintenance and operation of the system by the corporation. Mr. Sgamma explains that it is his understanding that a local municipality can grant or deny the consent to incorporate since it is the ultimate guarantor of the sewage disposal corporation. It is his belief that the Town Board is not predisposed or inclined to grant this incorporation because of the possibility that they could become the ultimate owner of said sewage disposal corporation.

Mrs. Powers would also like to see a plan showing the septic systems, retention ponds, etc.

Councilman Scott Bylewski suggests the applicant refer to The Town of Clarence Code Book under Multifamily developments page 229:69, section 229-126 G to make sure the project meets the requirements.

Patricia Powers	AYE	George Van Nest	AYE
Phil Sgamma	AYE	Gerald Drinkard	AYE
Timothy Pazda	AYE		

MOTION CARRIED.

Item 3	Requests Preliminary Concept Review
Roll Road Industrial Park	of a proposed Industrial Business park
Industrial	at 8520 Roll Road.

DISCUSSION:

Jim Callahan provides the background on the project. The property is located on the north side of Roll Road, east of Harris Hill Road. It was introduced to the Town Board on May 11, 2005 and referred to the Planning Board. After several meetings with the Planning Board the Concept Plan was amended and a 2-lot minor subdivision was approved on October 5, 2005, creating a three plus

acre lot, leaving the remaining acreage as a second lot. The applicant is seeking conceptual approval for development on the remaining lands.

Nick Piestruck is present.

Pat Powers advises Mr. Piestruck the revised plan, that the Planning Board requested at the last meeting, has not been received. This plan was to include the road, show the 2 front parcels were separated out and show a possible north/south bike trail. The plan was also to include the configuration of the Banach property.

Pat Powers explains that the Town Engineer has concerns in that portions of the project are shown within the regulatory floodplain, including a proposed road crossing of a floodway. A portion of the property is within the 100-year floodplain. NYSDEC or the US Army Corp of Engineers permits may be required due to the potential impact on Gott Creek. These issues need to be addressed by the applicant. Mr. Piestruck will have the information by the next meeting.

Phil Sgamma advises the applicant to provide an updated plot.

ACTION:

Motion by Timothy Pazda, seconded by Gerald Drinkard, to TABLE this project.

Patricia Powers	AYE	George Van Nest	AYE
Phil Sgamma	AYE	Gerald Drinkard	AYE
Timothy Pazda	AYE		

MOTION CARRIED.

Councilman Scott Bylewski addresses the Planning Board. On behalf of the Town Board Councilman Bylewski expresses his gratitude and looks forward to the continuation of the working relationship between the Town Board and the Planning Board. He congratulates the members of the Planning Board on their re-appointments and new appointments. He appreciates the training that the Planning Board has put forth. He reiterates the importance of being prepared for meetings.

ACTION:

Motion by Phil Sgamma, seconded by Gerald Drinkard, to adjourn the meeting.

Meeting adjourned at 9:40 p.m.

Patricia Powers, Chairperson

