

PLANNING BOARD MINUTES

Wednesday January 12, 2005

WORK SESSION 6:30 P.M.

Roll call Miscellaneous
Minutes Agenda items
Sign review Communications
Update on pending items
Committee reports - Zoning reports

AGENDA ITEMS 7:30 P.M.

ITEM I

Frank Chinnicci
PURD

REQUESTS SITE PLAN APPROVAL FOR THE DEVELOPMENT OF A 47 UNIT PATIO HOME PROJECT LOCATED AT 5831 TRANSIT ROAD. (BEHIND TRANSIT VALLEY PLAZA)

ITEM II

Sandra Baker

Commercial

REQUESTS A CHANGE IN USE FROM RESIDENTIAL USE TO BEAUTY SALON AT 6215 GOODRICH ROAD.

ITEM III

Gregory Ribbeck
Agricultural

REQUESTS DEVELOPMENT PLAN APPROVAL FOR A 4 LOT OPEN DEVELOPMENT WITH 2 FRONTAGE LOTS LOCATED NORTH OF 5955 SHIMERVILLE ROAD.

ITEM IV

James Colton

Commercial

REQUESTS A TEMPORARY CONDITIONAL PERMIT FOR A RECREATIONAL VEHICLE SALES OPERATION WITHIN EASTERN HILLS MALL.

ITEM V

Lou Visone
Commerical/Agricultural

REQUESTS CONCEPT PLAN APPROVAL FOR THE DEVELOPMENT OF A HOTEL AND ACCESSORY RETAIL SHOPS AT 8766 MAIN STREET.

ITEM VI

Gary Ferrara
Major Arterial/Agricultural

REQUESTS A SPECIAL EXCEPTION USE PERMIT FOR THE CONSTRUCTION OF A 70 FOOT (70') TELECOMMUNICATIONS TOWER AT 7377 TRANSIT.

ATTENDING: Patricia Powers
Christine Schneegold
Joseph Floss
Roy McCready
Jeff Grenzebach
Tim Pazda
George Van Nest

INTERESTED PERSONS:
Councilman Scott Bylewski
J. Grogan
Linda Wiese
Lou Visone
Gary Ferrara
Greg Ribbeck
James Colton

MINUTES Motion by Tim Pazda, seconded by Christine Schneegold
to approve the minutes of the meeting held on December 8,
2004 as written.

ALL VOTING AYE. MOTION CARRIED.

ITEM I
Frank Chinnicci
PURD

REQUESTS SITE PLAN APPROVAL FOR THE
DEVELOPMENT OF A 47 UNIT PATIO HOME
PROJECT LOCATED AT 5831 TRANSIT ROAD.
(BEHIND TRANSIT VALLEY PLAZA)

DISCUSSION:

Jim Callahan gave a brief history of the project which is located on the east side of Transit Road north of Highland Farms Subdivision, and behind the Transit Valley Plaza. The project is also known as the Laurel Park Development. This land was rezoned to PURD on May 13, 1998 with a sixty unit public road design. A revised concept was introduced to the Town Board in April of 2003, and this revised concept was introduced to the Planning Board in May of 2003. It was sent to the Municipal Review Committee with a maximum 50 unit design. The MRC recommended, and the Town Board issued, a Negative Declaration under SEQR. The Planning Board failed to make a recommendation on the revised development plan on November 12, 2003. The Town Board subsequently approved a development plan for a 47 patio home project, and the applicant is here requesting final site plan approval under PURD on the 47 unit design as presented. Jeff Grenzebach asked about the community center. Mr. Chinnicci said that the size of the wetland was somewhat bigger than the original delineation had indicated, and they were asked to take steps to avoid that area. What that caused them to do is to move a unit out of there, and drastically reduced the land area, so it is not feasible to place a clubhouse there. They will keep it as a green area with landscaping. The pond is a wet pond. Joe Floss suggested placing a gazebo and some park benches for the residents to use in this area. Joe Floss asked the applicant the size of units with lofts, and without lofts. Mr. Chinnicci said the footprint is for a 2000 square feet of living space on the first floor, with the possibility of an additional 800 square feet in the loft area. I would imagine the average size could be between 2200 and 2400 square foot in area. We would like to request the ability to maybe allow a 2100 square foot

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footprint if someone wanted that on the first floor,

and nothing more, that we would be allowed to do that. Those units have 20 feet between them, so they won't look like they are packed in there. We are asking for a little more flexibility on that score. Joe Floss said he would like to ask the applicant to remove the stub and replace it with a turnaround. Mr. Chinnicci said he is not adverse to that, he just doesn't know if it is going to be all right with the Engineer. The pavement stops at the forty foot setback. There is a forty foot setback all the way around the perimeter of the three sides of the adjoining neighborhood subdivisions, so our paving lot stops at that forty foot setback. Pat Powers invited neighbors to make their comments at this time. Linda Daigler of 8065 Roseville Lane asked if there would be brush or shrubbery to the north. Mr. Chinnicci said they have been asked to leave as much of the buffer on the north and east sides as possible. We will not be building within forty feet of the property line. Linda Daigler asked how much rear lawn is there? Mr. Chinnicci said the rear yard setback is 40 feet, and with a 20 foot natural buffer, that makes 60 feet. Linda Daigler and Lois Daigler were both concerned about the drainage and the existing ditch, they don't want any more water put on to the neighbors. Mr Chinnicci said the drainage plan is to take the water away from the neighbors. Joe Floss asked if there will be rear yard drainage lines? Mr. Chinnicci said "No, it will drain to the street. All the roof drains will come to the storm sewer." Linda Daigler said "I just want to make sure I am not going to take on any more water. The town needs to keep an eye on that ditch to make sure it is deep enough. It is higher on Transit Road, it is lower back by Linda Daiglers property. Just make sure the Town does its job." Mr. Tim Griffin of 5866 Forest Creek said he would like to see the back of the adjoining property cleaned up, there is garbage, old farm machinery, and old dead trees behind his house. Mr. Chinnicci said he would remove the old farm machinery from the property, and in the spring they can take a look at the trees to make an assessment. Roy McCready said the Landscape

asked for a motion to recommend site plan approval with conditions.

ACTION:

Motion by Jeff Grenzebach, seconded by Roy McCreedy to recommend site plan approval for the development of a 47 unit patio home project at 5831 Transit Road to the Town Board with the following conditions:

1. The PIP permits from the Town Engineers Dept are required for storm drainage,/ grading / erosion control/ Paving/curbs and for fire protection (water main) after Development Plan approval from the Clarence Town Board and prior to any site work.
2. Traffic Safety has recommended the elimination of the stub road near unit # 15. The stop sign on the stub road could be eliminated if the stub road is removed.

3. A copy of the Homeowner's Association agreement is to be reviewed by the Town Attorney prior to being placed on a Town Board agenda.
5. Patios are to be at grade and a maximum of fifteen feet from the houses. A 40 foot rear yard setback, a 20 foot natural buffer, and a minimum of ten feet between buildings.
6. Deed restrictions for fences, except for those fences that might be used for privacy on the patios.
7. An approved landscape plan prior to being placed on the Town Board agenda. Off street parking (11) spaces total as shown on submitted plan. A landscape plan for the green area before being placed on the Town Board agenda.
8. Subject to Recreation and Open Space fees.

On the Question?

Mr. Chinnicci asked why they have to have an approved landscape plan? We agreed to do whatever you asked us to do, why should we wait to go to Town Board?

Pat Powers explained that we are sending this forward, but there are conditions that must be completed before it goes to Town Board.

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Attorney John Garis said he wasn't sure they wanted to concede that both fees were (recreation and open space) were applicable.

Joseph Floss said if you look at the minutes of the meeting held on May 21, 2003 on page 2003-146, Mr. Chinnicci said and I quote "You are getting seven hundred dollars per unit toward your recreation and open space fees. We are a private road, maintaining our own land, doing our own snow plowing and our own garbage removal. This is about as good as it gets when it comes to tax dollars."

Mr. Chinnicci said "I think I was told that was what was required. All we are saying is that we would like the opportunity to have that looked at."

Pat Powers said "That can be looked at on the Town Board level, we do not have the authority."

George Van Nest AYE
Tim Pazda AYE
Jeff Grenzebach AYE
Roy McCready AYE
Joseph Floss AYE
Christine Schneegold AYE
Pat Powers AYE

MOTION CARRIED.

ITEM II
Sandra Baker
Commercial

REQUESTS A CHANGE IN USE FROM
RESIDENTIAL USE TO BEAUTY SALON AT
6215 GOODRICH ROAD.

request

This item was removed from the agenda at the
of the applicants Attorney Jeff Palumbo.

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ITEM III
Gregory Ribbeck
Agricultural

REQUESTS DEVELOPMENT PLAN APPROVAL FOR
A
4 LOT OPEN DEVELOPMENT WITH 2 FRONTAGE
LOTS LOCATED NORTH OF 5955 SHIMERVILLE RD.

DISCUSSION:

Jim Callahan gave a brief review of the project which is located on the east side of Shimerville Road south of Clarence Center Road. It consists of approximately 18 ½ acres and is zoned Agricultural. The Master plan identifies the area in a residential classification. The project was introduced to the Town Board in August 2003, and was introduced to the Planning Board in September of 2003. It was referred to the Municipal Review Committee, Traffic Safety, and Fire Advisory. A Negative Declaration on the revised concept plan was issued by the Town Board in October of 2003. The applicant is here to have the Planning Board consider a recommendation on the development plans as presented. Roy McCready said the Landscape Committee will need a landscape plan showing tree planting and the entrance. Ralph Fink of 8947

Candlewood Lane explained that his property abuts the far deep corner of this development. Over the years they have experienced a lot of water. Talking to Greg Ribbeck, he indicated that this could well be alleviated with the ponds, and the landscaping in the future. He has known Mr. Ribbeck for a long time, and feels he will do the right thing. Dan Calabrese of 8985 Clarence Center Road owns land that is adjacent to this property. It has always been a problem with drainage back there. He is concerned about maintaining a hedge row that borders the property. He mentioned an issue of a property line dispute that has been noted by the Town. Mr. Ribbeck said he was not aware of any situation. Mr. Ribbeck said he would deed restrict the hedgerow from being removed.

ACTION:

Motion by Tim Pazda, seconded by Joseph Floss to recommend development plan approval for a four lot open development area with two frontage lots north of 5955 Shimerville Road to the Town Board with the following conditions:

1. Plumbing on all six lots shall be so arranged to facilitate connection to public sewer when and if they become available.
2. A copy of the Homeowner's agreement is to be reviewed by the Town Attorney prior to being placed on the Town Board

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agenda.

3. Conditions listed by Town Engineer.
4. A topsoil removal permit. A tree planting plan and an approved landscape plan prior to going to Town Board.
5. The hedgerow at the rear of the property is to be retained and maintained with deed restrictions to those properties.
6. Open space and recreation fees will apply.

ALL VOTING AYE. MOTION CARRIED.

ITEM IV
James Colton

Commercial

REQUESTS A TEMPORARY CONDITIONAL PERMIT
FOR A RECREATIONAL VEHICLE SALES
OPERATION
WITHIN EASTERN HILLS MALL.

DISCUSSION:

Jim Callahan gave a brief description of the project which

is located in the Eastern Hills Mall in the former WACAMAW location. The project was referred from the Town Board on December 1, 2004. Mr. Colton was present along with his Attorney Brad Stamm. A memo from Senior building Inspector Dave Metzger was read.

ACTION:

Motion by Roy McCready, seconded by Joe Floss to recommend a Temporary Conditional permit for a recreational vehicle operation within Eastern Hills Mall to the Town Board with the following conditions:

1. Temporary Conditional permit for one year.
2. Maintain existing legal means of egress.
3. Batteries in all vehicles must be disconnected.
4. Propane tanks must be removed, propane is not permitted in the building.
5. Fuel tank amounts must not exceed one quarter tank or five gallons, whichever is less.
6. Fuel tanks and openings are sealed to prevent tampering.
7. Transfer of fuel from vehicles is prohibited in the

building.

8. A fire safety and evacuation plan must be designed per chapter 4 of the Fire Code.

ALL VOTING AYE. MOTION CARRIED.

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ITEM V

Lou Visone

Commercial/Agricultural

REQUESTS CONCEPT PLAN APPROVAL FOR THE DEVELOPMENT OF A HOTEL AND ACCESSORY RETAIL SHOPS AT 8766 MAIN STREET.

DISCUSSION:

Jim Callahan gave a brief description of the project which is located on the north side of Main Street adjacent to Samuel's Grande Manor between Harris Hill Road and Overlook Drive. It is in a Commercial zone along Main Street, and is zoned Agricultural in the rear. The Master Plan identifies the area in the Harris Hill Traditional Neighborhood District. The project was introduced to the Town Board on December 13, 2004 and referred to the Planning Board. This represents the initial introduction of the project to the Planning Board.

Christine Schneegold read a list of questions that had been given to her by Wendy Salvati, who could not be present this evening. The primary issues are sewer, wastewater

disposal, traffic, community character, wetlands, and drainage. The applicant has placed a large amount of fill on this property, which has likely changed drainage patterns, and may have led to wetland issues. A wetland delineation must be done. This property will be re-zoned Traditional Neighborhood District which will limit the maximum size to no greater than 30,000 square feet with a Special Exception Use permit. Also question need for convenience store - no gas. This area is not sewerred. What about the waste water from a 70 unit structure (which will be considerable when you factor in laundry, showers etc.) It may not receive Health Department approval as proposed. This site is also heavily wooded and adjoins the Boncrest residential area, concern for preservation of mature wood land. How much will be lost at the rear of the site to accommodate the gigantic septic system that would be required for this use? There are also geological issues that must be investigated for both the construction of the hotel, and the installation of the septic system. Jeff Grenzebach asked Mr. Visone if the hotel would have a basement? Mr. Visone said it will not have a basement, it will be on a slab. Mr. Visone said he did the site work for Samuels Grande Manor, and he doesn't believe they have had any problems in the almost thirty years they have been there. Chairman Powers said there is little the Planning Board can offer tonight, except to refer this to the Municipal Review Committee which will look at it from an environmental

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standpoint, and to Traffic Safety, and Fire Advisory. Victor Lichtenthal of 4440 West Overlook Drive is a neighbor. There is a natural drain that will have to continue to operate in that area for drainage. He is concerned about the drainage being blocked from north to south.

ACTION:

Motion by Roy McCready, seconded by Joseph Floss to send this to Municipal Review Committee, Fire Advisory, and Traffic Safety.

ALL VOTING AYE. MOTION CARRIED.

ITEM VI

REQUESTS A SPECIAL EXCEPTION USE PERMIT FOR

Gary Ferrara
Major Arterial/Agricultural

THE CONSTRUCTION OF A SEVENTY FOOT (70')
TELECOMMUNICATIONS TOWER AT 7377 TRANSIT
ROAD.

DISCUSSION:

Jim Callahan gave a brief description of the proposed tower which is located in the Major Arterial zone on the east side of Transit between Lapp and Wolcott behind the Kitchen Advantage store. The tower is subject to a Special Exception Use permit. This project was introduced to the Town Board on September 8, 2004 as a 90 foot tower, and was referred to the Planning Board. The Planning Board initially denied the site plan approval due to the failure to meet required setbacks. The applicant applied to the Zoning Board of Appeals for a variance, which was tabled pending negotiations with the adjoining landowners. The applicant has subsequently re-submitted a site plan for a seventy foot tower which meets all required setbacks, and is here for consideration of site plan approval, and a recommendation for a Special Exception Use permit. A negative declaration under SEQR was issued by the Town Board on December 15, 2004. Joe Floss recused himself from this item, because Kitchen Advantage is one of his clients. Gary Ferrara represents Cingular Wireless on this project. They have decided to stay with this site, and lower the height of the tower to seventy feet. They are proposing a tower base capable of an extension to make it higher, if the Town wants, because the Town Code requires towers to be constructed for multiple carriers. They are not proposing a

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tower higher than seventy feet, additional carriers can go below 70 feet. The likelihood of that decreases because Cingular is at the top at 70 feet. If at some time in the future, another carrier would like to use this site, and needs a higher height, they could go through the variance process if the tower has the capability for additional height. There is another carrier that is interested. Roy McCready said he has looked at the landscape plan and scotch pines are not recommended for this area, and the spacing is not noted on the plan. Pat Powers thanked Mr. Ferrara for the photographs he provided to members of the board, and she is not in favor of disguising the tower as a pine tree. Christine asked what the height of the proposed extension of the tower is. Mr. Ferrara said it could be extended to 110 feet. If it ever exceeds the present 73 feet, it will have

to go
before the Zoning Board of Appeals for a variance.

ACTION:

Motion by Christine Schneegold, seconded by Jeff Grenzebach to approve the site plan and recommend it to the Town Board for the construction of a 70 foot telecommunications tower at 7377 Transit Road.

1. The tower is to be enclosed by a fence no less than 8 feet high to include any anchors that may be required.
2. Screening approved by the Landscaping Committee, and an approved landscape plan prior to being placed on the Town Board agenda.
3. An inspection every two years by a licensed professional Engineer.
4. No lighting on the tower unless it is required by the

FAA.

5. Demolition bond for removal of the tower. Bond must remain in force for the life of the tower. This will be approved by the Town Board, must not be less than \$20,000.
6. The tower maximum height at this point is to be 73 feet including the lightning rod.
7. That the sub base be designed to accommodate future expansion if necessary.

ALL VOTING AYE. MOTION CARRIED.

Joseph Floss did not vote on this item.

ACTION:

Motion by Tim Pazda, seconded by Jeff Grenzebach to recommend a Special Exception Use permit to the Town

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Board with the same conditions placed on site plan

approval

(above) shall hold on this permit as well.

ALL VOTING AYE. MOTION CARRIED.

Joseph Floss did not vote on this item.

Motion by Christine Schneegold, seconded by Tim Pazda to adjourn the meeting at 9:00 p.m.

Patricia Powers, Chairman