

Town of Clarence  
Planning Board Minutes  
Wednesday February 4, 2009

**Work Session 6:30 pm**

Roll Call  
Update on Pending Items  
Zoning Reports  
Committee Reports  
Miscellaneous

**Agenda Items 7:30 pm**

Approval of Minutes

**Item 1**

Stone Ridge Estates  
Agricultural Rural Residential

Requests Concept Approval of a proposed major subdivision at Stage and Ransom Roads.

**Item 2**

Milherst Construction  
Industrial Business Park

Requests Concept Approval of a proposed office/shop/storage yard on County Road west of Strickler Road.

Chairman Gerald Drinkard called the meeting to order at 7:30 p.m. Councilman Peter DiCostanzo led the pledge to the flag.

Planning Board Members Present:

Chairman Gerald Drinkard  
Jeffrey Grenzebach  
Richard Bigler

2<sup>nd</sup> Vice Chairperson Wendy Salvati  
Timothy Pazda  
Gregory Todaro

Planning Board Members Absent:

1<sup>st</sup> Vice Chairman Al Schultz

George Van Nest

Other Town Officials Present:

Director of Community Development James Callahan  
Planner Brad Packard  
Councilman Peter DiCostanzo  
Deputy Town Attorney David Donohue

Other Interested Parties Present:

Ron Maurer	Fred Ehlert
Ron Norton	Peter Pucak
L. Probst	Carol Minnick
Shannon Kiener	Dolores Liebner
Rob Pidanic	Scott Glassman
Dan Diemert	Michael Metzger
Bart Dolce	Mike & Bev Williams
Richard & Lisa Fischer	R. Kline
R. Sackett	

Chairman Drinkard notes for the record that in the absence of Al Schultz and George Van Nest, alternate Planning Board member Gregory Todaro will be participating in all discussions and voting on all agenda items this evening.

Motion by Jeffrey Grenzebach, seconded by Wendy Salvati, to **approve** the minutes of the meeting held on December 10, 2008, as written.

Gregory Todaro	Aye	Richard Bigler	Aye
Timothy Pazda	Aye	Jeffrey Grenzebach	Aye
Wendy Salvati	Aye	Gerald Drinkard	Aye

**MOTION CARRIED.**

Chairman Drinkard explains that the Planning Board is a recommending body that may vote to refer agenda items to other committees such as the TEQR Committee, Fire Advisory and Traffic Safety for their study and comment. The Planning Board may vote to recommend an action to the Town Board with conditions. The Town Board is the governing body and as such will have the final vote on all items. The procedure for agenda items starts with Jim Callahan introducing and providing a brief history of the item. The applicant will then have the opportunity to speak on the project. The Planning Board members will then have an opportunity to ask questions. The public will be offered the opportunity to speak on the subject; all commentary will be addressed to the Planning Board and will be limited to three (3) minutes. The applicant will then have the opportunity to respond to the public comment. A motion will be called for with a roll call vote.

**Item 1**

Stone Ridge Estates  
Agricultural Rural Residential

Requests Concept Approval of a proposed major subdivision at Stage and Ransom Roads.

**DISCUSSION:**

Jim Callahan provides the history on the project. It is located on the south east corner of Ransom Road and Stage Road and consists of approximately 92 acres. The applicant is proposing a major subdivision consisting of four frontage lots along Stage Road and a 15+/- lots Open Development Area. The project has received a review and recommendation from the TEQR Committee for a Negative Declaration under the SEQRA process. The applicant is present seeking a recommendation for Concept Approval on the entire project.

Michael Metzger, of Metzger Civil Engineering, is representing the applicant. Mr. Metzger explained that two applications were made for this property. One is for four frontage lots on Stage Road, on approximately 30 acres. The second application was for 15 lots on approximately 94 acres; this is extremely low density. The reason for two applications is because the TEQR Committee needed to see the entire project for the environmental review.

Chairman Drinkard asked for an explanation regarding the water pressure issue. Mr. Metzger said the Erie County Water Authority performed flow tests at the site. The applicant ran hydraulic calculations and concluded that there is more than adequate pressure to serve the needs of this project without diminishing the pressures adversely for the surrounding areas. The Town Engineer concurred that there is no water pressure issue. It was discussed that perhaps the pumping station in Lancaster had a positive affect on the water pressure in this area.

Mr. Metzger refers to the proposed entrance to the 15 lot development and explains that he wanted to line up the entrance with the street that is immediately across from it and will serve 14 of the total 19 lots. There is an established base for the street in place already; this area also had the best existing grade to accommodate a street. The applicant will propose landscaping to buffer the area as to minimize the impact on the surrounding neighbors. He will propose berms, boulders and plantings of trees.

Chairman Drinkard asked Mr. Metzger to address the soil type. The applicant hired Glynn Geotechnical Engineers to analyze the site. They performed perc tests and soil tests and have concluded that the soils on the site are extremely good soils for home and road construction. Two of the three perc tests passed, the third ran slow. The test that ran slow was attributed to compact soil; the soil became compacted from the heavy machinery that had been at the site over the years. The engineers said with some working of the soils at the time of septic system installation it will become perfect soil.

Chairman Drinkard notes for the record that in an Open Development Area each lot must have frontage capability. This was proven on previous prints, however, the Planning Board asked the applicant to "clean up" the lot lines. The current design is a result of this request.

Jeffrey Grenzebach refers to the pond that will have three owners asked what the depth of the pond is. Mr. Metzger does not currently have that information available. Mr. Grenzebach is concerned with the use and maintenance of the pond as it will have more than one owner. Mr. Metzger said he will effectively limit the height in which the water will rise in the ponds which will have an impact on the water levels in the ground. The ponds will be a part of the Storm Water Drainage system. A Home Owner's Association agreement will be required and the Planning Board will look for specific language regarding the maintenance and regulation of the ponds. Mr. Metzger said all necessary legal documents will be forward to the Town Attorney's Office. There will be more than one injection well on the site.

Chairman Drinkard said the corner lot at Stage and Ransom is to be deed restricted so the western portion of the property will never be disturbed.

Chairman Drinkard refers to the Subdivision Law in which it states the scraped topsoil stay on the premises and is given back to the owners to a minimum depth of 8". There is not much topsoil to scrape at this project site so the interpretation of the Law will mean 8" of topsoil around the houses only, not on the entire site. This may need a variance just as a formality. Chairman Drinkard refers to

the Landscape Law Section 8 (G) which indicates existing natural features and vegetation shall be preserved and incorporated in the landscaped area wherever possible.

Chairman Drinkard points out there will be a condition made to the motion that states there will never be any other splits allowed on this property.

Wendy Salvati points out that a variance will be required for the length of the cul-de-sac. The plan has 14 lots off the cul-de-sac, the Law states 12 lots is the max allowed. The length of the cul-de-sac is less than the standard in the code and will have to be approved by the Town Board.

Wendy Salvati suggests handling the two applications as one action through a phasing process.

Mike Williams, of Ransom Road, voices his concern with the water pressure problems and wonders if it matters what season it is when the water tests are done. Mr. Williams said the well that the applicant is planning to dig runs through bedrock; how does the applicant propose getting through the bedrock. Mr. Williams has not noticed a change in his water pressure since the Lancaster pumping station was put in.

Peter Pucak, of Schurr Road, asked if the applicant will use dynamite to blast through the bedrock, the foundations on the surrounding homes may be affected.

Dan, of Stage Road, wonders where the construction access and exit will be, will it be off the main road or will there be a separate construction entrance. Wendy Salvati said the construction would be off the main road. There are many children in the area and Dan is concerned for their safety during the construction period.

Shannon Kiener, of 4365 Ransom Road, asked how close the proposed houses will be to the back of the lots on Ransom Road. Chairman Drinkard explained the current plan shows the footprint of the location of the houses. Ms. Kiener said there is a lot of water that collects there. Chairman Drinkard said the engineering of the project will address that issue. Wendy Salvati said the engineers will look for high points at the site to locate a home. Ms. Kiener is also concerned with the wildlife at the site. Ms. Salvati said the applicant will only disturb approximately 6 acres; approximately 76 acres will be kept natural.

Dolores Liebner, of Jones Road, is concerned with what might happen to the aquifer if the applicant uses dynamite. She had her well re-drilled last year. There is no water line on Jones Road.

Mike Williams, of Ransom Road, said previous meetings indicated there would be no dynamite used; now it sounds like if they need to use it they would be allowed. Chairman Drinkard said it would be up to the Town Board to allow or deny the use of explosives. If blasting was allowed the applicant would be required to do a pre-blast survey. It is confirmed by Chairman Drinkard and Jim Callahan that the Environmental Assessment Form indicated no blasting at the site.

Timothy Pazda refers to the test results for water pressure dated October 2008; the report indicates the water pressure is excellent. Areas on Stage Road and Ransom Road were checked. Mr. Pazda suggests the Planning Board continue to look at the water pressure issue.

Mr. Metzger said he anticipates the injection wells to be approximately 200' deep. They will have to drill through rock, but that is what drills do. The houses will be built on high points of land.

There are no bedrock outcroppings at the site. The construction entrance must be at the same location as the proposed road. The road will be built and the homes will be built as the lots are sold off; all the homes will not be built at the same time.

Mr. Todaro asked if there were any concerns with the foundations of the proposed homes as they will be built on a steep grade. Mr. Metzger said the steep grade is an opportunity to build walk-out basements; there will be no issues with the slopes as it relates to the foundations of the houses. There will be no impact to well water. The proposed homes will be on a public supply serviced by the pumping station; they will not draw water from the aquifer that services Jones Road. There will be no usage of well water from the potable aquifer.

Chairman Drinkard said the plan was sent to the Conservation Advisory Council for review of potential recreational use at the site. The law indicates the applicant is to provide for a recreation area or incur a fee. Due to the make up of this land, a fee will be charged in lieu of creating a recreational area.

### **ACTION:**

Motion by Wendy Salvati, seconded by Gregory Todaro, to **recommend** Concept Approval for the proposed Stone Ridge Estates subdivision:

1. There will be four frontage lots (#16 thru #19) along Stage Road per the submitted design that will not involve any further Town approval.
2. 15 lots within the Open Development Area per the submitted design that will require Development Plan Approval by the Town Board.

The 15 lot Open Development Area will be subject to the following conditions:

- A deed restriction will be required to ensure the corner lot on Stage and Ransom remains undeveloped and natural for that portion the Planning Board has identified.
- A fee will be required in lieu of recreational amenities on the property.
- Landscape Committee approval after Development Plan approval.
- The Town Board will approve by super majority the following variances:

1. There will be fourteen (14) homes off the private road which is a dead-end cul-de-sac; the law allows twelve (12) homes.
2. The length of the private road coupled with the private driveway/cul-de-sac will be greater than the allowable 1500 feet; it will be approximately 1700 feet.
3. The requirement of 8" of topsoil will be applicable on a per lot basis surrounding a home and identified in the proposed Landscape Plan. This will be considered in the Landscape Plan when submitted at Development Approval.
4. A Homeowners Agreement will be submitted to the Town Attorney's office for approval to cover ownership and maintenance of the development's ponds.
5. There will be no further splits on the property.

**ON THE QUESTION:**

Chairman Drinkard said that it is recognized that this entire parcel is unique in layout, the soil is unique, the topography and rock formations are unique. The proposed Open Development is good use of the land. The Planning Board also recognizes there is a strong intent to preserve the significant features of the land as it is.

Mr. Pazda said the applicant previously demonstrated he has enough frontage to build these homes but it was with an unusual lot line lay out. The Planning Board requested the applicant reconfigure the lots, thus causing variances to be required.

During the course of construction care is to be taken to ensure the safety of the children and adults in the surrounding neighborhood.

Gregory Todaro	Aye	Richard Bigler	Aye
Timothy Pazda	Aye	Jeffrey Grenzebach	Aye
Wendy Salvati	Aye	Gerald Drinkard	Aye

MOTION CARRIED.

**Item 2**

Milherst Construction  
Industrial Business Park

Requests Concept Plan Approval of a proposed office/shop/storage yard on County Road west of Strickler Road.

**DISCUSSION:**

Jim Callahan provides the history on the project. It is located on the south side of County Road, west of Strickler Road and consists of approximately 15 acres. The applicant is proposing an office/shop/warehouse for a company relocation. The project has received a review and recommendation from the TEQR Committee for a Negative Declaration under SEQRA.

Rob Pidanick, of Greenman Pedersen, Inc., is representing the applicant. The Milherst Construction site is currently located on Millersport Highway in Amherst, New York. The property is approximately 16.9 acres. The proposal includes a 5328 square foot office building with two attached shops totaling 12690 square feet. There are public utilities available to the site; there is water located along County Road, the storm drainage is yet to be designed. The applicant will use a traditional septic system. A preliminary Landscape Plan has been submitted and reviewed. The project sponsor has agreed to install a 5' berm along the east and south sides of the property. There are currently 30 parking spaces proposed; 27 is required by code. Milherst employs 9 office staff; there will not be a lot of people in and out of the site. The majority of the employees are on project sites and do not report to the office in the morning but go right to the job site. The NYS DEC sent a letter indicating they agree with the Town as Lead Agency on this project. The applicant has addressed the issues that the DEC identified in connection with SEQRA. Trees will be relocated and replanted on the site. Ron Maurer is present.

Wendy Salvati voices her concern with protecting the wetlands and the 100' buffer area; she wants to ensure that over time there will not be infringement on the area. She suggests a 2' or 3' earthen berm to protect the area.

Mr. Pidanick said there is concern that the natural lay of the land is towards the wetland; all of the land drains to the west side. Mr. Maurer is willing to install fencing and/or silt fencing adjacent to the stock piles; the applicant can not inhibit the natural drainage. Wendy Salvati asked if the applicant would install something more permanent than orange fencing. Mr. Pidanick will discuss this with the sponsor.

Chairman Drinkard said loads of debris should never be brought in to the site as this could contaminate the wetland. Mr. Maurer said broken concrete may be stored at the site on occasion as it may be used to stabilize an entrance on a construction site, but in general, there will not be a lot of this stored as that is not the nature of their business.

Chairman Drinkard referred to a previous meeting in which a Milherst representative said the piles would not exceed 25' in height, Mr. Maurer agrees. There will be 2 or 3 piles on the site. The restriction put on the stock piles is due to neighbors that border the rear of the site; this will help keep their line of site undisturbed. Wendy Salvati suggests the stock piles be placed on the east side of the site furthest away from the wetland boundaries. Equipment storage will be behind the building. Mr. Maurer explains that the piles will be excess materials, not stock piles for a job.

Chairman Drinkard said a Special Exception Use Permit (SEUP) will be required for the outside storage of equipment. Mr. Maurer explains he would store equipment such as excavators, bulldozers, rollers and pavers. The equipment numbers stored on site will vary depending on season. The applicant does highway construction, site work, pipeline work, water mains and sewer lines.

Mr. Dolce, of Keller Road, is concerned with water pollution and the wind blowing the dust from the proposed project on to his property.

Mr. Maurer said they pull the equipment into the shop to steam clean it. There would be catch basins inside the shop with an oil separator; this is regulated by the DEC. The prevailing wind is west to east, toward Strickler Road. In the winter dust will be less likely as the piles may be covered with snow or frozen. Mr. Pazda points out that the berm and trees will help cut down on the dust as well.

The Landscape Committee reviewed the Landscape Plan and advised the landscape architect that curbing is needed at the entranceway and around the sodded area to the building front. The architect will discuss this, among other items, with the applicant.

#### **ACTION:**

Motion by Jeffrey Grenzebach, seconded by Richard Bigler, to **recommend** Concept Approval for the proposed office/shop/storage yard on County Road with the following conditions:

- The maximum height of the soil material piles at the rear of the property will be 25'.
- The wetland buffer will be delineated, marked and proposed at Development Plan.
- Berms will be identified on the eastern and southern boundaries 40' wide and 5' tall, trees will be provided on these two berms.
- A Special Exception Use Permit (SEUP) will be required for outside storage.
- No construction debris will be brought to the site that could contaminate the wetland.

**ON THE QUESTION:**

Mr. Pazda questions the hours of operation for the business. This was discussed at a previous meeting and the hours will be from 7:00 a.m. until dark.

Wendy Salvati states for the record that fencing be established along the wetland buffer, this can be temporary as the applicant is clearing the site, but some type of permanent fencing is to be installed thereafter. She suggests silt fencing along the bottom of the stock piles which will be kept along the eastern portion of the site as far away from the wetland as possible.

Gregory Todaro	Aye	Richard Bigler	Aye
Timothy Pazda	Aye	Jeffrey Grenzebach	Aye
Wendy Salvati	Aye	Gerald Drinkard	Aye

MOTION CARRIED.

Meeting adjourned at 8:57 p.m.

Carolyn Delgato  
Senior Clerk Typist