

PLANNING BOARD MINUTES

Wednesday February 16, 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
Forbes-Capretto
Agricultural**

**REQUESTS AN OFF PREMISES REAL ESTATE
SIGN AT 8241 SHERIDAN DRIVE FOR FORBES -
CAPRETTO HOMES.**

**ITEM II
Cimato Enterprises
Residential A**

**REQUESTS DEVELOPMENT PLAN APPROVAL
FOR CONSTRUCTION OF A 16 LOT RESIDENTIAL
A SUBDIVISION - EXTENSION OF FIELDBROOK
DRIVE.**

**ITEM III
Vito Pace
Agricultural**

**REQUESTS DEVELOPMENT PLAN APPROVAL
FOR A THREE LOT OPEN DEVELOPMENT AREA
AT 5485 SALT ROAD.**

**ITEM IV
Clarence Soccer Club
Agricultural**

**CLARENCE SOCCER CENTER REQUESTS A
BUILDING PERMIT FOR CONSTRUCTION OF AN
ADDITION TO THE EXISTING SNACK BAR AT
10000 CLARENCE CENTER ROAD.**

ITEM V

ZONING LAW REVIEW.

ATTENDING: Patricia Powers
Christine Schneegold
Wendy Salvati
Joseph Floss
George Van Nest
Jeff Grenzebach
Tim Pazda

INTERESTED
PERSONS: Brett Kreher
Lou Vitello
Richard Clay
Cindi Clay
Cheryl Anthony
Bryan Anthony
Rob Waters
Luther Townsend
Kevin Curry
Bill Schutt
Jeff Palumbo
Fred Cimato
James Callahan
Kathryn Tiffany

MINUTES

Motion by Jeff Grenzebach, seconded by Christine Schneegold to approve the minutes of the meeting held on February 2, 2005 with the following corrections:

Page 20 - The Planning Board has held several meetings with the applicant, as well as the Executive Committee of the Planning Board.

Page 24 - Traffic Safety did not make a comment, because they didn't know what they were looking at.

ALL VOTING AYE. MOTION CARRIED.

ITEM I
Forbes - Capretto

REQUESTS AN OFF PREMISES REAL ESTATE SIGN
AT 8241 SHERIDAN DRIVE FOR FORBES-CAPRETTO

Agricultural

HOMES.

DISCUSSION:

Jim Callahan gave a brief description of the request for an off premises sign at 8241 Sheridan Drive. The sign is located at the southeast corner of Sheridan and Helenwood.

It is currently zoned agricultural, and consists of a single family property. The proposed sign was introduced to the Town Board on October 13, 2004 and referred to Planning Board consider a subdivision sign. Tim Morgan of Forbes - Capretto Homes represented the sign that is in place on Sheridan Drive. For visibility purposes they negotiated with the owner of the property, because there isn't a lot of drive by traffic where the subdivision is located. The sign is three feet by five feet. They became aware of the fact that a sign permit was required, after the sign was installed.

They applied for a sign permit in September for a temporary sign good for sixty days. The sign was placed on the Planning Board agenda on November 11, 2004 and was removed from the agenda at the request of the applicant. Chairman Powers asked Mr. Morgan if they had applied for a sign permit from the State Department of Transportation. Mr. Morgan said the sign is well out of the right of way for both the Town and the State. Christine Schneegold told Mr. Morgan that any off premises sign on a State Highway, and Sheridan Drive is a State Highway, is required by law to have a permit. Christine said she spoke with the D.O.T. today, and the only way you can get an off premises sign on a State Highway is if the land is zoned Commercial or Industrial. This property is zoned Agricultural. Mr. Morgan said they hired the sign company to take care of all the permits. Christine Schneegold said the State has no record of a sign permit, no one has applied for a permit for this sign. Chairman Powers said "Our sign ordinance has no mechanism to give you what you are asking for - an off premises sign. Jim Callahan said "I just want to clarify this was referred under the subdivision law, as a subdivision sign. You requested that we make a recommendation on that to the Town Board. That was per the Town Attorney's recommendation, so you need to exhaust that as a possibility in terms of allowing the sign there." Mr. Morgan said "It is my understanding that there are similar

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signs in and around town like that. I don't know what the mechanism is to allow that, but we filled out the application and were referred to the Town Board, and they referred us

to the Planning Board. Joe Floss asked Christine if her remarks were based on the sign being located in the State right of way. Christine said "If it is in the right of way it is automatically an illegal sign, but it is on private property that is zoned in a classification that does not meet the State requirement. The State controls signs on State highways, even outside of the right of way. Off premise signs must be under permit, and they cannot be under permit unless they are in a Commercial or Industrial zoning classification. Joe Floss said " Jim, then the subdivision law and the real estate signage is limited in size, is it not?" Jim Callahan said " Yes. Again let me clarify. The Chairman is right in terms of the sign law - that is an illegal sign. We noticed the violation immediately. We did issue the temporary sign permit after the Town Board referred it to the Planning Board under the subdivision law. Generally with the subdivision law you are going to approve a subdivision sign at the entrance to the subdivision. We approve those in most subdivisions but in this instance, it is off premise, and that is why the Town Board referred it here for our comment. There are no off premise subdivision signs that I know of in the Town of Clarence." Chairman Powers asked if there was anyone in the audience who wished to speak to this issue. No one spoke. At this point Chairman Powers asked for a motion.

ACTION:

Motion by Christine Schneegold, seconded by Tim Pazda to have the sign removed from 8241 Sheridan Drive based on the information from the State . The applicant has ten days to remove the sign, or it will be removed by the Town at the applicant's expense.

ALL VOTING AYE. MOTION CARRIED..

DISCUSSION:

Jim Callahan gave a brief description of the project. It is located north of Roll Road and west of Newhouse Road.. It is an easterly extension of the existing Fieldbrook Drive, and consists of approximately 14 ½ acres in the Residential A zone. Re-zoning from Agricultural to Residential A was approved by the Town Board on October 23, 2002. The Master plan identifies the area in a residential classification. A Negative Declaration was issued under SEQR by the Town Board on September 25, 2002, and the applicant is here seeking development plan recommendation from the Planning Board to the Town Board to initiate construction of the infrastructure as designed and presented. All regulatory agencies, and departmental approvals are in place. Bill Schutt represented the project along with Attorney Jeff Palumbo. The development is within Sewer District # 5. Mr. Schutt said "The land also consists of approximately 3 acres or 20% of the land area, that will be donated to the Town of Clarence. This land runs parallel to Gott Creek as part of a creek corridor preservation and maintenance program that was discussed with the Town about three years ago. The initial concept plan and SEQR approvals were obtained back in 2002. The final engineering took place at that time, and the final approvals were slightly delayed, pending some downstream sanitary sewer problems between the Town of Clarence, and the Town of Amherst, which are now resolved. We have all the agency approvals and all the Town department approvals, and we are requesting a recommendation for development plan approval. Jeff Grenzebach asked if the corridor access would be included on the residents deeds. Mr. Schutt said it would not be on the deed, it will be dedicated to the Town of Clarence at the same time that the roads are dedicated to the Town of Clarence. It will not be part of any residents lot. The residents will know they do not own up to the creek through their individual boundary surveys, and also the subdivision plat map that will be filed. Christine Schneegold said "I have a question about the pond. From the plan that we looked at earlier this evening, the pond appears to be bigger." Mr. Schutt said "The pond is slightly bigger, yes, what we are looking at here is the concept

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plan and I am not sure of the date of it. It must be early of 2000, and in the interim between 2000 and now, of course DEC enacted some new storm water regulations in the

interim. So, the old requirement was just to provide storm water detention for a 25 year storm. Now the DEC has a requirement to provide storm water detention for 50 and 100 year storms. Also the configuration of the pond has changed because the Town Engineering Department asked us to pick up and include some off-site drainage to the south of this development. We had to reconfigure our drainage and our subdivision storm drainage to accommodate the request of the Engineering Department as well. This will be a wet pond and will be approximately 6 feet deep at the deepest point and will have side slopes etc. in accordance with the Town's standards. Patricia Powers said "As you are aware the residents have asked that the pond be moved. The DEC has decided where the pond has to be. So on the basis of where the DEC says it has to be the Planning Board is going to recommend that it will be a dry pond. We have discussed this at previous meetings, and I believe you said that it could work as a dry pond." Mr. Schutt said "That might have been discussed back in 2002, but as I indicated now, we have other parameters that we are trying to achieve, both with respect to the DEC requirements, and the Town of Clarence Engineering requirements to take some off-site drainage through there. So, that would require either not being able to achieve what the Engineering Department wants us to achieve, or a substantial re-design of the subdivision. The pond itself is forty feet from our westerly property line, and we are going to be maintaining a minimum of a twenty foot buffer, maintaining the existing vegetation there on that westerly boundary, which would be our sub lot number one parallel to the basin. Pat Powers asked "You are talking about the full length?" Mr. Schutt said "No, from the rear along the length of the pond. The front side yard of the house we wouldn't necessarily have a twenty foot existing vegetative buffer. But in the rear of the house along the length of the pond, we would maintain the twenty foot wide existing vegetative buffer using the existing vegetation." Mr. Schutt said "The pond is also designed to be a source of fill for the remainder of the subdivision, for the construction of the subdivision. So, if that was not constructed as a wet pond, and it was re-designed, a tremendous amount of fill would have to be trucked in through

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the existing subdivision, hauled in to fill the subdivision area. Right now, we are completely balancing all our earth work within that area of the subdivision, and avoiding

trucking in imported fill from outside the area, through the existing subdivision.” Wendy Salvati said “I am looking at your grading proposal for this pond. I don’t see how you can maintain twenty feet of natural buffer. I am looking at your most recent submittal.” Mr. Schutt said “The edge of our pond is about forty feet plus or minus from that west property line. Wendy said “That is not what this shows.” Bill Schutt said “What does it show? May I come up there and take a look?” Wendy said “Yes please.” Joe Floss said “One inch equals fifty feet, and the green starts here.” Wendy said “If you have to re-grade all this, it can’t stay natural”. (Discussion among Bill Schutt, Wendy Salvati and Joe Floss followed). Pat Powers said “I apologize for this interruption.” Jeff Grenzebach asked if lots 7 & 8 will be marked off during construction. Mr. Schutt said yes they will be marked off. Wendy Salvati said “My concern was guaranteeing that the wetland will not be disturbed. It does say on your plan that it not be disturbed. Mr. Schutt said “Every single plan sheet for the entire subdivision says that, and so does the final plat plan. Taken to the next step, the surveys will be developed showing those wetlands as well. As we indicated the wetlands would also be fenced at the time of construction, so there is no chance of them being disturbed.” Wendy Salvati said “Can we go further and deed restrict it? Is that a possibility Mr. Palumbo?” Mr. Palumbo said “Yes.” Tim Pazda said “Does the Town want that creek? Where are we in that process?” Bill Schutt said “If I recall correctly, the Planning Board at the concept plan stage, recommended not taking the property along the creek to the Town Board. But the Town Board upon listening to the recommendations of both the Town Engineer, and the Highway Superintendent, the Town Board decided to take dedication of that property along the creek corridor and that’s the way the concept plan was approved then.” Joe Floss said “Are you saying that it is part of the Town Board minutes, that indeed they accepted this?” Mr. Schutt said “It should be.” Joe Floss said “We will look at that.” Mr. Schutt said “That is the way the concept plan was then finalized, and that is the way we moved it forward with final engineering.” Joe Floss said “The plans we are looking at of February 2003 that say 2.88 acres will be donated to the

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Town of Clarence...that was something I was going to bring up, when we looked at it last we did not recommend it.” Mr. Schutt said “That is right, the Planning Board did

not recommend taking it, but the Town Board voted to take it based on the recommendations of the Highway Superintendent and the Town Engineer. Wendy Salvati said "You said that was for creek maintenance?" Mr. Schutt said "It is for a variety of things. The DEC wanted it protected for preservation of the creek corridor, and management of the creek corridor so to speak. The Highway Department wanted it for unrestricted access up and down the creek. It also would provide a green belt along Gott Creek. The idea would be that if the property to the north of the creek was ever developed, the same thing would happen, so then it would be essentially a 200 foot wide green belt, that would be following that creek corridor. That would be owned by the Town of Clarence. Wendy Salvati said "If that is the case, as we were discussing earlier, than we would think about a conservation easement." Pat Powers said "There is nothing in our file to indicate the Town was willing to do that. At the meeting of October 2, of 2002, the Planning Board recommended that the Town Board not accept dedication of the land between lots 1-10 and Gott Creek, as ownership of this land could put the Town in a position of being involved in the enforcement of State Stream Regulations, and because the Town's interest of access for stream maintenance could be accomplished through an easement rather than ownership. Chairman Frey said he would like to add the recommendation that this parcel be left connected to the other side of the creek, as it is still the same owner. In the event, they need to come down and get an easement to clean that creek, they could come right in off Newhouse Road, without having to worry about crossing over anybody's property. We are dealing with two different Town Boards and two different Highway Superintendents. I think one of the issues is what the present Town Board and present Highway Superintendent wish to do about the easement for Gott Creek." Wendy Salvati said "Madame Chairman, could we also recommend that the Conservation Advisory Committee give us their opinion as well? Mr. Schutt said "Well, since we are so far down the road though, our options aren't that many. Essentially we can either continue on with the intended requirements of the Town back in 2002, and that is donate that

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land to the Town. Or we can just extend all the lots out to the center of the creek, and put some kind of conservation

easement through the back of each of the ten lots.” Pat Powers said “And how would you enforce that? “Mr. Schutt said “It would be enforced by deed restrictions, that is the only way it could be enforced because you are dealing with ten different owners. That was the one thing the DEC was concerned about.” Wendy Salvati said “Do we have comments from the DEC?” Jim Callahan said “Yes. They would prefer one owner as opposed to several.” Pat Powers said “While Joe is looking for that, are there any other questions from Planning Board members? Is there anyone in the audience who wishes to speak. Neighbors were concerned about the location of the pond, the fact that it had been relocated, and they didn’t feel it was safe without a fence around it. They are not trying to stop what they are doing, but they would like the courtesy of seeing the final plan. Many of the neighbors on Forest Creek Drive were not notified. Neighbors were not happy about having a pond in their backyard. The pond has gotten bigger in size, and closer to the property lines, and no one has approached the neighbors. They have heard there is a plan for a sizable subdivision north of Gott Creek as well. They have concerns over where all that water being pumped into Gott Creek is going to go. The creek can barely contain itself now. If you add a lot of new housing, the water is going to wind up in the pond in our backyards. They want to know what the DEC told the developer regarding why the pond has to go there. The developer should have had the consideration to seek their opinions, seeing as they will be the most affected. Pat Powers said Joe Floss is looking for a letter from the DEC regarding the pond, as we speak, but he hasn’t found anything as yet. Jeff Palumbo the attorney for the applicant said “It seems to me there are really only two main issues, and I would like to address them quickly. With respect to the pond - we appreciate the comments of the neighbors, and apologize if we have done a poor job of communicating. I understand the concerns about the pond and the proximity to the existing neighbors. My client understands those concerns. We will agree that the pond will remain a dry pond as opposed to the wet pond. We can do it either way, we have indicated that from the very beginning. The problem is the trucks that will be coming in to level the site, because we can’t use the fill from the

pond. We want to make sure that it is on record, so when those trucks start coming in and out, every one understands

why. Since it will be a dry pond, we will no longer have a need for the pond to be 6 feet deep, 3 feet will be sufficient.

The other main issue is the ownership of the corridor. It is extremely important, because there is no question the DEC does not want that land to be in individual ownership. In terms of whether the Town Board and the previous Highway Superintendent approved it, I don't think there is any question of whether that happened, because our concept plan showed it in Town ownership. That concept plan was approved by the Town Board. It is now very difficult to expect the applicant to re-design and re-engineer all those things once the concept plan has been approved. We very much want to move this forward. We have made a major concession, listened to the neighbors concerns about the pond, and we will design it so it is a dry pond. We would hope that this board could make a recommendation this evening. If you still have some reservations about whether the Town Board wants it or not, allow them to make that determination. Joe Floss said he had not found any paperwork from the DEC regarding the pond. Joe asked Mr. Schutt what measures he will take whether the pond is wet or dry, to prevent water from going on the neighboring properties. Mr. Schutt said 'We have taken all the precautions that we can. We have gone under very close scrutiny by the Town Engineering department and the DEC with respect to our grading plans, storm drainage plans, storm drainage calculations, and all that. Pumping water into the creek is exactly the opposite of what we are trying to do. We are going to be picking up some off-site drainage at the request of the Engineering department. So we are controlling run off of a larger area than just our development. So some of those things that have happened in the past will hopefully be corrected.'" Joe Floss asked Mr. Schutt if our Town Engineering Department has already approved his plans. Mr. Schutt said "Yes, they have." Tim Pazda said "I am curious as to what the neighbors feel about these new statements about the dry pond." Mr. Dwyer (resident) said when we purchased our land back there, we were led to believe the land behind us was protected land. We were surprised to find out there was going to be anything, much less a pond in his backyard. I would think at the very least they would have to put a significant

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berm between their dry pond and the property line there to insure that nothing gets out of there. It will create a

breeding ground for mosquitoes with a wet or dry pond, a condition that never existed before. Were West Nile and other issues ever explored? I have no idea. The dry pond is a more acceptable idea for me personally, but I just don't see why it can't be shoved that much further away from my property and my fellow neighbors. They need to take into consideration the existing home owners, and what is going to happen when we try to sell our homes down the road. Mr. Langenfield said he would like to see a plan that shows exactly what they are going to do. Where the pond is shown is under water right now. Where is that water going to go when they put up a berm to contain the water? I am concerned it is going to cause flooding. Wendy Salvati said "I am not sure a berm is a good idea because you are going to trap water that is trying to make its way to the creek. You are only going to create a flooding problem that doesn't exist." Tim Pazda said "Mr. Schutt what is the elevation of the proposed lots? What will they be in relation to these? Will there be a natural progression heading towards the creek? Are they going to be level with these?" Mr. Schutt said "Well, lot #1 will be level with those lots." Wendy said "Will they slowly grade down?" Mr. Schutt said "The grade of our property is in the north westerly direction. So, obviously the pond as shown there is the lowest point of our property." Tim Pazda said "You are either draining into the creek or into the pond." Mr. Schutt said "Correct." There would be a 20 foot buffer with natural vegetation. Michele Toole wants to know why the pond has to be back there - because it has the biggest lots? She also wants to see a final plan so they are aware of what is going to happen. Did the DEC say that the pond is also going to be able to handle the water from an outside source? Where is it coming from? Mr. Schutt said "The subdivision from the south, I think it is called Rolling Meadows." Michelle Toole said "It is coming from Kippen Drive? Doesn't Kippen already have a drainage system set up for it? It has been in existence for 20 years." Mr. Schutt said "It does, but there is an open ditch and the Town wants us to intercept that flow. Michelle said she wants to see as much natural vegetation preserved as possible. A lot of developers just come in and they just totally knock down everything. For the record, there was a truck in this subdivision, unauthorized, and they just took

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out a good portion. They just came in and ripped out part of it, and left a nice big hole. Is that how it is going to be done? There are

beautiful trees that have obviously been there for years. Is there any way to keep some natural environment. Bill Schutt said “We have attempted to design the subdivision by working with the existing grades and contours. If you are going to make drastic changes in the grades, then everything has to be cleared and stripped entirely. So we are trying to work with the natural grades in harmony with the existing contours. That being, for the development of the infrastructure itself in the subdivision, very little outside disturbance has to take place.” Wendy Salvati said “So could you go in and just clear the home sites, and not have to clear all the way into the back of the lots?” Mr. Schutt said “That is true, that is true. The other thing being, the idea of the three acres along the creek which would be owned by the Town would remain in a natural state. If that ownership is divided up into ten different owners, they can do what they please, obviously it is their property.” Pat Powers said “The situation that you described Bill, doesn’t help the people on Forest Creek Drive. You are talking about along the creek” Mr. Schutt said “We talked about maintaining twenty feet of natural vegetation there. Wendy Salvati said “Could you do it all the way up? Fred Cimato said “It is hard because you have backyard drainage, that will be coming through also in order to protect that. You will wind up going within that fifteen foot easement. That ten or fifteen foot easement is rear yard drainage. That is our run off.” Mr. Schutt said “Parallel to the pond we can maintain that buffer, where the house would be constructed on the first lot.” Wendy Salvati said “Could you do it all the way up to the road?” Mr. Schutt said “No. Then you are in the side yard for the house for lot # 1. Pat Powers said “Don’t you think that whoever buys that particular lot would appreciate the green space just as much as the people whose backyard is facing it?” Bill Schutt said “The side yard setback for their house is 12 ½ feet, and if you are going to come to them with a 20 foot vegetative buffer that severely impacts that first lot. If you do it behind where the house is going to be, as we talked about where the pond is, then it doesn’t affect that home.” Pat Powers said “Will that #1 lot be the model home?” They didn’t know. The width of that lot is 100 feet wide. They will maintain the vegetative buffer with either a wet pond or a dry pond. Tim Pazda asked the neighbors to take a look at the current plan. Neighbors asked various questions to Mr. Schutt referring to the plan. Mr. Schutt said this is the 6th public hearing for this project. (This is not the 6th Planning Board meeting, that includes MRC and TB) Residents on Forest Brook said they have never been informed of any of the

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meetings. Pat Powers asked if there were any other questions. There were not. Pat stated that she would like to move this project

along with conditions. The Planning Board is only a recommending body, the Town Board will make the final decision.

ACTION:

Motion by Patricia Powers, seconded by Christine Schneegold to recommend development plan approval with the following conditions:

Planning

- 1) Subject to recreation and open space fees.
- 2) The DEC has determined the location of the pond. The

Board is recommending a dry pond approximately 3 feet deep. The developers have agreed to that this evening.

- 3) A 20 foot buffer of natural vegetation and tree line to be maintained as a buffer between the homes on Forest Creek Drive and in Highland Park. The buffer is to run the full length of the rear yard of the homes on Forest Creek Drive.

- 4) They will be subject to all the conditions of the Town Engineers letter of February 2, 2005.

- 5) Lots adjacent to the Federal Wetlands shall be deed restricted and marked to prevent encroachment to the wetlands. Lots with frontage on Gott Creek to be deed restricted to prevent encroachment on the creek and markers are to be placed to be so noted.

- 6) The matter of access to the creek is to be resolved with the Town Board and the Highway Superintendent prior to being placed on the Town Board agenda.

- 7) No work is to commence on the project until the Town Board approves the request for development plan.

- 8) Limit the truck traffic to the access site Monday through Friday from 8 a.m. until 5 p.m. for the purposes of fill etc.

- 9) Lots will be cleared for the home site preserving the natural vegetation.

On the Question?

Christine Schneegold asked if the 20 foot buffer extended all the way down the length of lot # 1.

Fred Cimato said that is hard to do with the side yard requirements.

Wendy Salvati said they have a 100 foot wide lot.

Jeff Palumbo said "The ordinance sets forth certain lot width requirements and it also sets forth requirements for side lot setbacks. We are meeting those requirements. What you are doing by imposing a

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20 foot buffer is arbitrarily changing your own ordinance with regard to side lot setbacks. You really can't do that. You have to

play by the same rules that we have to. The ordinance says you have a setback of a certain amount. By creating a 20 foot buffer you are changing the setback requirements. I don't think there is anything in the ordinance that allows you to do that."

Pat Powers said "Since we are not a governing body, we are only a recommending body, we can recommend whatever we want. It is up to the Town Board."

Jeff Palumbo said " You shouldn't make a recommendation that is in violation of your own ordinance."

Wendy Salvati said "The code says there is a 12 ½foot minimum side yard, so if you want to make the side yard bigger than 12 ½ feet you can do that."

Jeff Palumbo said "Absolutely not. Absolutely not. Then you could restrict the whole thing. You could restrict building completely if you made it a 50 foot setback on either side. You cant do that."

Pat Powers said "Thank you for your comments Mr. Palumbo."

ALL VOTING AYE. MOTION CARRIED.

ITEM III

Vito Pace
Agricultural

REQUESTS DEVELOPMENT PLAN APPROVAL FOR A
THREE
LOT OPEN DEVELOPMENT AREA AT 5485 SALT ROAD.

DISCUSSION:

Jim Callahan gave a brief description of the proposed project. The property is located on the east side of Salt Road north of Greiner Road. The property consists of approximately 2 acres in the Agricultural zone. The Master plan identifies the area in an Agricultural Rural Residential classification. A Negative Declaration under SEQR was issued on June 26, 2002. Concept plan was granted by the Town Board on April 14, 2004. Luther Townsend is representing the project for his father-in-law Vito Pace. He said "I apologize, I am not prepared to speak tonight. I thought Sean Hopkins(Attorney) would be here tonight. There has been some kind of mis-communication between Vito and his lawyer." Pat Powers asked Mr. Townsend if he

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would like to table this for tonight seeing as his attorney is not

present.

ACTION: Motion by Jeff Grenzebach, seconded by Joseph Floss to table this item until the applicant returns with his lawyer.

On the question? Pat Powers asked if anyone wanted to comment on this project. Cheryl Anthony said she will come back when Mr. Townsend is represented.

Brett Kreher said he has a poultry farm right to the east of this location. It is in an Agricultural district, and there are odors from their operation. People move into areas and do not realize they are in an Agricultural district, and are not happy when such odors do occur. It doesn't seem like a prudent idea to have three upscale homes in this location. They have 600,000 hens and 200,000 pullets. He doesn't want people to be miserable, real estate agents do not mention these things to people.

Joe Weiss said he would like to make a comment about the Right To Farm laws. He took the tour of Agricultural sites, and these are some of their concerns. The smells, the sounds, the sprays are problematic. To put three new homes in this location could be tough on the people who buy them. He is not in favor of the project.

ALL VOTING AYE. MOTION CARRIED.

ITEM IV
Clarence Soccer Club
Agricultural

CLARENCE SOCCER CENTER REQUESTS A BUILDING PERMIT FOR CONSTRUCTION OF AN ADDITION TO THE EXISTING SNACK BAR AT 10000 CLARENCE CENTER RD.

DISCUSSION: The soccer center is located on the northeast corner of Clarence Center Road and Kraus Road. It consists of approximately 30 acres in the Agricultural zone. It adjoins the Memorial Park Recreation Center under development. The Master Plan identifies the area in an Agricultural Rural Residential classification. The Soccer Club is proposing expansion to the existing snack bar pavilion on the Soccer Center site. Kevin Curry represented the project. Chairman Powers said "Frankly we are puzzled as to why you were referred to the Planning Board. We don't feel it is our job to decide who is going to share this facility, that should be decided between the Recreation Committee and the sports Coalition. The only thing we thought we could look at is the building addition. We are willing to do that." Kevin

Curry introduced Sherry Frost, Rob Walters, and Lou Vitello. Their goal is to expand the snack bar at the center. The park will be very large and will necessitate the need for two facilities. The funding for the expansion would be from the Soccer Club as opposed to taxpayer money. Tim Pazda said "I have worked at the facility, and it does need some upgrading. However, I would caution you that when you talk about the proposed buildings that are in the plans for Memorial Park, as far as I know there aren't any at this point. I know it has been talked about, and perhaps there was some agreement at some point, but now there is nothing. So I think we need guidance from top down not from the bottom up, so we can work with everybody and do the right thing with this." Kevin Curry said "We just think expanding the facility given the expanding fields, makes a lot of sense at this point. We have the funds allocated, and we would like to advance the project. Again, without precluding the other sports from usage. The only preclusion really seems to be the practicalities of the matter, that currently the soccer pavilion is a long way away from where these other fields will be. We do think over time, the original design of Memorial Park would come to fruition, and have need for an additional pavilion. Wendy Salvati said "We can only think, hopefully, that there is some plan to amend the site plan for Memorial Park. As Tim said right now there is no facility shown on that plan. Kevin Curry said "When Memorial Park was further developed this year, the funding became part of the equation. So the idea of constructing the additional pavilion was no longer on the table with the funding. I don't believe that any of the organizations see it as a permanent removal. It is just a matter of funding and timing. We just don't want to be held back, we have our funding in place, we would like to allocate it. We want to do this with out tax payer dollars. We understand there are some logistics that need to be worked out. If I am hearing correctly, it sounds as though the boards we really need to deal with are Recreation and Town Board. We are happy to do that. We could address the Recreation Committee on March 8th. Wendy Salvati said "I have a comment about the plan that you presented. My concern is that you may not have big enough bathrooms. I have two sons that play soccer. You have two bathrooms now in the ladies room, you are proposing two more, and I don't think that four is enough. If you are going to have tournaments going on out there, you need bigger bathrooms."

Pat Powers said "Mr. Curry if I understand your request correctly you would appreciate being referred to the Recreation Committee, and the Sports Coalition. You are meeting with the Town Engineer, and I am assuming the Building Department. That

would cover your needs.

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Kevin Curry said “If I am understanding correctly, we should then deal exclusively with Recreation and Town Board, and not be back to this

forum. Wendy Salvati said “Typically a building permit is just ministerial and you do not need our approval”.

ACTION:

Motion by Patricia Powers, seconded by Wendy Salvati to recommend a building permit for the expansion of the soccer snack bar pavilion building conditioned on referral to the Recreation Advisory Committee for coordination with Memorial Park development, and the approval of the Town Engineer and the Building Department.

ALL VOTING AYE. MOTION CARRIED.

ITEM V

ZONING LAW REVIEW

Motion by Patricia Powers, seconded by Wendy Salvati to recommend to the Town Board to proceed with adoption of the draft zoning law and map as amended. Two points of clarification would be:

- 1) Adding wording to specifically allow commercial open development areas.
- 2) Maintaining lot coverage for residential lots at 20% and increasing side yard setbacks to fifteen feet.

ALL VOTING AYE. MOTION CARRIED.

Motion by Joseph Floss, seconded by Jeff Grenzebach to adjourn the meeting at 9:45 p.m.

Meeting adjourned.

Patricia Powers, Chairman