

PLANNING BOARD MINUTES

Wednesday March 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

**Phil Silvestri
Commercial**

**REQUESTS CONCEPT PLAN APPROVAL FOR
CONSTRUCTION OF A NEW FACILITY FOR
HARRIS HILL ANIMAL HOSPITAL LOCATED AT
8470 MAIN STREET.**

ITEM II

**Martin Della Bovi /
Benchmark Corp.
Commercial**

**REQUESTS CONCEPT PLAN APPROVAL FOR RE-
DEVELOPMENT OF CLARENCE MALL LOCATED
AT 4401 TRANSIT ROAD.**

ITEM III

**Rocco Del Grosso
Major Arterial**

**REQUESTS CONCEPT PLAN APPROVAL FOR
CONSTRUCTION OF A NEW OFFICE BUILDING
FOR KRISLYN OFFICE PARK LOCATED AT
6215 TRANSIT ROAD.**

ITEM IV

**People Inc.
Commercial**

**REQUESTS CONCEPT PLAN APPROVAL FOR
CONSTRUCTION OF A 50-UNIT SENIOR HOUSING
PROJECT LOCATED AT 4725 TRANSIT ROAD.**

ITEM V

**Subdivision
Law Review**

SUBDIVISION LAW REVIEW

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

INTERESTED PERSONS

Councilman Scott Bylewski
Dan Michnik
Rocco Del Grosso
Adam Schwab
Dr. Harper
Dr. Rohan
John Tripi Jr.
Martin Della Bovi
Ken Zugger
Jocelyn Bos
Rhonda Frederick
Patricia Bittar
William Schutt
Jeff Palumbo
James Blum
Paul Meosky
James Callahan
James Hartz
Kathryn Tiffany

MINUTES

Motion by Jeff Grenzebach seconded by Christine Schneegold to approve the minutes of the meeting held on March 2, 2005 with the following correction on page 45. Tim Pazda said "I have a small correction that probably will not make a difference. During the Casilio project discussion I was questioning what they were doing with the other lot, and I brought up the fact that I thought that it was segmentation, and it should be looked at. It is not stated here." It will be so noted.

ALL VOTING AYE. MOTION CARRIED.

ITEM I
Phil Silvestri
Commercial

REQUESTS CONCEPT PLAN APPROVAL FOR THE
CONSTRUCTION OF A NEW FACILITY FOR HARRIS
HILL ANIMAL HOSPITAL LOCATED AT 8470 MAIN
STREET.

DISCUSSION:

Jim Callahan gave a brief history of the project. It is located on the north side of Main Street west of Harris Hill Road. It consists of approximately six tenths of an acre in the Traditional Neighborhood District of Harris Hill. The Master Plan identifies the area in a Traditional Neighborhood District. The applicant is proposing to construct a new building on the site and demolish the existing facility. A negative declaration under the State Environmental Quality Review Act has been issued by the Town Board. Adam Schwab of Silvestri Architects represented the project. They are proposing the new building directly behind the old building with the parking in front. They are not able to locate the parking in the rear of the building and comply with the number of required spaces required by the code. They have provided a requested sidewalk that will run through the property line, as well as a cross cut area that would be a future connection between their site and the neighboring site for future shared driveway access. They will pave that area to the property line and use it for parking until such time an agreement can be reached. Chairman Powers asked Tim Pazda to read a letter from the neighbor adjacent to the property residing at 4366 Harris Hill Road.

To: Planning and Zoning Department

We received a letter for a work session on Wednesday March 16, 2005 at 6:30 p.m. We regret that we are unable to attend personally, but we have two concerns about the construction of a new facility for the Harris Hill Animal Hospital at 8470 Main Street because it borders our backyard property.

The present septic system currently runs over, and if there are more dogs there, there would be more barking dogs too. Please take this into consideration when planning an approval for a new facility. Thank you very much.

Mrs. Rita Hess & Irving Hess

Dr. Harper said they will have the septic system pumped twice a year to alleviate the neighbors concern, they want to be a good neighbor. The present septic system is not failing it is just old. Tim Pazda said he visited the site yesterday, and noticed there is quite a drop off back there, it really is quite a steep slope. When you put the new system in how much fill are you going to have to bring in? How will that affect the neighbors (Mr. & Mrs Hess) here? Mr. John Tripi said "There isn't going to be any fill brought in except for what is excavated, and bringing in the sand. We will landscape the yard starting with the property of the neighbor behind us, put the system in, and then grade up to the building. We will not raise the level because it would flood the neighborhood. Susan King the Engineer, has it designed that we would have enough of an inlet drop from the building to the tank, keeping it at a grade commensurate with what is there. I took a laser out there, there is about a 20" inch drop from front to back. With the distance that we have got, we are just going to grade from the septic system up, and there would be no runoff to anyone's property. The drainage for parking, storm sewer....she (Susan King) is proposing that she is going to do a drilling for injection - that there won't be any water leaving the site that is going to go into the bedrock. So everything that is done is going to be captivated on our own site." Tim Pazda asked if they would consider extending the wall of the kennel area with masonry for the neighbors to cut back the noise of barking. Mr. Tripi said the front and back wall are masonry and brick, just the outside of the west side is fenced. Pat Powers asked "If an animal is placed on the dog run and does start to bark, is it taken inside?" Dr; Harper said "You bet. Straight away." Christine Schneegold asked if the trees on the west side of the property are theirs or the neighbors. Dr. Rohan said the larger trees on the property line belong to the dentist next door. Jeanne Schwindler of 4343 Arondale has property that backs up to the west side of the property of the existing animal hospital. How far back will the new building be? She is concerned about the barking when the weather is nice, and people leave their dogs to board at the kennel, they do hear the barking. She is also concerned about how wet it is at the rear of her property line. They will do everything they can to rectify the drainage concerns, they don't want water hanging around. Pat Powers asked "Do the dogs that are there for boarding, have access to the dog run at will?" Dr. Harper said "No, they don't." Mr. Tripi said the six runs in the building are virtually soundproof. Tim Pazda said the concern is for the outside run when the dogs are outside in the nice weather, not the run in the building. We

need some assurances of how this is going to be maintained, so we don't have a dog outside continuously barking with no one to attend to it. It was explained that the dogs are not out there (outside run) when a staff member is not present in the building. They have no intention of annoying the neighbors. Christine Schnnegold asked "How many dogs will you be able to board at one time?" If every single cage was filled the number could be as high as 66 dogs, and including the medical area it could be 70. Jeanne Schwindler asked how large the new building is going to be. It will be 4500 square feet, roughly twice the size of the existing building.

ACTION:

Pat Powers said "We like your project, that is the good news. We like the design of the building, and we do believe it is in compliance with the Master plan. However, we have a problem because it doesn't meet the criteria for a Traditional Neighborhood design as adopted in the new Zoning law that was adopted last week. The recourse that you have is for us to deny your project tonight, and send you to the Zoning Board of Appeals for an area variance.

Dr. Harper said "There is no such thing as having your application in before this went through, that it could be approved before last week?"

Pat Powers said "You are here for concept plan approval, so you are not covered under that area. We tried to explain to you when you were here previously, that the zoning law was in the process of being changed, and it could affect your project. This is why we argued so hard for no parking in front of the building, because we felt that was going to be a problem.

Wendy Salvati said "We understand you are experiencing a hardship, and we agree with the fact that we don't want to put you out of business. If you were forced to put the parking in the rear, and had to take your old building down in order to build your new building, that would severely hurt your business. We don't want that to occur. We would like to see the project move forward, but our hands are tied, in the sense that the zoning as it is written now, as far as the parking in the front yard, so you can seek relief from the Zoning Board of Appeals."

Dr. Harper said "So we go to the Zoning Board and then what do they do?"

Pat Powers said "They will look at the project, and they have the
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power to grant you relief on your project."

Dr. Harper said "And then what do we do?"

Pat Powers said "Then you come back to Planning Board for
concept approval."

Dr. Harper said "Can you approve concept tonight based on their
approval?"

Chairman Powers said "No we cannot approve concept tonight,
based on the zoning law as it is written."

Councilman Bylewski said on page 21 Schedule II - because this
is not a sewerred area, the lot has to be one acre in area, so the
applicant can apply to the Zoning Board for both items at the same
time.

ACTION:

Motion by Tim Pazda, seconded by Jeff Grenzebach to DENY
concept plan approval for construction of a new facility for Harris
Hill Animal hospital at 8470 Main Street because it does not
comply with the new zoning law in the Traditional Neighborhood
District.

ALL VOTING AYE. MOTION CARRIED.

ITEM II

Martin Della Bovi/
Benchmark Corp
Commercial/Major Arterial

REQUESTS CONCEPT PLAN APPROVAL FOR THE
REDEVELOPMENT OF CLARENCE MALL LOCATED AT
4401 TRANSIT ROAD.

DISCUSSION:

Jim Callahan gave a brief description of the project which is
located at the northeast corner of Main And Transit. It consists of
over 25 acres in the Major Arterial and Commercial zoning
classifications. The Master plan identifies the area in a
Commercial classification. The applicant is proposing the
redevelopment of the existing plaza. In terms of review there was
a previous concept approval for redevelopment in 1998. Traffic
Safety and Fire Advisory have reviewed and approved the recent
submittal. For purposes of the redevelopment, the existing plaza
can be considered by the Planning Board as a separate action under
SEQR. The Eastern Hills corridor plan including re-zoning and
development of additional commercial space along the corridor has

already received a Negative Declaration. The redevelopment of
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the existing plaza area, for which the applicant is here, and the concept proposed, may be treated as a separate action under SEQR. The Planning Board can recommend a Negative Declaration on the plaza redevelopment and proceed with concept plan approval this evening. I did discuss this with the Town Attorney this morning, and that was his recommendation on how to proceed with the Corridor plan as an approved project under review.” Jeff Palumbo, Bill Schutt and Marting Della Bovi represented the project. Mr. Della Bovi said currently there is about 311,00 square feet of retail space. They are proposing to create 270,000 square feet of space when it is completed. Their intention is to demolish the existing G&G Fitness building and the Ames building. We would gut and refinish the former Burlington coat space to accommodate a new tenant. We would be constructing a new shell which would house a 26,000 square foot tenant, a 41,000 square foot tenant, and a 15,000 square foot tenant in the area that was formerly the G&G Fitness in the Ames building. We also are going to construct a 10,300 square foot space to accommodate the Old Country Buffet which is in there now. In addition we are going to be constructing three out parcel buildings. One will be a bank building for First Niagara Savings Bank. One will be for a national restaurant north of that, and one will be for a national retailer just south of that. They will be re-paving the entire parking field, they will be doing new site lighting, and trying to correct some of the traffic patterns that exist today throughout the parking field. We have tried to create some good south to north traffic patterns within the center, so we can allow cars to work their way through the center more efficiently than they do now. We are trying to create a situation where we take some traffic off of Transit Road if they are going back and forth from Eastern Hills Mall to our plaza. We have tried to delineate more clearly the traffic patterns coming in from the traffic light off Main Street leading up toward the Eastern Hills Mall. In addition we will be installing an extensive amount of new landscaping throughout the site. We want to emphasize our shrubs and help delineate our traffic patterns with shrubs and trees. They have contracted with Connie Lydon, and we will be resubmitting their landscape plan to the landscape committee. In addition we will be building a new facade on the existing portion of the center that will remain in place, and that will tie in architecturally to the facade for the new shops that are going in. We are not altering any of the existing curb cuts that lead out to the public right of ways. They will be landscaped a little differently, but other than that, they will remain. Tim Pazda asked about a parcel that had not

been talked about, he wanted to know if it was another restaurant.

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It is a 10,000 square foot retail building. Their hours will be typically 10 a.m. to 9 p.m. Tim Pazda said the Planning Board is excited about this project. However, as you know Brennan's is now taking up a tremendous amount of the parking area. With Tully's Restaurant coming in we are concerned about how congested it is going to get. That is why I ask, with another restaurant coming in we are really in trouble. Mr. Della Bovi said that is the bank building, the restaurant would be just north of that. We have the advantage of having some buildings spread out with different hours than Brennan's or Tully's. Wendy Salvati said they looked at the square footage numbers at face value. If you look at them that way, then there wouldn't be enough parking. But when you take into consideration the fact that you are sharing property, and everything is not operating at the same time there is a lot of leeway there. Mr. Della Bovi said "We really like the layout, you don't have an ocean of pavement that is sitting out there in front of some retail areas, it is broken up nicely. We made sure that our Engineers and Architects maintained that and we have really tried to stress that with them - that we want something that faces both directions, and works well in every direction." Wendy Salvati said "Would you consider some main boulevards?" Mr. Della Bovi said "We did try to create that boulevard a little more defined coming in off Transit. At one point we had it extended up further. The reason why our architect suggested that we not is one of the big problems we have is north-south. Our original plan of extending the boulevard out to the center, which is typically what we like to do, because it brings the customers up there- there are so many users that are not up in that area - for instance customers coming into the Office Depot and the retail that will be down in the corner. We didn't want to force all the traffic up to that end of the center. We liked the idea of having two north south boulevards going through and tying us up toward the mall. As you know, the Mall is trying to bring in more activity. Therefore, one of the things that we were concerned about is feeding that. We actually had a plan that extended that far, we just felt that we got more efficient flow throughout the parking area. A good share of our retailers are not where that boulevard would terminate, they are still out in front. We wanted to get people off of Transit, and we felt if they had to go all the way up front, that they are more likely to stay on Transit, and come over and try to enter off Main Street, which is not something we wanted to encourage. But we can look at it, we have looked at it." Tim Pazda said "One of our concerns is by not having that boulevard there, you will be duplicating to some degree, the situation that now exists at Walmart . They all of

a sudden have teed that major boulevard, and now there is

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tremendous congestion there. Could you not continue that boulevard, but keep this one here and just do four way stops there, so they can still go through there?” Mr. Della Bovi said “We can certainly look at it. I would say from a volume point of view, some of that congestion is due to having a Super Walmart. But we can look at it, and we will explore it. The total number of parking spaces on the whole site is 1422 spaces. There is a parking area behind the Key Bank that has 65 additional spaces that is included in that number. Pat Powers said “Is that figured on gross square footage or net?” Mr. Della Bovi said “I will refer to Bill Schutt on that one. There are different users with different classifications, some of it is gross and some of it is net.” Bill Schutt said “That is a number based on the plan that we have presented, plus the extra spaces behind Key Bank. What we have compared it with, is the old zoning code. The parking requirement for Major Arterial which is 1 space for every 200 square feet. That has now fallen silent with respect to the new code. Every other Town but Clarence, has a parking ordinance for shopping center which is typically 5 spaces per thousand square feet.. Tim Pazda said “I think for the record we should discuss parking and if we feel that it is short, that we should explain why we feel it is acceptable, so we don’t get into trouble with future projects.” Wendy Salvati said “Using the standard of 5 per thousand square feet, that would be 1384, and they are actually providing more than that. We had estimated that they needed 1535 spaces, now they are at 1422 so they went from being 300 something short, to being about 100 short. Considering the fact that not all these uses are going at the same time, there will be restaurants that are going to be open when some of these stores are going to be closed. There will be some give and take. Your point is well taken, there is going to be greater demand at the end where the restaurants are, but there is still parking available. You might have to walk farther, but there is still parking available.” Jeff Grenzabach asked if the area behind the stores will remain vacant. Mr. Della Bovi said “That is a future area where we hope to do some kind of development, but they don’t really know yet.” George Van Nest said “Is there any consideration being given to additional parking in the rear there?” Bill Schutt said “There will also be some storm water detention back there, but there could be some more parking back there,” George Van Nest said “I like the idea of the project, but my concern is about parking, specifically in that southeast corner there. There are a number of uses there that are pretty intense with the restaurants and businesses that operate through the evening hours over the weekend.. You tend to congregate the parking right

in that area, and I think we need to give that some additional consideration from a planning standpoint to try to accommodate the traffic and parking issues that are going to arise. From my observation, I would say that right now some of the parking that Tully's is going to use is being fully utilized on the weekends by the other restaurants in operation at the present time. I think it is something we should consider." Tim Pazda said "I have a question for Mr. Callahan. Earlier when you were talking about the roadway - and that this property could be considered independently of the other - does that mean this whole area will not have to be considered at this point? Is this area part of that?" Jim Callahan said "At this point it is parking, and then the corridor plan has identified that there are potential uses along the corridor, specifically up in this area for whether it be office or some compatible use. That was already reviewed in the corridor study. Wendy Salvati said "So there is no SEQR segmentation?" Jim Callahan said "That is correct." Wendy asked "Are you going to put up a new sign?" Yes, they are. Pat Powers commented that she liked the standardization of the tenants signs so they aren't all up and down and all over the place. Pat asked if anyone in the audience wished to speak to this issue? Councilman Bylewski asked what the percentage of green space is. Bill Schutt said "Between 15 to 18 percent." Councilman Bylewski said "The requirement is 25% however, when there is shared parking or access there can be a reduction in the percentage of green space."

ACTION: Motion by Patricia Powers, seconded by Wendy Salvati to recommend a Negative Declaration to the Town Board on this project based on the information that there is no significant environmental impact.

ALL VOTING AYE. MOTION CARRIED.

ACTION: Motion by Jeff Grenzebach, seconded by Christine Schneegold to recommend concept plan approval to the Town Board with the following conditions:

1. A checklist for commercial development before you come back for development plan approval.
2. Parking needs to be addressed.
3. New sign.
4. Landscape plan approval.
5. Demolition permits.

ALL VOTING AYE. MOTION CARRIED.

ITEM III
Rocco Del Grosso
Major Arterial

REQUESTS CONCEPT PLAN APPROVAL FOR THE
CONSTRUCTION OF A NEW OFFICE BUILDING
FOR KRISLYN OFFICE PARK LOCATED AT 6215
TRANSIT ROAD.

DISCUSSION:

Jim Callahan gave a brief description of the property which is located on the east side of Transit north of Woodbridge Lane adjoining Gott Creek. It consists of approximately one acre in the Major Arterial zone. The Master plan identifies the area in a commercial classification. The applicant is introducing the concept for the development of an office building. Rocco Del Grosso and John Haas (Engineer) represented the project. Mr. Del Grosso said the site as submitted to Mr. Callahan has gone through final engineering with Bissell Stone Engineering with regards to requirements for water detention and water runoff. We did have some issues on the property. It is a unique piece of property, there is a flood way, so we did have to stay away from a significant use of the property on that side. The Pfohl's who are the current owners of the property, were kind enough to grant us an easement on the north most side of the property, actually making the only viable solution to any development of this piece of property as it stands right now with the creek etc. Pat said "Thank you for submitting a checklist for concept plan approval. You have applied for a D.O.T. work permit, have you received that yet, or do you have to wait for construction to begin before you get that? Mr. Del Grosso said "Part of what Mr. Stone has done here for us here, in conjunction with the completed site engineering was with regard to the egress, and the egress from the road, and the guard rail that is there presently. The guard rail as it stands right now really doesn't present a big problem, but we are actually bettering the guard rail situation by the development, because of the way the site is going to be developed, and the way they have asked us to reconstruct and reconfigure the guard rail. We have agreed to pay for it, and do the work under their guidelines. The permits would be along and following, it will just take some time to get through the process. Chairman Powers read a memo in the file from the Assistant Engineer Tim Lavocat dated March 8, 2005. Mr. Del Grosso said the new engineering does address the first three issues, they have been completed, and they actually moved the building to remove the issue completely. The

newest plan which clarifies that is from Mr. Stone. Our Engineer Wes Stone, and our Architect John Haas are working in conjunction with the Town of Clarence and the DEC. They don't think that permit from the DEC for the water run off will be necessary, but that remains to be seen.

If it is necessary, we will procure it. The topographic survey got to us very late today, and the Town Engineer has not seen it as yet. Christine Schneegold asked the square footage of the building. Mr. Del Grosso said the first floor will be about 5000 square feet plus or minus. There will be a partial second floor overlooking the first floor for a total of approximately 7500 square feet. The height of the building will be 24 feet. Christine Schneegold asked how they were going to change the guard rail up front? Mr. Del Grosso said they are really not changing it, it is staying just the way it is. When they put it in, they arbitrarily went so many feet and turned it off into the ground. The new standard of the DOT is not to just turn them into the ground anymore, they turn them and roll them back. That will prevent oncoming traffic from being able to cross the centerline, clear the guard rail and end up going through our parking lot and ending up in the creek. It will actually improve the issue that is there now. Pat Powers asked what the percentage of green space is. Mr. Del Grosso said it is significant, half or probably five eighths of the project will be green space because they have to be so far away from the creek, the flood way, and Transit Road. There is a detention pond in the back for water run off against the residential district. The detention pond will be in the back behind those parking spaces. There are several trees being added. Wendy Salvati asked if Mr. Del Grosso was subdividing this property. Mr. Del Grosso said the property right now is a two acre piece that belongs to the Pfahls. They are going to subdivide the property, and I will be using one acre to the south. Wendy Salvati asked what the frontage measurement is. Mr. Del Grosso said it is 93 and 37 which equals 130 feet. Wendy also said she believes the measurement from the center line of Transit Road which should be 135 feet is only at 122 feet. Wendy said "I am concerned that you are creating a new lot, and putting a lot of building and parking lot on the useable area of the lot." Pat Powers asked what formula they used to come up with 36 parking spaces shown on the new plan. Mr. Haas said they used 1 space for every 200 square feet. They need 37 but because they have

shared access there is some flexibility. Chairman Powers asked if anyone from the audience had any comments or questions. Paul Meosky of 8061 Floss Lane which is adjacent to the rear of the property, said this project will be in his side yard. He is concerned about the traffic flow coming up Transit, the guard rail issue aside. If you are going north on Transit you are basically making a u turn in order to come back down to the parking lot that is going to serve the building. At one point there was a pond back there when Senator Floss owned the lot, so it is much lower back there. That is where the building is sited, it is a very low area, there is about a 3 or 4 foot drop off I don't know if there is fill going in, but I would assume if they are building in that area they will have to fill it. I haven't seen that addressed. The Major Arterial zone does not extend to the back of the lot. There is a strip of Residential A. The zoning code says it goes 45 feet from that line for purposes of setback. The parking spaces shown are too close to that green space buffer. I am concerned about the visual impacts of a detention pond. He has six small children and is concerned about the safety hazard. One of his children has an immune deficiency problem, and he is concerned with mosquito breeding and all that. He is also concerned about the present lighting in front of Rogers Pianos and Clocks, that extends above the building and shines into the bedrooms of people living on Senate Circle several hundred feet away. Pat Powers asked Mr. Del Grosso if he would like to respond to the questions that have been raised. Mr. Del Grosso said "First of all I would like to say, that I am a resident at 8124 Floss Lane, so I want to make sure that everything is done to keep in harmony with the neighborhood because I live there. First of all the detention pond is a requirement of the DEC, and does not have water laying in a lake type effect. It prevents the laying around of water improperly, which would then breed mosquitoes. It is my understanding from Mr. Stone that it isn't something that would necessarily hold water, but something that would take water, and filter it at a slower rate rather than a complete run off into Gott Creek through the drain way pipe that is there on the plan. The only water on the back of that piece of property right now, comes from drain off down the bank from the gentlemen's yard. That is the only water that we have on the site at this point. The pond is further north than the building, and a non-jurisdiction letter is on the way from the

Army Corps of Engineers saying it is not a jurisdictional wetland. Moreover, there is a creek in the back yard that has standing water in it at all times, which should be of more concern than what we are doing here. As far as the setback goes, the setback requirement has to do with the building set back. We have done everything we can to make the site absolutely beautiful with the landscaping and tree placement. I have a topographical survey that shows the site is almost flat. We actually need to come up one foot to meet the base flood elevation requirement. Mr. Meosky said he thought the rear setback was 45 feet for purposes of green space. Wendy Salvati said "According to the code it says, any commercial uses shall not be located adjacent to residential uses unless separated by a minimum of 45 feet of green belt.." Mr. Meosky said "Parking cannot be within the 45 feet, not just the building. I wanted to clarify that. Secondly, I want to re-iterate a couple of points. One is vegetation and a berm, planting trees at that lower level, if there could be a berm or a fence in that area to block the impacts." Mr. Del Grosso said "I don't have a problem with that." Mr. Meosky said "The drainage you mentioned that is coming off my lot on to the commercial lot. That is incorrect. What we have done is lift the berm there, so it drains straight back. I think what is happening is whatever water is settling there in your lot is just from drainage, because it doesn't have any place to go. It is not coming off the lot, it was designed to go all the way back to the creek. We had talked to the Pfohl's about putting the two together." Mr. Del Grosso said "I don't have any problems working with the neighbors. I want the building to be beautiful, I want it to be an asset, and I will address any and every issue anybody has with green space, lighting, fences. I have a lot of commercial buildings out there, and they are magnificent. Mr. Meosky said his last concern is for the detention or retention pond. He is very concerned about anything that is going to hold water near the property line. Mr. Del Grosso said "Unfortunately I am bound by DEC requirements, I don't have a choice in doing it - one way or the other. That is a State mandate. As far as I was concerned, I don't want to spend twenty thousand dollars building this sophisticated drainage system that drains into the parking lot."

ACTION:

Motion by Wendy Salvati, seconded by Christine Schneegold to table this request and request the applicant to go back and

take a look at the zoning requirements and re-design the plan to conform with the need for the 135' setback and the need for the 45 foot green belt buffer at the rear of the property

Pat Powers said "Once you have the plan re-designed we would like you to make an appointment with the Planning Board Executive Committee."

ALL VOTING AYE. MOTION CARRIED.

ITEM IV
People Inc.
Commercial

REQUESTS CONCEPT PLAN APPROVAL FOR THE CONSTRUCTION OF A 50 UNIT SENIOR HOUSING PROJECT LOCATED AT 4725 TRANSIT ROAD.

DISCUSSION:

Jim Callahan gave a brief description of the project which is located on the south side of Sheridan Drive on the east side of the access route to Eastern Hills Mall. It consists of approximately 4.1 acres, and is zoned Commercial. The Master plan identifies the area in a Commercial classification, and the applicant is introducing a concept for a senior housing project. Rhonda Frederick and Joselyn Bos of People Inc, along with Patricia Bittar of William Schutt & Associates represented the project. They have a HUD grant for senior housing in Clarence. This would be the 10th senior housing project in Western New York. Most of them are 50 unit facilities. This will be for seniors income eligible, 62 and older. They are all one bedroom apartments totaling a square footage of 540, and one two bedroom unit for the maintenance person.

There is a community laundry on the second floor which will be a coin operated facility. Tim Pazda asked if they had a plan for developing the front part of the property. Pat Bittar said there is no plan except to leave it as green space.

In previous discussions with the board there was a great concern for maintaining as many of the trees as possible. Also they have to get water service from Sheridan Drive, so they wanted to minimize the length of the utility being extended into the building. Pat Powers asked "Would you be planning to put in a sidewalk to facilitate someone walking to the mall, so they wouldn't have to walk in the access road? Rhonda Frederick said they could entertain that idea, but they would still have to walk in the access way after the sidewalk ends. Pat said it would bring

them to the stop signs, where they could hopefully negotiate traffic there. Tim Pazda said "What about the density issue?" Wendy Salvati said "We are struggling with the density issue." Pat Bittar said there are 50 units show, 49 one bedroom and one two bedroom. There is an apartment facility at 8150 Wehrle Drive that has 216 units on 18 acres with a density of 12 units per acre. We would ask for a consideration of a density ratio. Wendy said they have the option to be denied and go to the Board of Appeals to seek a variance, or they reduce the number of units to 33. The Board feels this is a good project with a good location, but it has a density problem. The next Zoning Board of Appeals meeting is on April 12, 2005. The square footage of the units is less than the Town requires, they would also have to include that in their variance request. Pat Bittar asked if they would need a variance for the setback as well. Jim Callahan said it is a unique situation, in the fact that it is a private road. If the setback is off the public road, either it has a Transit Road address and it is closer to Sheridan Drive so that is going to be as approved probably by the Town Board." Pat Bittar asked "Could it also be a Town Board issue regarding parking in the front yard setback area?" Wendy Salvati said "What are you considering your front yard? The access road. Jim Callahan said "There is a provision in the new zoning if you look under Major Arterial and also in Commercial. On page 45 of Commercial - Interior road lot setbacks: Buildings located along main interior roads shall have unified front setbacks of at least ten feet. Building side and rear setbacks shall be determined by the following: Parking loading and storage needs for the use; adequate internal circulation of all traffic, and all fire and safety concerns.

ACTION:

Motion by Wendy Salvati, seconded by Tim Pazda to DENY the concept plan approval and recommend to the applicant that they apply to the Zoning Board of Appeals for variances on the density issue and the size of the units.

ALL VOTING AYE. MOTION CARRIED.

SUBDIVISION LAW REVIEW.

ITEM V

Jim Callahan said there are three things that have been forwarded to his attention to consider as you review this law.:

1. Setbacks from existing public roads, and the design standards. One of the comments made is : the preferred design is to maintain the existing vista of the existing public road appearance, and set back developments that are more hidden.

subdivisions.
2. That the Town Board approves concepts for

3. The conservation overlay reducing the number of splits, reducing the number of allowed splits. The law reads four splits are allowed per minor subdivision. A reduction in that number of allowed splits in that time period has been forwarded for consideration.

These are all things to think about.

Motion by Wendy Salvati, seconded by Jeff Grenzebach to adjourn the meeting;

ALL VOTING AYE. MOTION CARRIED.

Meeting was adjourned at 10:00 p.m.