

Town of Clarence
Planning Board Minutes
Wednesday April 4, 2007

Work Session (6:30 PM)

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| <ul style="list-style-type: none"> ➤ Roll Call ➤ Minutes ➤ Sign review ➤ Update on pending items | <ul style="list-style-type: none"> ➤ Committee reports ➤ Zoning reports ➤ Miscellaneous ➤ Agenda Items |
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Agenda Items (7:30 PM)

Item 1

Midnight Acres/Norm Castine
Agricultural Rural Residential

Requests Development Plan approval for a 5-lot
Open Development Area at 7040 Goodrich Road.

Item 2

Dr. Altman
Restricted Business

Requests Concept Plan approval for a new
medical office at 8421 Sheridan Drive.

Item 3

9435 Main Street Office Park
Commercial

Requests Concept Plan approval for a new
professional office building at 9435 Main Street.

Item 4

Russell Gullo
Traditional Neighborhood

Requests Concept Plan approval for a new retail
structure at 6825, 6835 and 6843 Transit Road.

Item 5

Master Plan Review

Discussion.

Patricia Powers, Chairperson, called the meeting to order at 7:30 PM. Councilman Bylewski led the pledge to the flag.

Planning Board Members Present:

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| <ul style="list-style-type: none"> Patricia Powers, Chairperson Gerald Drinkard, 2nd Vice Chairperson Timothy Pazda Richard Bigler | <ul style="list-style-type: none"> Wendy Salvati, 1st Vice Chairperson Jeffrey Grenzebach George Van Nest |
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Other Town Officials Present:

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

Other Interested Parties Present:

Norm Castine
David Altman
Bryan Schaefer
Shirley Snyder
Al Hopkins
Brad Davidzik
Mary Powell

Chris Landon
Al Schultz
Duane Pieri
Mary Martin
Tom Thielmann
Phil Silvestri

Motion by Gerald Drinkard, seconded by Timothy Pazda, to **approve** the minutes of the meeting held on March 7, 2007, as written.

Patricia Powers	Aye	Wendy Salvati	Aye
Gerald Drinkard	Aye	Jeffrey Grenzebach	Aye
Timothy Pazda	Aye	George Van Nest	Aye
Richard Bigler	Aye		

MOTION CARRIED.

Motion by Wendy Salvati, seconded by Richard Bigler, to **approve** the minutes of the meeting held on March 21, 2007 with the following adjustments:

-Page 59, 5th paragraph, second sentence, the word “were” is amended to read “where”.

Patricia Powers	Aye	Wendy Salvati	Aye
Gerald Drinkard	Aye	Jeffrey Grenzebach	Aye
Timothy Pazda	Aye	George Van Nest	Aye
Richard Bigler	Aye		

MOTION CARRIED.

Item 1

Midnight Acres/Norm Castine
Agricultural Rural Residential

Requests Development Plan approval for a 5-lot
Open Development Area at 7040 Goodrich Road.

DISCUSSION:

Jim Callahan provides the history on the project. It is located on the west side of Goodrich Road, between Martin Road and Lapp Road. It consists of approximately 28 acres. The applicant received a Negative Declaration under the SEQRA on October 25, 2005, received Concept Approval on the submitted design on October 11, 2006 and Engineering approval on the design was forwarded on March 22, 2007.

Brad Davidzik, from the law firm of Renaldo & Palumbo, is representing the applicant. Norm Castine is present. Mr. Davidzik points out that two issues were previously discussed, one involved showing the placement of fire hydrants on the site plan, the revised plan now shows this. The other issue was the drainage concerns; the applicant now has Engineering approval.

The Development Plan Checklist was submitted today and is on the file.

Gerald Drinkard asks what the applicant is proposing to remediate the drainage problems. Mr. Davidzik is not sure of the plans and explains that Andy Gow, engineer on the project, was unable to attend this evening's meeting. Mr. Castine explains the ditch that is in the back of the property will be relocated; Mr. Kelkenberg has given his approval.

Mr. Drinkard reads a letter dated April 4, 2007 from Darcy A. Snyder: "My name is Darcy Snyder; I reside at 6980 Goodrich Road. Because of prior commitments, I am unable to attend tonight's Planning Board meeting regarding Agenda Item #1 Midnight Acres-development plan approval for a 5-lot Open Development at 7040 Goodrich Road. Currently the proposed site at 7040 Goodrich Road has two separate driveways off Goodrich Road and two different signs advertising five acre estate lots. Classic Court Estates offering 5-acre lots and Midnight Estates offering 5-acre luxury lots. Are these two different projects for the same parcel for a total of 10 building lots? In the past, the developer has presented the Planning Board with one proposal only to come back and change it to something else. I would like this clarified for the record. As I have stated to this Board in the past, I am not in favor of a full blown development (10 building lots) for numerous reasons. Many of my neighbors including myself have serious concerns regarding drainage and ground water. Building these homes with septic systems will create more water run-off and further saturate the ground. I am not against a 5-lot development per se but I ask that all drainage issues be addressed so that we do not have any problems in the future. I also request consideration of a 100 foot vegetative buffer behind the houses that front Goodrich and Martin Road; this should help alleviate any neighbor disputes in the future and as 20 year residents of the Town, we will still be able to maintain some sort of privacy that we have become accustomed to. Thank you for your time and consideration. Sincerely, Darcy A. Snyder." The letter is on file.

Mr. Castine said he is only proposing one subdivision; however, he has two signs up. He agrees to take the sign down that no longer pertains; he said he will take it down tomorrow (April 5, 2007). With regards to the two driveways, Mr. Davidzik points out a curb cut on the site plan and explains that Mr. Drescher has this curb cut and it will be closed. The Planning Board understands this.

Mr. Drinkard clarifies, for the record, that there are **not** two separate projects, but only one, at this site, Mr. Castine confirms this information. Mr. Castine said there are not water problems at the site.

Timothy Pazda refers to a request in the letter that was read into the minutes which asks for a 100 foot buffer. He reminds Mr. Castine that he agreed to a 100 foot buffer on both Martin and Goodrich Roads. Mr. Castine said he can keep 100 foot of natural vegetation as requested; he said he will not disturb the land for 100 feet and he will put it in writing. It is clarified that Mr. Castine does not have to plant anything within this 100 foot buffer, it just needs to remain uncleared and in its natural state. The Planning Board requests the stipulations for this 100 foot buffer be made part of the Home Owner's Association Agreement.

Chris Landon, 9420 Martin Road, was against the previous proposals but now that everything has been taken care of, such as the drainage and the buffer, he is in favor of this 5-lot subdivision. He asks if this 5-lot subdivision can ever be subdivided further. Planning Board members reply, "No, never."

ACTION:

Motion by Patricia Powers, seconded by Jeffrey Grenzebach, to **recommend** Development Plan Approval for a 5-lot Open Development Area at 7040 Goodrich Road with the following conditions:

- Submittal of the Development Plan Checklist.
- Any tree removal will require a permit.
- A requirement to maintain 8” of topsoil on portions of the site not covered by structures or roadways.
- A fire hydrant is required every 500’-600’.
- No fire hydrant is to be located in the cul-de-sac.
- 100 feet of vegetation at the rear of parcels 1, 2 and 3 is required.
- Conditions in the Town Engineer’s letter of March 23, 2007 are to be observed.
- Name the private road per the Assessor’s office request.
- A copy of the Home Owner’s Agreement shall be submitted to the Town Attorney prior to the project being placed on a Town Board’s agenda.
- Subject to Recreation and Open Space fees.

ON THE QUESTION:

Lot number 4 is to be included in the lots that are requiring a 100 foot natural vegetation buffer. The requirement for the 100 feet of preserved vegetation is to be included in the Home Owner’s Association covenants and restrictions. David Donohue makes it clear that the Planning Board does not have any objection to a home owner adding trees to the buffer. George Van Nest suggests the 100 foot buffer area be appropriately marked to avoid any confusion or violation.

Patricia Powers amends her motion to include the above mentioned added conditions. Jeffrey Grenzebach amends his second to the motion to include the above mentioned added conditions.

In response to Mr. Pazda’s question regarding Mr. Drescher’s property, Wendy Salvati said it has been discussed.

Patricia Powers	Aye	Wendy Salvati	Aye
Gerald Drinkard	Aye	Jeffrey Grenzebach	Aye
Timothy Pazda	Aye	George Van Nest	Aye
Richard Bigler	Aye		

MOTION CARRIED.

Patricia Powers reminds Mr. Castine to take down the extra sign at the site tomorrow, he agrees.

Item 2

Dr. Altman
Restricted Business

Requests Concept Plan approval for a new medical office at 8421 Sheridan Drive.

DISCUSSION:

Jim Callahan provides a background on the project. It is located on the south side of Sheridan Drive, west of Harris Hill Road. It consists of approximately 1.39 acres; the existing vacant home on the premises will be demolished. The applicant has received a side yard setback variance for the encroachment of the side yard parking area.

Phil Silvestri, of Silvestri Architects, Dr. Altman, owner, and Mary Powell of PAT Construction are present. Mr. Silvestri said the tree survey has been obtained as requested. The survey shows a line of Spruce trees along the east property line. The trees are not on the applicant's property and they will remain. Mr. Silvestri said he will make sure directions are given to the contractor to protect the trees during construction.

Wendy Salvati refers to the prior Planning Board meeting in which the lighting was discussed. It was agreed that there would be no lights on in the building after 6:00 p.m., the lights on the outside of the building would be turned off at night, except for just around the entrance for security reasons. Mr. Altman said the lights will be on a timer and will be turned off when the last people leave the building.

Mr. Silvestri said the plan is showing 48 parking spaces. One of the Town Board members asked the applicant if he would consider less parking to decrease the amount of paving. The applicant is receptive to this suggestion. Dr. Altman thinks 35 parking spaces will suffice.

Mr. Silvestri said the total square footage is 4700, this includes the garage. If it is acceptable to reduce the parking, it would be taken off the back end of the plan. Wendy Salvati said 35 parking spaces is only one short of what is required and it doesn't appear that will be a problem.

George Van Nest asks if the tree on the neighboring property, which is closest to the street, interferes with the line of site when entering or exiting Sheridan Drive. If it does, he suggests strongly encouraging right turns only when exiting the lot.

Duane Pieri, of 8431 Sheridan Drive, wonders if the trees that were planned to be put in at the ends of the islands in the parking lot are going to block the site lines from the neighbors to the parking lot. He also wonders if a fence has been considered to provide privacy to the neighbors. Wendy Salvati points out that the fence would have to go in after Mr. Pieri's line of trees. The parking lot starts at the end of the building which is approximately 200' back. He asks if a plan for a buffer has been established to cut the site line down so the neighboring properties won't have to look at the parking lot from their backyards. Mr. Silvestri said the applicant agrees to provide a screen. Mr. Pieri has no preference as to what type of fence is installed, as long as one is put up. Mr. Drinkard said a green fence would be preferred.

The dumpster garbage will be collected during normal business hours.

ACTION:

Motion by Richard Bigler, seconded by Jeffrey Grenzebach, to **refer** the Concept Plan for a new medical office at 8421 Sheridan Drive to the TEQR Committee and the Fire Advisory Board with the following conditions:

- The parking is to be reduced to 35 spaces.
- No parking in front of the building.
- No all night lights.
- A screen to start at the end of row of trees to provide privacy between the parking lot and the adjacent neighbor(s). The fence type is yet to be determined.
- The dumpster pick-up is to be done during normal business hours.
- The TEQR Committee is to look at the line of site when exiting the site as it may be impacted by the tree at the end of the parcel.

Patricia Powers	Aye	Wendy Salvati	Aye
Gerald Drinkard	Aye	Jeffrey Grenzebach	Aye
Timothy Pazda	Aye	George Van Nest	Aye
Richard Bigler	Aye		

MOTION CARRIED.

Item 3

9435 Main Street Office Park
Commercial

Requests Concept Plan approval for a new
professional office building at 9435 Main Street.

DISCUSSION:

Jim Callahan provides the history on the project. It is located on the south side of Main Street, west of Goodrich Road, consists of approximately 21 acres and is zoned Commercial along the Main Street frontage. It was first introduced to the Town Board in December 2005, after several design revisions the Planning Board referred the project for environmental review on September 6, 2006. A Negative Declaration under SEQRA was issued on March 28, 2007. After coordinated review an amendment to the design is identified and the applicant is present seeking Concept Approval on the amended design.

Brad Davidzik, with the law firm of Renaldo and Palumbo, is representing the applicant. Garrett Meal, the project engineer is present at well. Mr. Davidzik explains the proposal which is a 21,000 square foot 3-story professional office building. This is a permitted use in the Commercial zone. Mr. Davidzik explains there will be parking in front of the building; however, it will not be within the 80' setback. To the rear of the parcel is a wetland area and this will not be disturbed, nor will the 100' buffer area. Out of 21 acres, 16 of them are wetland area; the parcel is over 50% greenspace. Per the DOT's request one access driveway has been eliminated. The DOT also stated they did not think this project would have a significant impact on traffic.

Mr. Drinkard said the letter from the DOT also suggested making the entrance way 90 degrees. Mr. Meal said he intends to straighten out that entrance way, they will coordinate with engineering on the Dunkin' Donuts entrance.

Mr. Meal said this plan is not set in stone; he followed through with the maximum potential of the site with regards to buildings and future phases. They put together a hypothetical situation to show the design fits the land and meets the requirements. Wendy Salvati said the Planning Board needs to see how the layout relates to future development at the site such as how the traffic will flow.

Mr. Meal said there will be three (3) separate septic systems.

Mr. Pazda asks about shared access with the property to the west. Mr. Meal explains that the restaurant is separated from the applicant's property by a DOT easement. He has no objection to shared access.

Mr. Meal explains that there has been a preliminary design done with maximum build-out conditions, once they receive Concept Plan Approval they will fine tune the design and will have it reviewed by the Town Engineering Department. He explains that the plan is to use dry swales.

The client does not own the two (2) parcels that front on to Main Street.

The fire hydrants will be within 400'-600' of the building.

The plan shows a sidewalk connecting the building to the sidewalk on Main Street.

Wendy Salvati wants to see a plan showing how the applicant is proposing to lay everything out, which would include the septic systems and the traffic flow, the roadway is a concern.

Jim Callahan said conditions can be placed on the Concept Approval, so that the future design will have to meet certain conditions set forth.

George Van Nest said he is not in favor of recommending a Concept Approval on a plan that is inconsistent with what DOT is suggesting, the roadway is integral to the development of the proposed three story building. Plans were submitted today and he thinks it is a reasonable suggestion to table the project one more time to obtain plans that are consistent with DOT's comments.

ACTION:

Motion by George Van Nest, seconded by Wendy Salvati, to **table** the request for Concept Plan approval for a new professional office building at 9435 Main Street to allow the applicant time to provide a site plan that shows the conditions that were listed in the DOT report, it is to be submitted within two (2) days to ensure the project will be placed on the next Planning Board agenda.

ON THE QUESTION:

Mr. Meal explains that he is not seeking approval on the building at this point, just the concept. Mr. Van Nest said the roadway is going to cross the parcel and if the road needs to be designed to access the proposed building, he wants to see the road laid out on a plan consistent with what the DOT is requiring.

Patricia Powers asks how soon a revised site plan can be submitted, one that reflects the discussion this evening. Mr. Meal said he can submit a revised plan tomorrow.

Patricia Powers	Aye	Wendy Salvati	Aye
Gerald Drinkard	Aye	Jeffrey Grenzebach	Aye
Timothy Pazda	Aye	George Van Nest	Aye
Richard Bigler	Aye		

MOTION CARRIED.

Item 4

Russell Gullo
Traditional Neighborhood

Requests Concept Plan approval for a new retail structure at 6825, 6835 and 6843 Transit Road.

DISCUSSION:

Jim Callahan introduces the project. It is located on the east side of Transit Road in Swormville. There are two (2) residential units located on the site. The project was referred for environmental review on November 8, 2006; a Negative Declaration under SEQRA was issued by the Town Board on March 28, 2007.

Al Hopkins, of Metzger Civil Engineering, is representing the applicant. The owner, Russell Gullo is present as well. Mr. Hopkins explains that the parcel is 3.3 acres; it is currently three parcels that are being combined to form 1 parcel. The proposal is for a retail flower shop next to a greenhouse, total square footage of 6640. A more recent site plan shows a smaller dimension of 6420 square feet and 44 parking spaces. A wetland delineation has been completed and there is an area of approximately 0.37 acres of wetland at the site, it is around the proposed location of the pole barn. A long EAF has been submitted along with a full Archeological study. The Archeological study showed no significant findings at the site. The Town's Historical Preservation Society researched the site as well and found that the structure on the site was probably not John Sworm's house, as originally thought. DOT comments have been received and the only significant comment is that they do not want pavers but concrete to replace the sidewalk at the front of the property. The site plan shows this change; however, Mr. Gullo is pursuing the pavers issue with DOT. DEC comments have been received pointing out the various permits needed by the applicant; they will work with the Engineering Department. Comments have also been received from Erie County DEP and DSM verifying there is a sewer connection available for the applicant's project. The pole barn has been deleted from the plan because of its proposed location in the wetland area. However, they would like to put the pole barn there in the future of storage. The plan shows access to the adjacent property through the parking at the rear of the site. One curb cut is being eliminated. The driveways are being aligned with Dodge Road. Some parking has been moved around to the back of the proposed building. A "Welcome to Swormville" sign is being proposed. The proposed fence in the front of the site will be a stacked stone and rail fence. The adjacent curb cuts have been added to the plan per the Planning Board's request.

Mr. Drinkard suggests putting an opening in the split rail fence for pedestrians to access the site. Wendy Salvati suggests extending the proposed sidewalk within the site to the sidewalk on Transit Road.

Patricia Powers refers to the Transit Road Corridor Management Study, Mr. Gullo said he is aware of this study and is willing to protect the integrity of that portion of his property should it come to pass. None of the principle structures are in the path of the management study.

The proposed business will be open year round.

ACTION:

Motion by Wendy Salvati, seconded by Timothy Pazda, to **recommend** Concept Plan approval for a new retail structure at 6825, 6835 and 6843 Transit Road with the following conditions:

-The sidewalk extended to connect with the sidewalk on Transit Road.

- A “Welcome to Swormville” sign to be erected. The correct spelling will be obtained.
- Trucks will be parked at the rear of the property.
- The setbacks on the accessory building will be 25’ and 10’, however, at this point a pole barn is not proposed.
- The driveway is to be lined up with Dodge Road.
- A split rail and stone fence to be at the front of the property.
- A Development Plan Checklist is required when the project is reviewed for Development Plan.

Patricia Powers	Aye	Wendy Salvati	Aye
Gerald Drinkard	Aye	Jeffrey Grenzebach	Aye
Timothy Pazda	Aye	George Van Nest	Aye
Richard Bigler	Aye		

MOTION CARRIED.

Item 5

Master Plan Review

Discussion.

DISCUSSION:

Jim Callahan provides the background on the Master Plan Review. The annual public hearing on the Master Plan 2015 was held on February 28, 2007. This review is required as a component of the adopted Master Plan 2015 to ensure that the document remains current. Any pertinent comments received by the Town Board at the public hearing are referred by the Town Board to the Planning Board for their consideration and recommendation. This year’s comments were related to language amendments offering clarification to the document, mainly “should” to “shall” and similar changes. The request from the Town Board to analyze growth, development, future land use map, master sewer plan and other factors as they relate to current and anticipated requests to expand and amend the Sewer District. In particular, Master Plan 2015 identifies existing sewer district boundaries. The Planning Board has been asked to look at where or if any changes to the sewer district boundaries should occur in the future. The Planning Board needs to look at all the factors and how it will effect change in the future. The factors include, but are not limited to, traffic and all facilities.

Wendy Salvati suggests providing both a map and a narrative that supports the map.

Jim Callahan said mapping can be put together, through the GIS system, that shows overlays for various parcel maps, existing sewer districts, future land use maps, infrastructure maps, etc.

Further discussion ensued regarding the review of the Master Plan.

George Van Nest suggests obtaining professional help in reviewing the Master Plan.

In response to Patricia Powers question regarding the deadline date, it is confirmed that May 28, 2007 is the deadline. The Planning Board should at least establish a mechanism on how to obtain this information by this date. Jim Callahan suggests the Planning Board provide an outline of the information they would need, perhaps a scoping session.

Further discussion ensued regarding the review of the Master Plan.

All members of the Planning Board will receive copies of the following:

- The Master Sewer Plan.
- An Overlay of planned projects.
- A Zoning Overlay with the Master Sewer Plan.
- A document showing pending sewer capacity.

Further discussion ensued regarding the review of the Master Plan.

MISCELLANEOUS:

Mr. Pazda said it has been suggested that the Planning Board look into developing a potential zoning overlay district for Main Street. Wendy Salvati said this overlay should also take access management into consideration, she can provide the Board with sample overlays from other communities. There is a gap between the TND's were the Master Plan does not provide any specific direction. Jim Callahan explains that minimal standards are in the Master Plan for this area. He and Mr. Pazda agree that the Master Plan should not be too specific or all the buildings in the Town will be the same. Mr. Pazda said a little more guidance for designers would make things easier for everyone. Mr. Callahan said all aspects of the Master Plan have been worked on for years with the bottom line of encouraging commercial growth on Main Street.

Councilman Bylewski suggests "tweaking" the law, but the requirements should not become too restrictive.

Meeting adjourned at 9:25 p.m.

Patricia Powers, Chairperson