

Clarence Planning Board Minutes
Wednesday, April 19, 2006

Work Session (6:30 PM)

- Roll Call
- Minutes
- Sign review
- Update on pending items
- Committee reports
- Zoning reports
- Miscellaneous
- Agenda Items

Agenda Items (7:30 PM)

Patricia Powers, Chairperson, called the meeting to order at 7:30 PM. Councilman Scott Bylewski and Boy Scout Troop #250 led the pledge to the flag.

Planning Board Members Present:

Patricia Powers
Gerald Drinkard
Timothy Pazda
George Van Nest

Wendy Salvati
Jeffrey Grenzebach
Phil Sgamma

Planning Board Members Absent:

Richard Bigler

Other Town Officials Present:

Councilman Scott Bylewski
James Hartz, Asst. Director of Community Development

Other Interested Parties Present:

Marc Mussachio
Leanne Johnston

Sean Hopkins
Anthony Cimato

Motion by Jeffrey Grenzebach, seconded by Gerald Drinkard, to approve the minutes of the meeting held on March 15, 2006, as written.

Patricia Powers	ABSTAIN	Wendy Salvati	AYE
Gerald Drinkard	AYE	Jeffrey Grenzebach	ABSTAIN
Timothy Pazda	AYE	Phil Sgamma	AYE
George Van Nest	ABSTAIN		

MOTION CARRIED.

Item 1

David DeMarie

Commercial

DISCUSSION:

Requests Development Plan Approval for new dance studio at 8965 Sheridan Drive.

Jim Hartz provides the history on the project. The property is located on the south side of Sheridan Drive going towards Main Street. It is located in the Commercial zoning district, adjacent to Dynabrade. The property currently has an existing single-family home on it. The proposal is for the construction for a new dance studio with the sort of retail that is related to the dance studio. The applicant received Concept Plan Approval, with conditions, in November 2005.

Marc Mussachio, representative of the project, explains what has happened since the Concept Plan Approval. There was a concern regarding the detention at the site and, because of the grades, the applicant was required to physically bring it down to the low point of the site, otherwise the water would have to be pumped up. The Engineering department asked that the applicant increase the depth of the detention area, and in doing so it widens the detention pond as well. The result of this has taken up most of the green area that was previously proposed from the parking area to the property line. The applicant will retain as much of the green area as possible. There will be some existing vegetation on Dynabrade's side of the property.

Mr. Mussachio explains another problem with the site: rock is relatively shallow at approximately eighteen inches (18") deep, therefore, they could not dig deep in order to reduce the width of the swale.

In responding to the Landscape Committee report, there has been a sidewalk added to the plan that goes around the entire building. The building has been shifted slightly due to the addition of the sidewalk; this is to maintain the landscaping area.

The elevations have been changed. A stucco material has replaced some of the block and metal materials on the building. The amount of metal material has been reduced significantly.

Once the detention pond is in, Mr. Mussachio said he will look to see if he can physically put some landscaping there. It is dependent on the pitch and the soil in that area. The detention area will be discharged from the property through injection wells.

Patricia Powers reads a letter that is on file from David Metzger, Senior Building Inspector. The letter is dated February 8, 2006 and states, "The existing fire hydrant is more than the 600' allowed from all sides of the building. Review Section 508 of the Fire Code as well as Section 912.2. The hydrant on the north side of Sheridan Drive will require the fire department to lay a supply line across the only driveway to the facility to feed the fire department connection." Patricia Powers asks how the applicant has addressed this concern. Mr. Mussachio indicates there has not been another hydrant added, he believes there is a hydrant on the applicant's side of the property. Mr. Mussachio advises the building is fully sprinklered, he feels the need for a hydrant is less important because, technically, they have fire control by bringing a sprinkler system into the building, plus the building will have a connection for the fire truck. He will speak with David Metzger regarding this issue. Timothy Pazda thinks the code requires a minimum of 600' regardless of a connection and suggests making this a condition.

Patricia Powers asks where the mechanicals will be. Mr. Mussachio advises there is an existing power pole on the property. They will go over head and place another pole on site, then underground. The other utilities will come on the east side of the property.

Most of the heating and air conditioning is a split system, there will be condensers on the ground and the furnaces will be in the mechanical space. There will also be one rooftop unit.

The reason for changing some of the metal material to stucco material is an aesthetic preference. The proposal is for no metal on the front of the building, but metal has been retained on the sides. There is a significant price difference in metal and stucco material. Timothy Pazda is concerned with the metal material on the sides of the building because now the plan shows no buffering on the sides of the building. Mr. Pazda strongly encourages that the stucco material be put on the sides of the building as well as the front.

ACTION:

Motion by Patricia Powers, seconded by Jeffrey Grenzebach, to RECOMMEND Development Plan Approval on Agenda Item 1 with the following conditions:

- The conditions of the Town Engineer’s letter dated April 3, 2006 must be met.
- All areas that are to remain undisturbed must be protected by either orange snow fencing or yellow police tape, so that things that are to remain in place remain untouched prior to and during construction.
- Sidewalks were addressed in the Landscape Committee report; however, the Landscape Committee has not signed off on the project at this point.
- The building is to be fully sprinklered.
- The fire hydrant issue must be addressed with David Metzger, Senior Building Inspector, prior to being placed on the Town Board agenda.
- An approved Landscape Plan is required prior to being placed on the Town Board agenda.
- The project is subject to Commercial Open Space Fees.

Patricia Powers	AYE	Wendy Salvati	NAY
Gerald Drinkard	AYE	Jeffrey Grenzebach	AYE
Timothy Pazda	AYE	Phil Sgamma	AYE
George Van Nest	AYE		

MOTION CARRIED.

Jim Hartz points out that there is a fire hydrant shown on the survey.

Item 2 Creekwood Meadows Subdivision Residential Single-Family	Requests Concept Review for a proposed Open Space Design Development and referral to continue the review process.
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DISCUSSION:

Jim Hartz provides the history on the project. The property is located on the corner of Roll Road and Newhouse Road. It is zoned Residential Single-Family district and is in Erie County Sewer

District # 5. A letter was sent to the applicant from the Planning Board requesting a twenty-six (26) lot Open Space Development Design. The applicant has since submitted the requested design, showing a private drive and preservation of fifty percent (50%) of the site. Wetlands have been located and the property has been delineated.

Sean Hopkins, Leanne Johnston and Anthony Cimato are present. Sean Hopkins received the Town's letter dated March 2, 2006 regarding the reduction of the density. The applicant was originally proposing forty-seven (47) lots; the letter indicates twenty-six (26) lots will be acceptable. The applicant met with the Executive Planning Board and asked for twenty-seven (27) lots. The justification for the additional lot is that the applicant meets all of the other criteria in the Zoning Code; wetlands are being preserved, the stream corridor is preserved, and open-space is being preserved. One of the key aspects of this project is to try and preserve the frontage of the major roadways that run through the town, including Roll Road. The current proposal maximizes the distance between lots one (1) and two (2) and Roll Road.

One of the aspects of the March 2, 2006 letter that the applicant does not agree with is the ten percent (10%) that is removed for public infrastructure development. The infrastructure on this project will be private.

Patricia Powers explains that the Planning Board would like to refer this project this evening, however, it would be referred as twenty-six (26) lots, due to the fact that this was the agreed yield number. Mr. Hopkins does not think the applicant ever agreed to twenty-six (26) lots and wants to be able to explore the request for twenty-seven (27) lots.

Phil Sgamma asks what the applicant disagrees with regarding the calculations in the letter of March 2, 2006. Mr. Hopkins thinks that the calculation for the acreage that is "backed out" is unclear. In the letter the wetlands area is slightly larger than the applicant's measurement. If the ten percent (10%) for the infrastructure was added back in, the density would probably show more than twenty-seven (27) lots; however, the applicant will be satisfied with twenty-seven (27) lots.

Patricia Powers reads from the letter dated March 2, 2006:

"Attached please find an aerial photograph outlining the protected areas as well as the usable areas for the purpose of calculating the density of the property. From this total usable area, 10% must be removed for infrastructure development. Per the calculations above and the map, 16.52 acres may be utilized in laying out a design of 125' x 160' minimum sized lots. Per the street layout submitted in previous designs, a total of 26 lots can be developed on this property."

Patricia Powers explains that, on the advice of the Town Attorney, the Planning Board can refer a twenty-six (26) lot subdivision to TEQR, Traffic Safety and Fire Advisory Committees. Mr. Hopkins would like to preserve the opportunity to explore the issue of adding a twenty-seventh (27th) lot.

Phil Sgamma voices his concern with Mr. Hopkins calculation because if this was a larger property and ten percent (10%) was removed for the infrastructure there could be a huge discrepancy in yields. Mr. Sgamma is willing to give the applicant every benefit of the doubt to try and obtain the twenty-seventh (27th) lot, however, he is not about to yield the ten percent (10%) removal for infrastructure. He does not want to set precedence for future projects.

Wendy Salvati agrees with Mr. Sgamma's concern. She also believes that, for the purpose of providing land for public streets, she's not sure that it meant to differentiate between public and private streets; it was used more as a general use of public streets. Mr. Hopkins advises this issue was used to show justification for adding the twenty-seventh (27) lot.

Gerald Drinkard asks if the calculation detail is available. He asks how much square footage was taken out for the ten percent (10%) in question. Mr. Hopkins explains it would be approximately two (2) acres, however, the applicant is not asking for the whole two (2) acres back. He would state, unequivocally, for the record, that the applicant agrees with the density calculation at twenty-seven (27) lots and will not challenge it in the future.

George Van Nest is not sure that the Planning Board has the ability to exceed the density calculations. Patricia Powers and Wendy Salvati state that the Planning Board does not have this ability. This issue may have to go before the Zoning Board of Appeals.

ACTION:

Motion by George Van Nest, seconded by Jeffrey Grenzebach, to REFER Agenda Item 2 to the TEQR, Traffic Safety and Fire Advisory Committees for further study on the twenty-six (26) single-family lots.

ON THE QUESTION:

Patricia Powers recommends the applicant present a revised plan showing twenty-six (26) lots prior to being placed on the TEQR agenda.

Mr. Hopkins asks if the Planning Board is "ok" with him asking to reserve the opportunity to discuss the addition of one lot. He understands that the Board is referring twenty-six (26) lots. Patricia Powers adds that if the yield figure of twenty-six (26) lots has been agreed to, even the Town Board can not approve the additional lot. Mr. Hopkins asks if this issue could be taken to the Zoning Board of Appeals. This option is available to the applicant.

Gerald Drinkard makes sure that the applicant knows that if they pursue the additional lot, the project must still comply with ALL the requirements. If the project still complies, Mr. Drinkard would have no issue with the additional lot. Phil Sgamma agrees with Mr. Drinkard. Mr. Hopkins advises the project will still comply.

Patricia Powers	AYE	Wendy Salvati	NAY
Gerald Drinkard	AYE	Jeffrey Grenzebach	AYE
Timothy Pazda	AYE	Phil Sgamma	AYE
George Van Nest	AYE		

MOTION CARRIED.

Item 3
Master Plan 2015

Review of comments received at the annual review of the Master Plan.

DISCUSSION:

Each Planning Board member has a copy of the first draft of the attempt to address the comments made at the February 22, 2006 public hearing. The Planning Board is encouraged to read the draft and provide input within two (2) weeks. This will help finalize the draft that may be recommended to the Town Board. If there is a recommendation by a Planning Board member, the action would be to recommend, to the Town Board, some type of action.

The Growth Cap Issue is currently at the TEQR Committee. The Town Board has forwarded a proposed amendment to the committee for environmental review.

Wendy Salvati explains that some wording in the Subdivision Law needs to be revised.

Councilman Scott Bylewski recommends that as the Planning Board is reviewing the comments, and commenting on them, now is also the time to bring forward any proposed local law changes.

George Van Nest explains that the specific language in the law is going to control over the general language. He agrees with the general intent and how it should be interpreted.

Councilman Scott Bylewski explains that laws and contracts are always interpreted against the drafter.

Since there is an extra meeting in the month of May 2006, Wendy Salvati suggests discussing this issue at the May 31, 2006 meeting.

Patricia Powers explains that there is a ninety (90) day time limit on the comments for the Master Plan and advises the comments should be reviewed within the next two weeks and it will be put on the agenda for discussion at the next Planning Board meeting of May 3, 2006. She is opposed to combining discussions on the Master Plan comments and the Zoning and Subdivision Law; she feels this is a separate issue.

Jim Hartz said that recommendations for changes to the Zoning and Subdivision Law can be submitted to the Town Board at any time, whereas the Master Plan comments are time sensitive.

Further discussion ensued regarding the roadways, the level of service of the roadways, vistas, mature woodlands, green space and prime farmland.

Meeting adjourned at 8:25 p.m.

Patricia Powers, Chairperson