

Town of Clarence  
Planning Board Minutes  
Wednesday, May 2, 2007

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)

**Item 1**

Dr. Altman  
Restricted Business

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

**Item 2**

Frey's Old Time Furniture  
Commercial

Requests Concept Plan Approval for a proposed addition to an existing retail/warehouse facility at 9992 Main Street.

**Item 3**

Rocco DelGrosso  
Major Arterial

Requests a Building Permit and Architectural Approval for an addition to the existing building at 6221 Transit Road.

**Item 4**

APFO

Discussion and Recommendations.

**Item 5**

Master Plan 2015 Amendments

Discussion.

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

Planning Board Members Present:

Patricia Powers, Chairperson  
Gerald Drinkard, 2<sup>nd</sup> Vice Chairperson  
Timothy Pazda  
Richard Bigler

Wendy Salvati, 1<sup>st</sup> Vice Chairperson  
Jeffrey Grenzebach  
George Van Nest  
Albert Schultz

Other Town Officials Present:

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

Other Interested Parties Present:

Mary Powell	Rocco DelGrosso
David Altman	Douglas Klotzbach
Phil Silvestri	

Motion by Jeffrey Grenzebach, seconded by Gerald Drinkard, to **approve** the minutes of the meeting held on April 4, 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 Gerald Drinkard, seconded by Timothy Pazda, to **approve** the minutes of the meeting held on April 18, 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.

**Item 1**

Dr. Altman  
 Restricted Business

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

**DISCUSSION:**

Jim Callahan provides the history of the project. It is located on the south side of Sheridan Drive, west of Harris Hill Road and is existing residential property located in the Restricted Business Zone. The property consists of approximately 1.39 acres. A Negative Declaration under SEQRA was issued on April 25, 2007 by the Town Board.

Phil Silvestri, of Silvestri Architects is representing the applicant. Dr. Altman is present. Mary Powell of PAT Construction is present as well. Mr. Silvestri believes all issues have been addressed.

Wendy Salvati asked Mr. Silvestri how the screening/fencing will be done along the neighbor's property. Mr. Silvestri said the neighbor has accepted either the installation of a fence or a screen of evergreen trees. The final decision will be on the Landscape Plan.

**ACTION:**

Motion by Patricia Powers, seconded by Wendy Salvati, to **recommend** Concept Plan Approval for agenda item #1, with the following conditions:

- The Checklist for Concept Approval is to be submitted within one week.
- The parking has been reduced to 35 spaces.
- No parking in front of the building.
- No all night lights.
- A privacy screen is to be installed starting at the southern most end of the row of trees on the neighboring property. The type of screening is to be worked out between the neighbor and Dr. Altman and approved as part of the Landscape Plan.
- The dumpster is to be picked up during business hours.
- The project is subject to Commercial Open Space Fees.

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 2**

Frey's Old Time Furniture  
Commercial

Requests Concept Plan Approval for a proposed addition to an existing retail/warehouse facility at 9992 Main Street.

**DISCUSSION:**

Jim Callahan provides the history on the project. It is located on the north side of Main Street and the east side of Kraus Road. It is an existing commercial property and is in the Commercial Zone. The property consists of approximately 8.2 acres.

Douglas Klotzbach, of Kasprzak & Klotzbach Architects, is representing the applicant. Mr. Klotzbach said a survey has been completed for the property. He is working with the Town Engineer in obtaining a topographical survey. There are 37 additional parking spaces in this proposal; based on the type of product sold vehicles enter and exit the site less frequently. If need be, parking can continue in the back. The greenspace along Kraus Road has been increased to approximately 60'. The total greenspace at the site is about 30%. To satisfy the Fire Advisory Board, Mr. Klotzbach explains that a fire hydrant will be placed on the site with a waterline to come off Kraus Road. There will be a 400' distance from the hydrant on the interior of the court yard, this area will be paved.

Gerald Drinkard asked what the plan is for landscaping the area. Mr. Klotzbach said he would be willing to put more arborvitae trees along Kraus Road that will shelter the building wall from the neighbors. Most vegetation will remain. Mr. Drinkard suggests adding some hardwood trees as well, Mr. Klotzbach agrees.

The gravel driveway on Kraus Road will not be used and will be made into a grassy area. Only closed trucks are used, there are no open flat-bed trucks used in the business.

Timothy Pazda refers to the 30% rule concerning the architectural standard of the new building and wonders if the applicant has addressed this rule. Mr. Klotzbach said if the Board desires, he will use vinyl siding on the addition. This would be more than 30% of the face of the building on Kraus Road.

Councilman Bylewski refers to the Town Code which indicates approved metal paneling may not exceed 30% of the building wall façade which is visible from a street. So, if there is landscaping in front of the building, will it be visible from the street? He leaves this issue to the Planning Board’s interpretation.

Gerald Drinkard voices his concern for the neighbors on Kraus Road and suggests any type of green landscaping to soften the look on the south and west sides of the building. He asks if the line of trees can continue and be brought forward to Main Street.

Mr. Klotzbach explains that one end of the existing building will be demolished for construction purposes for the proposed building. The proposed building will be smaller in height than the existing building, with a 10’-12’ eave and a pitched roof 80’ x 200’. There will be no signage or lighting on the proposed building.

Patricia Powers points out that the total square footage for the entire site is 69,395 square feet, thus, a Special Exception Use Permit is required per the Town Code and will be handled at the Town Board level. Mr. Klotzbach is ready to do this.

Mr. Klotzbach points out that there is an injection well on the site, this helps with drainage and has resolved past drainage issues.

Patricia Powers points out that there is a complete full Environmental Assessment Form in the file indicating there are no large environmental impacts as a result of this project; a Negative Declaration will be prepared.

**ACTION:**

Motion by Patricia Powers, seconded by Wendy Salvati, to **recommend** the Town Board issue a Negative Declaration on this project.

**ON THE QUESTION:**

Jim Callahan points out that this is an Unlisted Action under SEQRA.

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

MOTION CARRIED.

**ACTION:**

Motion by Gerald Drinkard, seconded by Jeffrey Grenzebach, to **recommend** Concept Plan Approval with the following conditions:

- Particular attention is to be paid to the drainage plan.
- The Landscape plan must be reviewed and approved by the Landscape Review Committee, prior to being placed on a Town Board agenda.
- No lighting at the west end of the building.
- No driveway on Kraus Road, the exit is to be removed and reseeded to allow the area to be grass only.
- The fire hydrant has been moved to within 400’ of the building and will remain there.
- The project is subject to Commercial Open Space Fees.
- The building material will comply with the code and will be vinyl.
- A Special Exception Use Permit is required due to the square footage of the building.
- All areas that will remain undisturbed are to be protected during construction.
- No signage at the west end of the building.

**ON THE QUESTION:**

George Van Nest clarifies that included in the property to remain undisturbed and protected is the tree line at the south property line. It is acceptable for the applicant to add more trees in this area.

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**

Rocco DelGrosso  
Major Arterial

Requests a Building Permit and Architectural Approval for an addition to the existing building at 6221 Transit Road.

**DISCUSSION:**

Jim Callahan provides the history on the project. It is located on the east side of Transit Road, north of Woodbridge Lane and south of the Peanut Line and consists of approximately 2 acres. The applicant is proposing an addition and remodeling of the existing structure. The project was referred from the Town Board to the Planning Board for recommendation.

Rocco DelGrosso is present. He explains that the front most wall of the building, and the wall that goes around the corner of the house, has no foundation and no footer. It appears to be a garage floor and will have to be removed to allow a footer be put in. The second floor will be removed; the proposal is for one story. Mr. DelGrosso would like to preserve the chimney. He would also like to adjust the rendering of the proposal to enlarge the dormer in the front of the building.

Mr. DelGrosso wants to remove the parking lot that is in the front of the building and landscape that area. He would like to redesign the egress and ingress by taking only incoming traffic to the north and only exiting traffic out of the south most driveway. When the project is complete, the building will closely match the existing building, but it will not be identical. The house on the north side of the building will remain; there is a basement underneath it. The barn in the back will remain. The yellow garage will be demolished. The retention ponds will remain and will be sufficient.

Timothy Pazda asks about the concerns of the neighbor to the north and if his issues have been addressed. Mr. DelGrosso said he put a berm with pine trees at the property line, he also installed a fence. The neighbor no longer has concerns.

The barn houses the tools Mr. DelGrosso uses for his trade.

Gerald Drinkard clarifies the project is renovating the whole building, Mr. DelGrosso agrees.

Councilman Bylewski asks if the parking has been calculated. Mr. DelGrosso said he has more parking than what is needed.

In response to Timothy Pazda's question regarding the location of the main entrance, Mr. DelGrosso explains that it will be in the back of the building; the main entrance to the building will not be on Transit Road. Mr. DelGrosso agrees to illuminate the entrance and exit signs if the Planning Board requests it to be done. He will use a couple wall packs for light on the building and lantern focused lighting so as not to offend the neighbors. There is a large patch of woods on the property that Mr. DelGrosso will not disturb.

Wendy Salvati asks about the operation of the facility and voices her concern with regards to traffic. Mr. DelGrosso said the plan is for a structured program at the facility with a waiting area inside the building because he does not want people coming and going causing streams of traffic.

Patricia Powers points out that this is an Unlisted Action; there is a complete full Environmental Assessment Form in the file indicating there are no large environmental impacts as a result of the project; a Negative Declaration will be prepared.

#### **ACTION:**

Motion by Patricia Powers, seconded by Timothy Pazda, to **recommend** the Town Board issue a Negative Declaration on this project.

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 Gerald Drinkard, seconded by Richard Bigler, to **recommend** Concept Plan Approval for a building permit and architectural approval for an addition to the existing building at 6221 Transit Road with the following conditions:

- Town Engineer approval of the drainage plan.
- All areas to remain undisturbed are to be protected during construction.
- An approved Landscape Plan prior to being placed on a Town Board agenda.
- The north drive is to be “in” only; the south drive is to be “exit” only.
- A historical marker or plaque to be placed at the site.
- Subject to Commercial Open Space fees.

**ON THE QUESTION:**

Mr. DelGrosso clarifies that the whole building will be renovated, which includes the entire exterior of the building. The lighting will be low and consistent with 6215 Transit Road.

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

**MOTION CARRIED.**

Wendy Salvati is excused from the meeting.

**Item 4**  
APFO

Discussion and Recommendation.

**DISCUSSION:**

Jim Callahan provides a background on the APFO. The Town has been working on the APFO Local Law for several years. A consultant has been involved and has worked with the Town with regards to the Master Plan 2015. Recently approved amendments have been made to the Master Plan 2015 and the latest draft develops a more informal relationship with the Clarence Schools to make a determination of capacity at the beginning of the review process. It also maintains the annual review of the Williamsville Schools and emergency services. The formal relationship has been taken out, which included a Memorandum of Understanding. This legislation establishes the framework that can be added to in the future.

Councilman Bylewski said there have been two problems, the largest being trying to deal with the outside agencies when they do not return phone calls. The second problem is the disappointment in dealing with the school districts. The schools stated they operate in a crisis management mode when they do their capital projects because, in order for them to obtain funding from Albany, they have to show that they are at a crisis. However, if the schools looked at the law they would find that the Level-of-Service threshold still would not have been hit under the pre-building Clarence Central School District plan, so theoretically the district could have obtained the funding. Councilman Bylewski is concerned because the school district is directly impacted by growth. The district indicates that they want to be involved but once an opportunity like this is provided they site reasons why they would like to step back.

Jim Callahan would be the Director of the APFO, as stated in the law. He explains that before a project is referred to the Planning Board, it would be sent to the schools to obtain a determination of adequacy. The schools have informally agreed to do this, however there is nothing signed indicating a

formal relationship, this may be due to a liability issue. This does not mean that the schools are unwilling to communicate or share information. This can be amended in the future if any district decided it would be in their best interest to be formally involved.

Councilman Bylewski said the Town needs to have the fire companies on board with capital improvements planning. All the fire companies do this; however, they do it in various ways.

The SEQRA process will be utilized.

In response to Patricia Powers question regarding the Executive Order from the Governors Office, Councilman Bylewski explains that the Governor established a commission that is supposed to deal with the counties, who in turn are supposed to gather ideas for consolidation, regionalization, etc. This is something that could be sent back up to the state.

Jim Callahan explains that a recommendation to refer this draft to the Town Board to pursue adoption is what the Planning Board should be looking at this evening.

Patricia Powers said that Wendy Salvati expressed she has no issues with the April 3, 2007 draft.

**ACTION:**

Motion by Patricia Powers, seconded by Timothy Pazda, to **recommend** the Adequate Public Facilities Ordinance (APFO) to the Town Board.

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

MOTION CARRIED.

**Item 5**

Master Plan 2015 Amendments

Discussion.

**DISCUSSION:**

Jim Callahan explains that at the annual public hearing for the Master Plan 2015 the Town Board referred for review and recommendation by the Planning Board the issue of Sewer District location. After a preliminary discussion at the April 4, 2007 Planning Board meeting and several Executive Committee Planning Board meetings, the Planning Department has prepared a draft concept for Planning Board review and discussion. The draft starts out with a map that identifies 72% of the homes in the Town of Clarence are on septic on-site systems for the year 2007; 34% of new homes utilize on-site septic systems. This could be a pollution problem in the future. The map identifies the sewer areas.

One priority, explains Mr. Callahan, is with regards to the existing sewer boundaries; that area should be built out first, before expanding to other areas.

The Heise-Brookhaven Sewer Line creates an approved sewer area with 1,000 sewer taps. Per environmental review, 500 taps north of Greiner Road, east of Goodrich Road and 500 taps in the Waterford Village. The map in the proposed amendment expands the 1,000 taps into what is known as the Riegl Farm.

Another priority is the area of Harris Hill that is polluted. There is no solution other than to run a sewer trunk line to the Peanut Line to service this area.

Albert Schultz suggests including the existing lots that are in Erie County Sewer District (ECSD) #5. They are not currently sewered and do not involve new growth.

Gerald Drinkard wonders what order these projects should take and if there might be funding available.

Timothy Pazda makes it clear that if the boundaries for ECSD #5 are expanded the residents in those areas will have to pay fees for a service they do not have and may not have for some time in the future. Will this negate the good that can be done? Jim Callahan explains that a public hearing will take place. He goes on to say that by expanding ECSD #5 to those areas, the existing residents can be included without residential growth. The Master Plan 2015 identifies where growth will be; the Town can accommodate this growth.

Spaulding Lake has its own sewage treatment plant. ECSD #5 operates a sewage plant at the Greatbatch facility that takes sewage from the Highschool and its own facility. The plan is to eliminate the treatment plants, pick-up the Rock Oak Manufactured Home Park along with the Highschool and Spaulding Lake without creating any new residential growth and tie it into the Peanut Line.

Jim Callahan states the next priority, which would be to pick up the industrial parks. The final priority would be "in-fill". These are the areas that have not been covered and mainly servicing the existing residential developments that are on a septic system. Under the plan, this would be in ECSD #5.

George Van Nest asks if the County has input with regards to how the sewer district is developed. Councilman Bylewski said that it would be stated in the agreement that it would be under the Town's direction; there must be an override in the agreement so the County can not force growth.

Jim Callahan clarifies that the Town Board is only interested in the County taking over existing sewers, nothing more. The County's question to the Town Board was where they want the boundaries for ECSD #5; the response was to have the district go to the existing residences. The concern is the Harris Hill area.

Jim Callahan explains that the County is proposing to coordinate a request for proposals for private entities to build parallel to the Peanut Line as well as the trunk sewer. Agreements with the Town of Amherst and ECSD will have to be finalized for this plan to move forward.

Albert Schultz said the area between Lapp Road and County Road would have a number of taps opened up by the Peanut Line parallel. The extension of the Peanut Line is less than a mile.

The Planning Board needs to plan long term and make recommendations which include answers to questions involving sewer location, where the pollution problems are and where the growth corridors are.

Environmental reviews need to be done on all aspects of the proposed amendments.

Jim Callahan will tweak the color code on the map for the “in-fill” areas. He will also show a growth overlay on the map.

**ACTION:**

Motion by Patricia Powers, seconded by Jeffrey Grenzebach, to **table** Master Plan 2015 Amendments to allow time for the Planning Board members to review the discussion.

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

MOTION CARRIED.

Meeting adjourned at 9:35 p.m.

Carolyn Delgato  
Senior Clerk Typist