

**Clarence Planning Board Minutes
Wednesday, June 7, 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)

Item 1

Lakeside Industrial Park
Industrial Business Park Zone

Requests Development Plan Approval for
Development of an Industrial Business Park on
County Road.

Item 2

Timothy Krantz
Agricultural Rural Residential

Requests Concept Plan Review for a 4-lot open
development area at 9086 Lapp Road.

Item 3

Master Plan 2015

Review of comments.

Wendy Salvati, First Vice-Chairperson, called the meeting to order at 7:30 p.m. Councilman Scott Bylewski led the pledge to the flag.

Planning Board Members Present:

Wendy Salvati
Richard Bigler
Gerald Drinkard

George Van Nest
Philip Sgamma
Timothy Pazda

Planning Board Members Absent:

Patricia Powers

Jeffrey Grenzebach

Other Town Officials Present:

Councilman Scott Bylewski
James Callahan, Director of Community Development
James Hartz, Asst. Director of Community Development
Deputy Supervisor Anne Case
David Donohue, Town Attorney

Other Interested Parties Present:

Joe Glose	Steven Kirk
Joyce Bakowski	Steve Bakowski
Don Swanson	Tim Krantz
Peter Johnston	John Braddell
Edward Braddell	

Motion by Timothy Pazda, seconded by Gerald Drinkard, to approve the minutes of the meeting held on May 17, 2006 with the following revisions:

-The first line on page 2006-122 is revised to read, “the **location of the** products that are stored on the lot.”

-Clarification for the Action on page 2006-125 is that the Planning Board wants to see the Traffic Study once it is completed.

Wendy Salvati	Aye	George Van Nest	Aye
Richard Bigler	Aye	Phil Sgamma	Aye
Gerald Drinkard	Aye	Tim Pazda	Aye

MOTION CARRIED.

Due to the absence of two Planning Board members, Richard Bigler will be participating in all discussions and voting on all agenda items this evening.

Item 1	Requests Development Plan Approval for
Lakeside Industrial Park	Development of an Industrial Business Park on
Industrial Business Park Zone	County Road.

DISCUSSION:

Jim Callahan provides the history on the project. The property is located on the south side of County Road, west of Goodrich Road. It consists of approximately nineteen (19) acres and is zoned Industrial Business Park. A Negative Declaration under SEQR was issued by the Town Board on December 7, 2005. Concept Approval was recommended by the Planning Board on November 30, 2005 with conditions.

Pete Johnston, Civil Engineer with William Schutt and Associates, is representing the applicant. The applicants John and Edward Braddell are present as well. They have sought and received the Town Engineers approval. They have correspondence from the Eric County Highway Department. The road, waterline and storm drainage are all private.

Wendy Salvati notes that when the Planning Board recommended Concept Plan Approval there were a number of conditions. Most of them still apply. The first condition was the request for laterals to be installed so that if, in the future, sewers were brought into the area it would easily facilitate sewer hook-up. The road was requested to be private; the applicant has indicated it is, however, if in the future the adjacent lands are developed, the road may become public. For each site plan action that will come before the Board within this park, each of those projects will be subject to approval by the

Town Board. The Planning Board also asked that no permanent structures be placed over the gas line. There is also the request for input by the Right to Farm Committee; this request is due to the property to the west of the project, which is a horse farm. The Planning Board suggests a one-hundred foot (100') buffer along the western boundary to provide some protection for adjacent land which is an agricultural use.

The Bakowski's, who will be developing the land next to the horse farm, have discussed the situation with Mrs. Kirk, the owner of the horse farm. Gerald Drinkard and Wendy Salvati explain that the 100' buffer is not specific to the Bakowski parcel; there are other lots that the buffer pertains to as well.

Mrs. Bakowski explains that through discussions with Mrs. Kirk, an agreement was made to put in a berm in order to separate the properties. The dimensions of the berm were not discussed. Mrs. Bakowski thinks a one-hundred foot (100') berm is excessive. Wendy Salvati said the Planning Board was not asking for a berm, they proposed the recommendation that a one-hundred (100') setback be established in order to protect the adjacent property. A berm can be discussed at the time a site plan is submitted for the Bakowski's property. Mrs. Bakowski asks if the one-hundred foot (100') setback is the current zoning regulation. Wendy Salvati advises it is specific to this project.

Jim Callahan explains that the Right-to-Farm Law was a condition under Concept Approval. Mrs. Kirk was not aware her property was zoned Industrial Business Park, this occurred forty (40) to fifty (50) years ago. The existing operation of Mrs. Kirk's property is Agricultural. The requirement for an Industrial Business Park setback to an adjoining residential lot is a one-hundred foot (100') setback. Interpreting the Right-to-Farm impact, the setback requirement can be carried over to protect the area.

Mrs. Bakowski asks if it would be acceptable if she and Mrs. Kirk had an agreement for something other than a one-hundred foot (100') buffer. Wendy Salvati explains that the Bakowski's project is not before the Planning Board this evening, the project before them is for Lakeside Industrial Park and this is what needs to be discussed. Mrs. Bakowski said that as phase one of Lakeside Industrial Park her property is the only property that butts up to the west side of Mrs. Kirk's property. There are other lands that butt up to the west side; however, there are no potential buyers for this land. The Braddell's intention is to continue farming this land until it is sold.

Mr. Bakowski will not agree to the one-hundred foot (100') setback when he is the only dedicated project.

Wendy Salvati clarifies the Planning Board's recommendation; it is to recommend a one-hundred foot (100') buffer on the Development Plan Approval for the Lakeside Industrial Business Park. Mr. Johnston asks if this absolutely stipulates that a one-hundred (100') setback be provided or can it be modified. Wendy Salvati explains that would be a decision of the Town Board.

George Van Nest reminds the applicant that the Right-to-Farm issues must be taken into consideration and addressed as necessary.

Mrs. Kirk requests the Planning Board require a one-hundred foot (100') greenspace setback along her property. It has been residential use for many years. The intent is to continue using the property for agricultural purposes.

Steven Kirk, Mrs. Kirk's son, operates the farm. Mr. Kirk indicates that in the past year they have put \$100,000 worth of improvement into the horse farm, with the intention of continuing to offer horse related services to the Clarence community. The operation is a commercial horse farm, they stable horses, provide riding lessons and training for show horses. Currently there are ten (10) horses on the property; the capacity is eighteen (18). The house dates back to the early 1900's. Mr. Kirk said the idea of a berm was never discussed and would be detrimental to the horse operations as it would impact the drainage of the pastures.

Scott Bylewski suggests the possibility of the Planning Board making a recommendation, but partial to that recommendation, referring it on to the Resolution Committee under the Right-to-Farm Law, this would allow the applicant to move forward on the project and may provide additional or different mitigation from the Resolution Committee.

The existing Agricultural/Residential classification requires a one-hundred foot (100') setback from the Industrial Zone.

Jim Mahoney, of Tonawanda Creek Road, asks if all the Industrial Zones in Clarence have the one-hundred foot (100') setback. Wendy Salvati explains it's just this particular case because of the adjoining Agricultural lot. Jim Callahan further clarifies that the requirement for a change in zone is a one-hundred (100') setback.

Fred Cimato owns the topsoil business across the street from the applicant and feels there is nothing wrong with this industrial park; it should be passed without the one-hundred foot (100') buffer. A berm or a fence would be sufficient.

Steve Bakowski explains that he will lose two (2) buildings if the one-hundred foot (100') buffer is required. He is willing to do a twenty-five foot (25') setback on a berm with trees. The Planning Board needs to look at this project that is costing the Bakowski's three-quarters of a million dollars.

The Right-to-Farm Committee meets as needed. This project will be referred to the committee immediately.

Phil Sgamma clarifies that the Planning Board will recommend approval of the Development Plan with the one-hundred foot (100') buffer with the understanding that the Right-to-Farm and the parties involved may mitigate the one-hundred foot (100') buffer.

Mr. Johnston asks what the schedule of events will be going forward. Jim Callahan explains the procedure: the project can be put on the work session agenda for June 14, 2006 and then the Town Board agenda two weeks thereafter.

David Donohue points out that another condition that needs to be met is the private road would be built to public road specifications.

Another condition that needs to be met is regarding the sanitary laterals, each site plan that comes to the Town for approval will have its own on-site septic system. The plan indicates the systems are located in the front of the property so they can easily be hooked up to a sewer if need be.

Mr. Kirk advises that he is asking for the one-hundred foot (100') buffer because the usage of the property adjacent to his business has changed. An industrial use is not compatible with horse pastures and riding areas and the animals that he is entrusted with.

ACTION:

Motion by Timothy Pazda, seconded by Richard Bigler, to **recommend** Development Plan Approval for an Industrial Business Park on County Road with the following conditions:

- the stipulation of a one-hundred foot (100') buffer along the west property line.
- the project is to be referred to the Right-to-Farm Conflict Resolution Committee to address the issues regarding an industrial business park and the agricultural use of the adjacent property.
- the satisfaction of the engineering comments found in the letter dated June 1, 2006 from the Town of Clarence Engineering Department.
- future plans for individual parcels in the park must come back to the Town Board for approval.
- the road be built as a private road, but be built to public road specifications; the road could become a public road at some point in the future.
- no permanent structures are to be built over the gas line.
- the sewer laterals be installed so as to facilitate sewer hook-up if such service should become available in the future.

ON THE QUESTION:

Wendy Salvati clarifies that the recommendation for the one-hundred foot (100') setback area is due to the fact that there was a change in use. The Planning Board is dealing with an Agricultural use adjoining an Industrial use. The Board recommends seeking resolution via the referral to the Right-to-Farm Conflict Resolution Committee so that some amicable way of resolving this issue is presented, preferably, prior to the project being placed on a Town Board agenda.

Wendy Salvati	Aye	George Van Nest	Aye
Richard Bigler	Aye	Phil Sgamma	Aye
Gerald Drinkard	Aye	Tim Pazda	Aye

MOTION CARRIED.

Item 2

Timothy Krantz
Agricultural Rural Residential

Requests Concept Plan Review for a 4-lot open development area at 9086 Lapp Road.

DISCUSSION:

Jim Callahan provides the history on the project. The property is located on the north side of Lapp Road, west of Heise Road, it consists of approximately one-hundred thirty (130) acres and is zoned Agricultural Rural Residential. The applicant is proposing a four (4) lot open development with two (2) frontage lots per the submitted design. This represents the introduction of the project to the Planning Board.

Don Swanson, with APEX Consulting, is representing the applicant. The land is divided into a total of six (6) lots. The southerly most four (4) lots range from approximately 5.6 acres to 7.75 acres. Lot three (3) is approximately 38 acres and lot four (4) is approximately 50.5 acres. The proposal calls for a forty foot (40') wide private right-of-way coming into the site via a cul-de-sac to service the six (6) proposed homes. There will be decorative water features at the front of the project and possible stone walls. There is an existing pond in the middle portion of the site that would be enlarged for aesthetic reasons as well as storm water management.

The trees that are shown on the plan are not existing trees. A berm is proposed on the property lines to the east and west.

The restrictions that are in place for the land from the United States Government will remain in place. The applicant has a document explaining the restrictions.

ACTION:

Motion by Gerald Drinkard, seconded by Wendy Salvati, to refer item # 2 to the TEQR Committee, Fire Advisory and Traffic Advisory Boards.

Wendy Salvati	Aye	George Van Nest	Aye
Richard Bigler	Aye	Phil Sgamma	Aye
Gerald Drinkard	Aye	Tim Pazda	Aye

MOTION CARRIED.

Item 3

Master Plan 2015

Review of comments.

DISCUSSION:

Jim Callahan advises the final item that needs to be commented on for consideration by the Town Board is the sewer cap.

Councilman Scott Bylewski explains that there was a meeting today to discuss a possible merger between all the Town of Clarence sewer districts and Erie County #5. The Clarence Town Board would have one year to get back to the County, this would create a problem with the SEQR process. The proposal discussed was that Erie County would take over Sewer Districts #2, #6, #7 & #9, plus expand existing District #5 to service the Harris Hill area. There is no change in representation on the Erie County #5 Board yet. The different districts within Erie County District will be impacted differently because of assessed values.

Gerald Drinkard suggests using sewer taps as one of several mechanisms to limit growth. He asks, "What number would you arrive at to limit sewer taps?"

Gerald Drinkard also asks if a project can legally be held up because of a sewer issue.

All members of the Planning Board feel that the comment on the Master Plan Review regarding limiting the number of sewer taps issued on an annual or monthly basis does not need to be changed.

ACTION:

Motion by Phil Sgamma, seconded by Richard Bigler, to **accept** the comment, regarding the Master Plan 2015 review, specifically limiting the number of sewer taps issued on an annual or monthly basis, as written.

Wendy Salvati	Aye	George Van Nest	Aye
Richard Bigler	Aye	Phil Sgamma	Aye
Gerald Drinkard	Aye	Tim Pazda	Aye

MOTION CARRIED.

Wendy Salvati refers to the last line of the response for item number 9 of the Master Plan 2015 review; “single-story” will be removed from the text.

Timothy Pazda asks for the status on the Peddlers/Hawkers Permit for hot dog/ice cream stand to be located at Frey’s Olde Time Furniture on Main Street. The Town Clerk is obligated to issue the permit if the law is adhered to. It was discovered that there is an action against Joe Frey on this property and several others, therefore the application for the Peddlers/Hawkers Permit can not be processed. The violations must be cleaned up prior to processing the application.

Meeting adjourned at 8:47 p.m.

Wendy Salvati, First Vice-Chairperson