

Clarence Planning Board Minutes  
Wednesday, October 19, 2005

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 7:40 PM.  
Scott A. Bylewski led the pledge to the flag.

Planning Board Members Present:

Patricia Powers	Wendy Salvati
Roy McCready	Jeff Grenzebach
Phil Sgamma	Gerald Drinkard
Tim Pazda	

Planning Board Members Absent:

George Van Nest

Other Town Officials Present:

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

Other Interested Parties Present:

Guy Berberich  
Jim Rumsey

Motion by Jeff Grenzebach, seconded by Phil Sgamma, to approve the minutes for the meeting held on October 5, 2005. Correction to page 1 regarding the approval of the minutes from September 21, 2005 meeting; Jeff Grenzebach's vote reflects ABSTAIN, Roy McCready's vote reflects AYE.

Patricia Powers	AYE	Wendy Salvati	AYE
Roy McCready	AYE	Jeff Grenzebach	AYE
Phil Sgamma	AYE	Gerald Drinkard	AYE
Tim Pazda	AYE		

ALL AYES. MOTION CARRIED.

Item 1  
Greiner Road Associates  
Residential Single Family Zone

Requests Preliminary Concept Plan Review  
for a 4-Lot Open Development with  
frontage lots at 8955 Roll Road.

#### DISCUSSION:

Jim Callahan provides a brief description of the project, which is located on the south side of Roll Road east of Shimerville, consists of approximately 30 acres in the residential single-family zone. Master Plan identifies the area in a residential classification. Project was introduced to the Town Board on September 28, 2005 and referred to the Planning Board to continue the review process. This represents the initial presentation of the concept to the full Planning Board.

Neil Kochis from William Schutt and Associates introduces himself along with the owners of the lots: Guy Berberich and Kevin & Maureen Crotty. Mr. Kochis has nothing to add at this time but would prefer to hear what the Planning Board has to say first and then add his input. He adds that the actual size of the lot is 22.3, not 30 acres as previously indicated. There are 2 separate frontage lots, as well.

Tim Pazda asks for clarification on the acreage. Mr. Kochis explains that there are 2 frontage lots and outlines the other 4 lots using the diagram provided for all to view. The 22.3 acres includes the 4 lots but not the 2 frontage lots.

Wendy Salvati reads the law regarding the frontage lots; they must be accessed via the common driveway. Mr. Kochis understands. Pat Powers asks how far does the driveway, that presently serves the 2 exception lots be from the driveway that would serve the 4 lot open development in the rear. Mr. Kochis advises there would be no separate driveway. All of the lots will be served by the existing access. Wendy advises that there is one adjustment that needs to be made. She explains that, per law, properties with individual septic systems shall not be used in any development with more than 4 lots with less than 5 acres. She advises that one of the lots need to be made larger to accommodate the law. Mr. Berberich advises he has no problem adjusting the lot size. Pat suggests that the owners come back with a drawing showing how they intend to develop the lots.

Phil Sgamma asks if the next step will be the MRC board. Pat advises that is correct, but the board wants to see the drawing showing the changes prior to referring the project to MRC. Mr. Kochis is concerned that if he has to come back to another meeting to show the drawing of the changes this may hold up the development. Jim Callahan advises that the next Planning Board meeting will be prior to the next MRC meeting, the project will not be held up due to this request.

Pat advises the board would like a tree survey considered. There will be a Homeowners Association agreement required and will have to be reviewed by the town attorney's office prior to the project going on the town board agenda. Wendy advises that it would be helpful if the tree survey were available when they go to the MRC meeting. Mr. Kochis asks what is the purpose of the tree survey. Pat advises it is to identify what trees will remain on the property once you start building. Jim Callahan

asks how many large trees currently exist. Mr. Berberich advises there are a few along the creek and a few along the hedgerow. He will not be cutting them down. Pat asks if this project would have individual septic/sanitary systems, Mr. Kochis advises that is correct.

Jeff Grenzebach asks what needs to be acquired to build over the pipeline. Wendy advises that a road can be built over it; you just can't build structures over the pipeline. Jeff advises a letter of intent should be acquired and placed on file.

Gerald inquires on the necessity of a fire hydrant. David Donohue advises the project will be sent to Fire Advisory anyway.

Phil further explains the tree survey. For every tree, 6 inches in diameter or larger, that needs to be cut down, 2 trees need to be planted. This is in the subdivision law.

Tim Pazda is concerned that if a tree survey is not required just because Mr. Berberich advises he is not going to cut them down, is the board setting a "bad precedent" for future projects? Jim Callahan suggests a drawing to show the creek corridor and advise that no trees will be disturbed in that area and identify any trees over 6 inches in diameter. Mr. Kochis agrees to submit a drawing.

**ACTION:**

Motion by Wendy Salvati, seconded by Tim Pazda to TABLE this project pending the size adjustment of 1 lot to the correct acreage as required.

Patricia Powers	AYE	Wendy Salvati	AYE
Roy McCready	AYE	Jeff Grenzebach	AYE
Phil Sgamma	AYE	Gerald Drinkard	AYE
Tim Pazda	AYE		

**ALL AYES. MOTION CARRIED**

Item 3  
Benderson Development  
Major Arterial Zone

Requests a Building Permit for construction of an 8,150 square foot addition to existing plaza at 5033 Transit Rd.

**DISCUSSION:**

Jim Callahan provides a brief description of the property located on the east side of Transit between Sheridan and Greiner. The plaza encompasses over 70 acres and is zoned major arterial. The applicant is proposing to complete the plaza by construction of an 8,150 sq. ft. in-fill addition between Wal-Mart and Fashion Bug. The project was previously tabled at the Oct. 5, 2005 Planning Board meeting pending receipt of

agreement among the owners to address traffic issues to the greatest extent feasible and to the satisfaction of the Planning Board.

Jim Rumsey advises that he has been in discussions with Jim Callahan and Jim Hartz to try and move forward on this project. He would like to meet with the Planning Dept. and DDR/Benderson to continue discussions. He realizes there will probably be several meetings and a significant amount of time involved to resolve the issue. He is asking for a conditional approval to construct the 8,150 sq ft structure and then work together with DDR to resolve the on-site issues with traffic and the access to Greiner. Pat Powers advised that the last time Mr. Palumbo was before the board, she specifically asked him for written documentation in time to be reviewed by the town attorneys department regarding this issue. Mr. Palumbo assured Pat that this could be facilitated, however, there were no documents submitted. She asks the board for their opinions. Tim Pazda is not willing to condition away the problems that have been identified to another board. The problems need to be solved or proof that they are going to be solved. Wendy Salvati agrees.

Jim Rumsey asks if Jim Callahan can contact the appropriate persons at DDR to set up a meeting. Jim Callahan has no problem doing that. Gerald Drinkard advises that the traffic issue needs to be resolved prior to approving the 8,150 sq ft structure. Jeff Grenzebach advises that the traffic in the area is full now and with the addition of this structure, which will create an additional 10 cars, the traffic will be "over the top".

Jeff Grenzebach asks if there are any DDR representatives in the area. Mr. Rumsey advises they are in Cleveland. Pat Powers reiterates that Jim Callahan will make the appropriate call to DDR to set up a meeting. Tim Pazda asks if money has actually changed hands. Mr. Rumsey advises, "Yes, this property is sold." DDR owns the property.

**ACTION:**

Motion by Jeff Grenzebach, seconded by Wendy Salvati to TABLE this project pending the meeting between all principles involved to be scheduled ASAP.

Patricia Powers	AYE	Wendy Salvati	AYE
Roy McCready	AYE	Jeff Grenzebach	AYE
Phil Sgamma	AYE	Gerald Drinkard	AYE
Tim Pazda	AYE		

ALL AYES. MOTION CARRIED

Item 4  
Local Law Review

DISCUSSION:

Jim Callahan received an e-mail from Tyson Smith in response to questions that the Planning Board had on various topics. Some specific topics were School Budget, Bonding, Parks and Rec Master Plan and the SEQR & TEQR laws. All members of the board reviewed the e-mail. Gerald Drinkard wanted clarification on the contents of the questions. Jim Callahan advised that he is accumulating the information and will forward it as soon as possible. No action required on this item.

Item 2  
Italian Marble and Granite  
Industrial Business Park Zone

Requests Preliminary Concept Plan Review  
for construction of a new facility at  
8520 Roll Rd.

DISCUSSION:

Jim Callahan describes the property located at the north side of Roll Rd. just east of the intersection with Harris Hill Road. It consists of 3.14 acres, zoned industrial business park. The lot was approved by a minor subdivision approval at the October 5, 2005 Planning Board meeting. Project was introduced to the Town Board on August 24, 2005 and referred to the Planning Board to continue the review process. This represents the initial review of the project as a separate approved lot.

Frank Wailand is representing Italian Marble and Granite. Mr. Wailand explains the building layout which includes a showroom, corporate offices, a production area and a warehouse area in the back that will house the marble and granite that is used in residential and commercial applications of countertops, etc. Parking is on the east side of the building for public & employees. Septic field will be on the west side of the property. He points out a detention basin for drainage that goes through the property and back to Gott Creek, this will be the discharge point. He believes they have complied with all requirements regarding set backs and parking. Mr. Wailand explains that there is a section for truck deliveries. There will be truck deliveries of the granite & marble approximately 2 times a week. They have their own trucks that go out and service the various builders during the day; they leave the building at 7:00am and are gone all day. Typically, there might be 2 or 3 customers a day and it's usually by appointment. The hours are 9am to 5pm, no weekends and it's a very clean operation.

Roy McCready asks where the dumpster will be. Mr. Zografos (owner) advises he has a roll-out dumpster, this is a portable dumpster. It is used for internal trash only. All of the scrap from the product is sent to the landfill. The dumpster is kept back by the garage door. During the winter months the dumpster is kept inside. During the summer it will be wheeled out on the day it is to be picked up. It is confirmed that most of the time the dumpster is kept inside.

Jeff Grenzebach asks about the manufacturing of the run off water. Mr. Zografos advises that all their water is recycled. All machines are set up to recycle the water. What little run off does occur will go into the septic system.

Jeff asks if the trucks will be loaded inside, Mr. Zografos confirms this. They have to load them inside because the building is outfitted with twin 5-ton cranes inside the warehouse; they use these cranes to load the trucks.

Pat Powers asks for confirmation that the building peak is 29ft. Mr. Wailand confirms.

Tim Pazda asks if in the future a road was to be put in there does the property line up sufficiently so that a road can go through. Mr. Wailand confirms that there is an arc in the property line to allow for this.

**ACTION:**

Motion by Pat Powers, seconded by Wendy Salvati to refer this project to MRC, Traffic Safety and Fire Advisory for further study and analysis.

**ON THE QUESTION:**

Tim Pazda asks the applicant if he thinks he can meet his deadlines. The applicant advises that he is staying as aggressive as he can, it will be close

Patricia Powers	AYE	Wendy Salvati	AYE
Roy McCready	AYE	Jeff Grenzebach	AYE
Phil Sgamma	AYE	Gerald Drinkard	AYE
Tim Pazda	AYE		

**ALL AYES. MOTION CARRIED**

Discussion and exchange of information took place regarding the conference that Wendy Salvati, Gerald Drinkard and Tim Pazda recently attended in Saratoga Springs.

Meeting adjourned at 9:00 p.m.

Pat Powers  
Chairperson

