

PLANNING BOARD MINUTES

WORK SESSION 6:00 P.M.

DECEMBER 11, 2002

**Roll call
Minutes
Sign review
Update on pending items**

**Miscellaneous
Agenda items
Communications**

AGENDA 7:00 P.M.

**ITEM I
Sunoco
Commercial**

**REQUESTS CONCEPT PLAN APPROVAL FOR THE
CONSTRUCTION OF A 3200 SQUARE FOOT
CONVENIENCE STORE/GAS STATION AT 8000
MAIN STREET.**

**ITEM II
Tim Krantz
Agricultural**

**REQUESTS A TEMPORARY CONDITIONAL
PERMIT FOR DEVELOPMENT AND OPERATION
OF A CORN MAZE AT 8850 CLARENCE CENTER
ROAD.**

**ITEM III
Jeff Palumbo
Agricultural**

**REQUESTS CONCEPT PLAN APPROVAL FOR
DEVELOPMENT OF A SIXTY SIX (66) UNIT PATIO
HOME PROJECT NORTH OF ROLL ROAD AND
WEST OF NEWHOUSE ROAD.**

**ITEM IV
Dennis James
Commercial**

**REQUESTS CHANGE IN USE AND CONCEPT
PLAN APPROVAL FOR DEVELOPMENT OF AN
ICE CREAM PARLOR/RESTAURANT WITH
OUTSIDE DINING AT 5840 GOODRICH ROAD.**

ATTENDING:

**Harold K Frey
Roy McCready
Mike Metzger
Joseph Floss
Frank Raquet
Patricia Powers
Reas Graber**

**INTERESTED
PERSONS:**

**Don Swanson
Tim Hardy
Councilman Scott Bylewski
Lisa Napierala
Stephen Nappierala
Joan Manichelli
Gail Gillette
Nicholas Naples
Cindie Clay
Richard Clay
Paul Winzenried
Lori Winzenried
Jim Englert
William Tuyn
Paul Nenni
Peter Reiter
Dennis James
Kristine O'Brien
Tim Krantz**

ITEM I Requests concept plan approval for the construction of a Sunoco 3200 square foot convenience store/gas station at 8000 Commercial Main Street.

DISCUSSION: This project is located at the north east corner of Main Street at Transit Road. The Planning Board Executive Committee has worked with the architect at several Tuesday morning sessions. Don Swanson of Apex Consulting represented the project, along with Tim Hardy of Sunoco. They are proposing to demolish all existing structures on the property, and construct a new 3200 square foot convenience store/gas station with an overhead canopy. They have removed a great deal of the road access at the request of the D.O.T. At the present time the green space is 5%, they are proposing 16% green space. They have put a barrier on the sidewalk. There is an entry on the east side going to the mall. Mike Metzger said he would like to see the site plan showing a dashed area for future northern access to connect any out parcels that could develop in the future.

ACTION: Motion by Joseph Floss, seconded by Mike Metzger to recommend concept plan approval as well as a negative declaration to the Town Board.

ALL VOTING AYE. MOTION CARRIED.

ITEM II Requests a Temporary Conditional Permit for development and operation of a corn maze at 8850 Clarence Center Road. Tim Krantz Agricultural

DISCUSSION: Tim Krantz and Ken Thompson were here to explain the project to the board. They changed the previous location from Kraus Road because it was too wet to grow corn. They would like to have a small petting zoo in the vending area, and one food concession for a small variety of food. Mike Metzger asked them to explain the concept of a corn maze. They would plant a field of corn, and a global positioning system maps out the areas to cut down for the paths of the maze. They have chosen a patriotic theme and the maze would look like the U.S. Capitol Building or the Statue of Liberty to those flying over it in an airplane. It is

a business venture, and people will be charged admission. It will be contained within a snow fence. There will be a smaller maze for children. They will operate from September 1st until November 1st. There will not be any music. The hours would be 3 or 4 until 9 p.m. and weekends would be 12 until 9 p.m. The parking lot will be a 100 x 400 foot stoned area. Additional parking if needed would be on the grass. No cars will be allowed to park on Clarence Center Road. The entrance will be 300 feet from Shimerville Road. They might like to have tethered hot air balloon rides some of the weekends. All structures will be removed after November 1st, with the exception of the parking lot. There will be lighting projected into the corn maze. The lights will be run with a generator. The bathrooms would be portable potties. Neighbors were concerned with the visual effects of snow fencing and portable potties, the noise from a generator, the lighting at night, as well as garbage from the vending area. Traffic was another concern, they would prefer it to be in a more rural area. Also, it gets dark that time of year by 6 o'clock, they don't want their lots all lighted up.

ACTION:

Motion by Joseph Floss, seconded by Mike Metzger to recommend a Temporary Conditional permit to the Town Board with the conditions listed :

1. Time frame of September 1st to November 1st
2. Hours of operation 4 p.m. until 9 p.m. Weekends 12 noon.until 9 p.m.
3. No music, loud speakers or amusement rides. A small petting zoo and possible hot air balloon rides allowed.
4. No cars allowed to park on Clarence Center Road.
5. Quiet generator lighting must be directed away from homes.
6. One concession stand for food and drink.
7. All structures must be removed after November 1st
8. Parking area 100 x 400 will be stoned.
9. Entrance will be at least 300 feet from Shimerville Road.
10. There will be a nine foot watch tower.

Mike Metzger	AYE
Reas Graber	AYE
Roy McCready	AYE

Harold Frey	AYE
Joseph Floss	AYE
Frank Raquet	AYE
Patricia Powers	NAY

MOTION CARRIED.

ITEM III
Jeff Palumbo
Agricultural

Requests concept plan approval for development of a sixty six (66) unit patio home project north of Roll Road and west of Newhouse Road.

DISCUSSION:

Chairman Frey said they spoke to the applicant on a Tuesday morning session of the Planning Board Executive Committee and gave them some suggestions for changes. Bill Tuyn of Pratt & Huth Associates represented the project. The law would allow sixty six units (66) under a PURD. They are showing 77 lots, and it is their intention to get this project approved with this configuration (77 lots). They do not want to destroy the concept of the plan of neo traditional design. They have put the open space in a Avillage green@ area. They will surround it with trees and place a gazebo in it, and an open area of manicured lawn where people can play ball or lay in the sunshine. Because it is surrounded by homes it will be supervised by the homeowners, making it a very safe place. Chairman Frey asked the board for comments and questions. The residents will be heard after the board finishes their inquiry. Harold said he thinks that the applicant has to find out from the Town Board (on their own) who is going to own the flood lands that are connected on this project. We need to know that they can get the bridge out to Newhouse Road, that they are going to get an approval from the DEC and the Conservation Department to put that bridge in and cross that creek. We will need that in writing. We need to know that they will be accepted into Erie County Sewer District # 5. We need a letter from them saying that this project can happen. Patricia Powers asked what the size of the two Residential A lots are. Mr. Tuyn did not know the exact sizes, but they do conform to the Residential A code. There are two access roads - one to Roll Road, and one to Newhouse Road. Pat said her biggest question is the density of the project. According to the plan the area is

21.86 acres. Mr. Tuyn said the code calls for a density of three (3) units per acre, but the Town Board has the discretion to change the density in a PURD zone. The density shown on the plan is 3.5 units per acre. Pat asked Mr. Tuyn if they have had any contact with the Erie County Health Department regarding sewer district # 5? Mr. Tuyn said the situation for district # 5 at the moment is being reviewed to some extent. Amherst has some flow meters in the sewer on Dodge Road right now which is where district # 5 goes to. He spoke with them about a week ago. They had a recent storm event, and they recorded some measurements, but they haven't downloaded them yet to see how they affect the models. We have several projects that are tributary to that system, that they have recently approved and allowed them to go forward. The Town of Amherst has been doing a program of cleaning, they have taken a lot of debris out of the sewers, increasing the capacity dramatically over the last several months. They are also doing a capital improvement project where they are advancing larger diameter sewers down French Road. This has been a large part of the problem with them backing up into Dodge Road. It has been less of a problem of excess capacity coming downstream from Clarence, as one of the restrictions even further downstream in Amherst backing up to the system. So, we are cautiously optimistic that those results are going to show good flow, and they will start allowing these things to go forward. Pat Powers said "These are going to be billed or titled patio homes and not condos." Mr. Tuyn said "Yes." Frank Raquet said "One of the big issues in Clarence is for bigger lots and more open space, and this project is going in the total opposite direction. If this project were to go ahead, what age group would you be targeting. Mr. Tuyn said it would be aimed at empty nesters who want to remain in Town, but don't want to keep up with a house. The homes will start in the low 200,000's. There are nine different designs of homes. Guest parking will be on the street, the units will have two car garages. Joe said he would like to see a commitment for buffering the existing neighbors with tree planting, berms etc on bordering lots to be compassionate with what is already existing. Mr. Tuyn said that is agreeable. Roy McCready asked what the percentage of lot coverage they were going to have on each lot. The homes are 1600 to 2200 square feet. Mr Tuyn said probably 23% coverage.

Harold Frey asked what the setback is on the plan. It is 15 feet off the curb, but we will live with whatever you tell us we have to live with. Chairman Frey said that isn't enough to wash your car in your driveway, without it being partially on the sidewalk. Fifteen feet isn't realistic. Pat Powers asked what the side lot setbacks would be. Chairman Frey said in a PURD it can vary. Pat asked if they were planning on one or two car garages. Mr. Tuyn said two car garages. Chairman Frey asked the neighbors if they had any comments. This item will be tabled tonight. The Town is not going to go through all the procedures until they know if this project will be accepted into the sewer district. Cindie Clay asked who will be responsible for keeping up the pond on Roll Road. It will be maintained by the Homeowner's Association. Mr. Tuyn said they would be wet ponds. They will be at least 8 feet deep or deeper. The ponds would be landscaped. The neighbor west of the detention pond is now going to have twelve (12) homes backing on to his property - that is way too crowded for him. He has a warehouse ten feet from his property line. He is absolutely opposed to the project in this configuration. A neighbor asked if sewers were available would he be able to tie in. Chairman Frey said he thought they would be able to, however, the applicant must find out whether he will be able to connect to Sewer District # 5. Neighbors wanted to know how high the berms would be. Chairman Frey said this will come up at a later date, but the neighbors privacy would be protected. Another neighbor said he had a problem with trying to cram in so many units in that amount of space. There will be traffic problems, especially with that other project going in with over 300 homes down the street. (Waterford Village). A traffic study would have to be done for this project. Mr. Tuyn was comparing this project to the patio homes in Loch Lea. They are close to the commercial area of Roll Road. This project is in the midst of all residential homes, as a homeowner, I don't feel this is the right place for this project. Chairman Frey said the Planning Board is only a recommending body, the Town Board has the final say.

ACTION:

Motion by Patricia Powers, seconded by Joseph Floss to table this item.

On the Question?

Joe Floss said AIf you do come back looking for the PURD, I can almost guarantee you that this board will not recommend anything more than 66 units, but you can take it up with the Town Board to modify that.

On the Question?

Chairman Frey said AIf something should fail, and you cannot get out to Newhouse Road, I am positive this board will not approve this project with one entry. A one entry deal would not be acceptable.

ALL VOTING AYE. MOTION CARRIED.

ITEM IV
Dennis James
Commercial

Requests Change In Use and concept plan approval for the development of an ice cream parlor / restaurant with outside dining at 5840 Goodrich Road.

DISCUSSION:

Kristine O'Brien of Architects Unlimited represented the project. This is a one story residence, they are proposing to move the garage and put an addition on the back of the house. The parking would be along the side of the property. This is zoned commercial. The front yard setback is 32 '11" and will require a variance. They have one parking space for every three restaurant seats. They have created potential for eight parking spaces in the rear of the property. Chairman Frey asked the applicant if he would consider putting up an eight foot fence to buffer the next door neighbor on the south side? He would prefer to put in a black chain link fence and bushes as opposed to a stockade fence. Mr. James lives right behind the project. Inside they have 56 seats for customers and outside they will have 15 seats outside. They are showing 21 on the plan, and that includes parking for employees. Chairman Frey said they should plan on using the eight spaces in the back and go with 29 spaces. The hours of operation will be determined by the market. The first couple of years they will concentrate on the ice cream, and add food slowly to the menu. They will open from 11 a.m. until 10 p.m, in the winter, they will probably close earlier. The dumpster will be placed in the back of the parking lot. The percentage of green space has not been calculated. The building will be ADA compliant with a ramp on the side. Neighbors who

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live across the street had traffic concerns, and prefers to

have the parking back as far as possible. They also asked about signage. Mr. James said there will probably be a neon light on the building, that would be turned off when it closes. There is one entrance and exit to the restaurant. Chairman Frey said he would like to take a survey of the board to see if they are in favor of this project. Frank Raquet said it needs some tweaking. Pat Powers said she is in favor of it, but is concerned that there is an awful lot going on in that piece of property. No one else had any problems with it.

ACTION:

Motion by Mike Metzger, seconded by Roy McCready to table this until it comes back from the Board of Appeals, but send it to Fire Advisory and Traffic Safety for review.

ALL VOTING AYE. MOTION CARRIED.

Motion by Joseph Floss, seconded by Patricia Powers to adjourn the meeting.

ALL VOTING AYE. MOTION CARRIED.

Meeting adjourned at 9:00 p.m.
Harold K. Frey, Chairman