

PLANNING BOARD MINUTES

February 4, 2004

WORK SESSION 6:30 P.M.

Roll call Miscellaneous
Minutes Agenda items
Sign Review Communications
Update on pending items
Committee reports

AGENDA 7:30 p.m.

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| ITEM I Mike Falletta Agricultural | REQUESTS AMENDMENT TO TEMPORARY CONDITIONAL PERMIT FOR ADDITION AND OUTSIDE RECEPTIONS AT FALLETTA'S RESTAURANT LOCATED AT 8285 CLARENCE CENTER ROAD. |
| ITEM II Michael Metzger Major Arterial/Agricultural | REQUESTS CONCEPT PLAN APPROVAL OF A NEW 10,000 SQUARE FOOT BUILDING FOR TAE- KWAN- DO TRAINING FACILITY LOCATED AT 5921 TRANSIT ROAD. |
| ITEM III James Bammel Major Arterial | REQUESTS SPECIAL EXCEPTION USE PERMIT AND CONCEPT PLAN APPROVAL FOR CONSTRUCTION OF A NEW BUILDING FOR A HUMMER DEALERSHIP LOCATED AT 5411 TRANSIT ROAD. |
| ITEM IV Donald Aubrecht Commercial/Agricultural | REQUESTS CONCEPT PLAN APPROVAL FOR ADDITION TO BUILDING AND PARKING AREA FOR HOLY CROSS LUTHERAN CHURCH LOCATED AT 8900 SHERIDAN DRIVE. |
| ITEM V Dominic Piestrak Agricultural | REQUESTS AMENDED CONCEPT PLAN APPROVAL AND RE-ZONING FROM AGRICULTURAL TO RESIDENTIAL A FOR HIDDEN POND SUBDIVISION PHASE 11, PART III. |

ATTENDING: Christine Schneegold
Reas Graber
Tim Pazda
Patricia Powers
Joseph Floss
Jeff Grenzebach
Wendy Salvati

INTERESTED PERSONS:
Councilman Scott Bylewski
Janet Dermont
Josephine Cooley
Brian Dermont
Betsy Jones
Craig Aichinger
Jim Beiter
Carol Beiter
Ronald Benson
Thomas Czerwinski
Barbara Murray
Lois Daigler
Ron Daigler
Barbara Tesmer
Doug Cassidy
Peter Manka
Charles Wickenheiser
Charles Vara
Mike Falletta
Carol Territo
Sal Territo
Donald Aubrecht
Frank Scarcella
Jim Weiss
Dominic Piestrak
James Callahan
James Hartz
Kathryn Tiffany

MINUTES

Motion by Joseph Floss, seconded by Christine Schneegold
to approve the revised minutes of December 10, 2003.

ALL VOTING AYE. MOTION CARRIED.

ITEM I
Mike Falletta
Agricultural

REQUESTS AMENDMENT TO TEMPORARY CONDITIONAL PERMIT FOR ADDITION AND OUTSIDE RECEPTIONS AT AT FALLETTA'S RESTAURANT LOCATED AT 8285 CLARENCE CENTER ROAD.

DISCUSSION:

Jim Callahan gave a brief history of the project which is located on the south side of Clarence Center Road west of Newhouse Road. It is zoned Agricultural. The Master plan identifies this area in a residential classification. A temporary conditional permit was issued in 1999 to reopen the long vacant restaurant. Subsequent renewals in 2000 and 2002 have allowed the restaurant to continue to operate with the conditions. The applicant is seeking modifications to permit and allow expansion of the existing operation to include a reception area and some outside music on the surrounding property. The application was tabled at the January 14, 2004 meeting of the Planning Board. The public hearing at the January 21, 2004 meeting of the Town Board generated a number of concerns from adjoining residential property owners. The applicant is here tonight to further describe the request. Mr. Falletta said he did not attend the public hearing held on January 21, 2004. He did not understand that he was supposed to attend that meeting, seeing as it was tabled at the Planning Board meeting on January 14, 2004. There was a miscommunication, he would have been there if he had known. He read the minutes, and there were a few things that were said by the neighbors about him personally and the restaurant, and he doesn't understand how they came up with them. Mr. Falletta said there was a letter put in the neighbors mailboxes stating that they were going to have a sports bar. That is not what I am asking for, I am asking for one banquet room. Another neighbor said he hears the dumpster slamming at 5:30 a.m. Number one no one is there at 5:30 in the morning, and our dumpster is emptied at 11 o'clock on Fridays, and I have the paperwork to back that up. He has had a problem with the neighbors putting garbage in the dumpster, but the top of the dumpster is plastic and weighs eight pounds. He has been accused of taking down three acres of trees, and all he was doing was cleaning up the area behind the barn. Everyone from the Town came out to investigate the complaint, and there was no problem. I was also accused of dumping parking lot shavings. That was unfounded too. He has done nothing but try to better the property. Joseph Floss said "Mr. Falletta you currently do not enjoy the commercial zoning for this project. If this is granted, do you understand the risk you are taking?"

Putting capital improvements into this building? Do you realize the Town Board could deny your Temporary Conditional permit in the future for a variety of reasons? If it were zoned Commercial you would enjoy the rights of your zoning. In this case, that could be removed any future year if this is approved. I just want to make sure you are aware of that, and you accept that risk. Are you looking for outside music?

Mr. Falletta said yes, they are looking for a three piece group out on the lower deck facing the west on the weekends. Jeff Grenzebach asked about the permit he has now. It was originally granted in 1999, and subsequently renewed twice. Jim Callahan said temporary conditional permits are subject to approval of the Town Board. They have the option initially to approve for a one year term, subsequently they can approve up to a five year term at the renewal date. Tim Pazda asked the hours of operation. They will be Tuesday through Sunday from 11 a.m. until midnight. The original approval included outside dining with tempered music, no bands and no receptions. Wendy Salvati asked the seating capacity for the banquet hall. It is 175 people. Wendy had a question about the site plan - where you show that barn would actually fall where you are planning on expanding your parking lot. This shows the barn off to the side, in actuality the barn is where you would be extending your lot. Was it determined as to how much parking is required and what you are providing? Mr. Falletta said he has more than enough, in fact he is over by thirty or forty spots. Wendy said "So, you are proposing more parking than you need?" Mr. Falletta said "Yes." Wendy asked "Will the back area be lighted?" Mr. Falletta said "Yes. It will have tempered light." Reas Graber asked Mr. Falletta exactly how much of that property do you own? Mr. Falletta said right now he owns two acres of the property. Reas asked if he intended to buy any additional property from Gene Jason? About two or three years ago Mr. Jason proposed townhouses around here. Mr. Falletta said he is negotiating with the Jasons on the balance of the property, and he would like to take control of all of it." Reas Graber said "If this came to be, what would he do with the rest of the property? Mr. Falletta said he would leave it as is, he has no reason to touch it. Reas said "If this doesn't come to be, it could be apartments or townhouses or whatever." Mr. Falletta said "I can't answer for someone else." Chairman Powers said that the board received several letters and phone calls from neighbors, and they wanted them to be read into the record. Copies of communications from Peter Manka of 6110 Gott Creek Trail, Mr. Vincent Zambito of 8990 Newhouse Road, Thomas J. Lang of 6065 Gott Creek Trail, are enclosed. Neighbors concerns were additional noise,

additional water, additional

traffic, lighting, and outdoor music in a residential area. Paul Casilio and Betsy Jones said they thought there would be too much noise for the stabled horses, and the people who ride them at Legacy Hunters Barn Facility. Many other neighbors said they did not have a problem with the expansion, said Mr. Falletta is a good neighbor, and has greatly improved the property. Others said he is a good neighbor, but prefer to see the restaurant stay as it is, with no expansion. Mr. Falletta said there is going to be a covered porch on the west side of the building, and the music would be in the confines of the building. He doesn't want to disturb the neighbors.

Joseph Floss said the applicant deserves an up or down vote rather than being tabled, or brought in again for additional information. In order to facilitate that I would like to make a positive motion and let it be voted upon, now that we have heard. For clarification, I think it is important that the residents that are here tonight realize that we are a recommending body to the Town Board. They sent this to us to review to request the amendment for the Temporary Conditional permit. I guess I will read my motion, and then open it up for discussion, perhaps some amendments or additions, and then a vote up or down.

ACTION:

Motion by Joseph Floss, seconded by Reas Graber to approve the amendment to the Temporary Conditional permit for the proposed addition to Falletta's restaurant not the outside reception at 8285 Clarence Center Road. Because it is a non-conforming use, and we all recognize that and are agonizing over all the points, I would like to add the following conditions for discussion:

1. That it be subject to the reduction of one of the curb cuts on Clarence Center Road, and the optimal location to be decided upon by the Traffic Safety Board of the Town of Clarence.
2. Subject to the Town of Clarence Engineer's approval that the water is all retained. It is true that more impervious surface creates additional runoff. You cannot exacerbate the situation with your proposal here.
3. That the planting and berming especially in the area that mostly impacts the residents to the east of you in the back parking area behind the barn, that be bermed and planted high enough to buffer any light, and have it subject to the approval of the Landscaping Committee of the Town of Clarence.
4. That the outdoor lighting plan be submitted and approved by the Town Engineer with the appropriate baffles on the lights so there is no spilling of light on the neighbors. Also a drawing showing where

your parking area is, because as Wendy Salvati pointed out, there is a discrepancy.

5. The closing hour will continue to be midnight.

6. That there will be no outside music.

On the Question?

Wendy Salvati said “You start out by saying the expansion, but no outside reception is that correct? Joseph Floss said “Correct.” One of the things I heard you say Mr. Falletta is that you were going to have music outside, and I agree with you Joe, I think we have to find some kind of compromise. I would support your conditions Joe, but one thing you said Mr. Falletta that troubles me is that you are going to have 30 more parking spaces than you need. So Mr. Falletta maybe there is the potential that the parking lot does not have to go so far back as you have it shown, especially because of the fact that you have a barn there. So drop those extra spaces that you don’t need, and that parking lot will be cut back, and that take the additional precautions that are suggested. That would be what I would add.”

Chairman Powers asked for a roll call vote.

- Tim Pazda NAY
- Jeff Grenzebach AYE
- Reas Graber AYE
- Joseph Floss AYE
- Christine Schneegold NAY
- Wendy Salvati AYE
- Patricia Powers AYE

MOTION CARRIED.

ITEM II
Michael Metzger
Major Arterial/Agricultural

REQUESTS CONCEPT PLAN APPROVAL OF A NEW 10,000
SQUARE FOOT BUILDING FOR TAE-KWAN-DO TRAINING
LOCATED AT 5921 TRANSIT ROAD/

DISCUSSION:

Jim Callahan gave a brief description of the project. The property is located on the East side of Transit Road south of Clarence Center Roa
d. The existing four acre parcel is zoned Major Arterial along the frontage and is zoned Agricultural to the rear. The property currently contains a single-family residential home. The Master plan identifies this area to remain in a commercial classification along the Transit Road frontage. The applicant was referred to the Planning Board by the Town Board at the January 21, 2004 meeting, and is here to introduce

their project to the full Planning Board. Michael Metzger of Metzger Civil Engineering represented the project along with Master Chong, and Mark Sattaglia of Patrick Construction. Master Chong would be purchasing 2.7 acres of the property - all the frontage and to a depth of 450 feet. The entire parcel is 650 feet deep. The building will be a 10,000 square foot single story structure. Master Chong operates three schools at the present time.

The building will be 135 feet from the centerline of the road or right of way. It will be placed on the northerly portion of the property. There would be a single access curb cut serving the ingress and egress. All requirements of the zoning ordinance will be met by this plan. Storm water detention - we anticipate going to the State right of way adjacent to the road. The storm water will be routed through a dry detention pond, we are not proposing a wet detention pond. It will be a depressed grassy area that will collect the storm water and dissipate in a matter of hours. The area behind the building will be left green, and the back portion of the property, which is zoned Agricultural will also be left in its natural state. Jeff Grenzebach asked what will happen to the last two hundred feet of land? It will back up to the property of the daughter of the land owner and will provide a buffer. Joseph Floss asked if this building will be a sole occupancy. Mr. Metzger said yes, it will. Joe asked what the architectural look will be. It will be a contemporary single story building with a flat roof. The material will be block and drivot. Wendy Salvati said you have more parking than is required. They are showing 102 spaces, and are required to have 67. They will be demolishing the existing home, it is unlikely they will be able to save the cherry trees in front. Patricia Powers asked what the percentage of green space is.

Mr. Metzger said it is substantial, probably 50 %. Pat asked Master Chong how many classes a day he would be holding. He said it would probably amount to 10 classes a day. Tim Pazda asked Mr. Metzger to review the north elevation. Tim said he is questioning the 100 feet of block, why didn't you make it as nice as the other side of the building? Reas said people would be looking at a wall with no windows 100 feet long. Mike Metzger said they could break it up with evergreen type plantings. Pat said this plan has been reviewed by Traffic Safety and they have no comment other than to refer it to the Department of Transportation. Ultimately you will be seeking a right of way work permit on this project. Pat asked for a motion to refer this project to the Municipal Review Committee and Fire Advisory. Pat asked if anyone in the audience had any questions. No one responded.

ACTION: Motion by Wendy Salvati, seconded by Christine Schneegold to refer this project to Municipal Review Committee and Fire Advisory.

ALL VOTING AYE. MOTION CARRIED.

ITEM III
James Bammel
Major Arterial

REQUESTS SPECIAL EXCEPTION USE PERMIT AND
CONCEPT PLAN APPROVAL FOR CONSTRUCTION OF A
NEW BUILDING FOR A HUMMER DEALERSHIP LOCATED
AT 5411 TRANSIT ROAD.

DISCUSSION:

Jim Callahan gave a brief description of the project. The property is located on the east side of Transit Road, south of the Village Station Road. The property consists of approximately 7.2 acres in the Major Arterial zone. The Master plan recommends the property remains in a commercial classification. The applicant was referred to the Planning Board by the Town Board at the January 21, 2004 meeting, and is here this evening to introduce the project to the whole Planning Board. Charles Vara of Fontanese Architects represented the project, James Bammel was unable to be here this evening. This building will be constructed adjacent to the existing Towne Buick Dealership on Transit Road. The Hummer Dealership would be used solely as a showroom for Hummer vehicles. At the present time they are being shown at the Buick Dealership. There will be no servicing of vehicles or vehicle maintenance, that would occur at the Buick Dealership. The site has been identified by General Motors as a preferred location for Hummer of Buffalo. General Motors will be building about 150 showrooms of these facilities across the country. It has been built in two locations already, one in Milwaukee, and one in Grapevine Texas. Their target is to have it complete by March of 2005 when Hummer expects to release their latest version of the vehicle. The existing site is all parking. In an attempt to maintain the parking space count they have right now, and to accommodate the new vehicles, the owner is proposing to add new parking to the rear of the site. Patricia Powers asked how much parking they have. Mr. Vara said when all is said and done there are approximately 400 parking spaces. Wendy Salvati said frankly she couldn't see where they were losing 100 spaces. On parcel A you are giving us 8% green space, and the Towns minimum requirement is 15%. On parcel B most of the green space is made up of the drainage basin. I don't think you need all that extra parking. You have only given us ten feet to the back property line. There are residences right behind this area. You are going to have vehicles, lights,

and noise, and that is a significant concern. Mr. Vara said he thought they could increase the depth of the buffer. Tim Pazda asked what is the point of splitting the parcel? Mr. Vara said he was told that it is an effort to finance the new project, to keep it separate from the existing financing of the existing building. That is how it was explained to him. Tim said it would be very expensive to change the drainage, and there would be a lot of hurdles with this plan. The owner is aware that he would incur some expense, and as long as financing drives this decision, at some point he will have to decide if it is worth it for him to continue with that. Jeff Grenzebach asked about the snow removal. Mr. Vara said they will have to remove it from the premises. Reas Graber asked Mr. Vara to describe what goes on at a test track. He has been trying to get information from General Motors with limited success. It is nothing extremely elevated, it is an opportunity for an owner to drive over some railroad ties, and similar type obstacles to get a feel for the vehicle. As we get more details, we will gladly share them with you. Reas said he was concerned for the residents - is it noisy? Is it a high speed track? What kind of lighting? What hours will they have for the track? Jeff Grenzebach said he would think they would have some kind of video showing promoting their vehicles and the track.. Members of the board agreed it was an unusual looking building. Chairman Powers read letters from Marilyn Baxter who resides in the Village Station townhouses stating her concerns (fax attached). Patricia Powers asked the audience to comment. Their concerns included additional noise, more illumination, more speaker systems, more car alarms going off in the middle of the night, additional drainage problems, the lack of an adequate buffer as shown on the plan. They do not want another dealership building even closer, and a test track with inexperienced drivers operating the Hummers on top of that. One resident suggested that the present green area shown on the aerial photograph was a buffer area in the original proposal several years ago. It appears that it was intended as green space. Squeezing all of that in really violates the spirit of green space.

Joseph Floss said there are far to many questions to be answered for us to entertain this, I would like to make a motion to table this item.

ACTION:

Motion by Joseph Floss, seconded by Jeff Grenzebach to table this item until:

1. The applicant can bring in a video to better illustrate the test track .

2. Provide a revised plan showing a reduction in parking.
3. Provide a plan for buffering for the south, north, and east

Page 2003-33

- residential areas be more compassionate to the neighbors.
4. A plan to demonstrate that proper drainage can be obtained.
5. A plan showing at least 15% green space on parcel A.
6. To address the loud speaker issue not only on the proposed addition but the existing facility. In this day and age of electronics - loud speakers are antiquated and annoying. A pager would work wonders.

ALL VOTING AYE. MOTION CARRIED.

ITEM IV
Donald Aubrecht
Commercial/Agricultural

REQUESTS CONCEPT PLAN APPROVAL FOR ADDITION TO BUILDING AND PARKING AREA FOR HOLY CROSS LUTHERAN CHURCH LOCATED AT 8900 SHERIDAN DRIVE.

DISCUSSION:

Jim Callahan gave a brief description of the project. The property is located on the north side of Sheridan Drive, east of Shimerville Road. The existing church complex is located on 3.3 acres in the Commercial zone. The rear of the property is in the Agricultural zone. The Master plan recommends the frontage remain in the commercial classification. The applicant was referred to the Planning Board by the Town Board at the January 21, 2004 meeting. The applicant is seeking to expand the existing church facility. Mr. Aubrecht introduced Ron Talboys a member of the building committee of Holy Cross Church. They are proposing a series of additions to provide some growth for the Sunday school, nursery school, storage facilities, and some additional area needed for the administrative area. They also need to provide some additional bathroom facilities for the congregation, and some more meeting rooms. The existing building is just under 7000 square feet. The total of what they are contemplating to do is about 5500 square feet in additions, to be done in several different phases. They are proposing to introduce a new drive from Sheridan on the west side, and to put in twenty eight additional parking spaces for a total of 143 parking spaces. Mr. Aubrecht showed a rendering of the new look after all the additions. The septic field is located in the front of the building. The capacity of the sanctuary will remain the same, they have two services to alleviate the parking issues. Joseph Floss said his only concern is the additional curb cut on to Sheridan Drive. Every curb cut is a conflict point. Your neighbor to the west, has a curb cut relatively close. I would ask that you consider one of two options. Either removing that additional curb cut and expanding your existing curb cut two out

one in, or talk to the owners next door and see if you can work out a joint access agreement. Mr. Aubrecht asked if it

Page 2004-34

would be possible to utilize that area for a construction drive during construction, and then have it go away? Joe Floss said he would have no problem with that. Patricia Powers said the plan has already been reviewed by Traffic Safety Committee with the following comment: Consideration should be given to trying to reduce the skew of the new driveway, and they suggest referring it to the New York State Department of Transportation. Chairman Powers asked if there were any questions from the audience. With no one commenting, Pat Powers asked for a motion.

ACTION: Motion by Reas Graber, seconded by Tim Pazda to refer this to the Municipal Review Committee and Fire Advisory Board.

ALL VOTING AYE. MOTION CARRIED.

ITEM V
Dominic Piestrak
Agricultural

REQUESTS AMENDED CONCEPT PLAN APPROVAL AND RE-ZONING FROM AGRICULTURAL TO RESIDENTIAL A FOR HIDDEN POND SUBDIVISION PHASE II, PART III.

DISCUSSION:

Jim Callahan gave a brief history of the project. It is located on the east side of Goodrich Road, and is an extension of the existing Hidden Pond Subdivision. It consists of approximately 30 acres in the Agricultural zone. The Master plan recommends it remain in a residential classification. The concept was originally approved by the Planning Board on February 20, 2002. I will identify that re-zoning did occur as a part of that concept in May of 2002 by the Town Board so please disregard that part of the request. The applicant is here to describe an amendment to the previously approved concept. Dominic Piestrak said during the studies, they have discovered that this piece of land is in the State wetlands. What we had proposed was a road coming across here, and looking at the original drawing there was a court here. This area is blocked with the wetlands here, so there is no access to the south. In redoing it we ran into a numbers problem, because I have 80 lots approved. Not to change the number I put all the lots on one side, we do not even have a sewer on the other side. That will come out in the impact statement, and what we intend to do with the rest of it. It just seemed like something that I could correct now, rather than waiting until the road got in, and then crying a hardship. Tim Pazda said "Maybe this is a question for Mr. Callahan, you are asking us to approve something, where does segmentation fall into this?" Mr. Piestrak said "We went through the DEC, and Steve Doleski agreed that this sewer line may or may not ever happen.

This is at an existing

Page 2003-35

sewer district so this has already been reviewed by the DEC, and the numbers have been agreed on with the stipulation that if I go outside of the existing sewer district, then I have to do an impact statement, which we are in the process of doing. This has already been approved.” Tim Pazda said “The numbers haven’t changed, but yet we are drawing roads that don’t lead to anywhere, that is why I am asking about the segmentation issue.” Jim Callahan said “It certainly is awkward. Way back, the issue was really separated by the existing sewer district to the utilization of the property. The Planning Board did identify this right from the start that there was a major concern with an ending to Sewer District # 2 into an unknown area, that would be subject to further reviews and an environmental impact statement. There has been a concern right along, and obviously there still is a concern. I don’t have a good answer, it is a very awkward situation.” Dominic Piestrak said “Well, I have approval to put in 80 lots with a court. I personally would prefer to do it the right way, and the right way is my personal judgment. I know access is an important point. The Planning Board has always wanted to see a schematic of the whole thing from day one. I didn’t know, and I still don’t know what we are going to do. All I know is that as soon as I discovered there was a wetland, it changed my philosophy, and I would hope that I am trying to be above board by coming back to Planning Board with some additional information. I think in order to do the subdivision right, is saying there is a wetland there and what you approved may not suit the current conditions. Rather than put it in, and act like I didn’t know it was there. I think this is good planning. Tim Pazda said “When you first came and this was approved, this wetland was not identified ?” Mr. Piestrak said “Right. There is a problem I did not know about, and the Planning Board at the time did not know about. I am sure they would not have given me permission to put in a court without an access knowing what we know now. So what I have done, is to have it redrawn when we discovered the problem, so I have two sets of drawings with the same number of lots, one the way it was originally approved, and one the way I am proposing. I think it is good planning to re-examine it, because we all have new information.”

ACTION:

Joseph Floss said he would like to make a motion and see if it is acceptable. The motion is to approve the request for an amended concept approval and stub Meadow Glen Drive minus the three lots furthest to the west.

Dominic Piestrak said "What if I don't change it right now - can I go back to the old way?" Pat said "Sure, we approved that concept." Dominic said "Why would I not go the other way? Even though it is wrong. I don't understand this. I am trying to do it right, and people are saying you can do it the wrong way. I am not trying to give anyone a hard time, I just don't understand it."

Chairman Powers said " We are not trying to give you a hard time either. We are trying to come to a solution with the problem you have presented to us. We know, that in all probability there is something coming out here, but at this time we don't know what, we don't know where they are going. I think Joe has offered a reasonable solution to the problem that you have presented us this evening, but that is your choice. If you would rather go back to the old ."

Dominic Piestrak said "You are forcing me to do something that I think is wrong. From an economic view, you are forcing me to do what I think is a social decision. What I consider the right social decision to an economic decision. Jim Callahan said "There is no way you should have designed and done development plans, if that is what you are talking about." There was more discussion about segmentation, and where this subdivision is heading.

Pat Powers said "There is a motion on the table, is there a second?"

Jeff Grenzebach said he would second it.

ACTION: Motion by Joseph Floss, seconded by Jeff Grenzebach to approve the request for an amended concept and stub Meadow Glen Drive minus the three lots furthest to the west.

On the Question? Tim Pazda asked Mr. Piestrak if he wanted the Planning Board to continue with this motion.

Mr. Piestrak said "I am going back to the court. It is not fair to anyone."

On the Question? Reas Graber said "Why don't we put the six lots on the one side, just like the amendment was presented to us?"

Tim Pazda said "That is interfering with the motion that is on the table."

Joe Floss said "I think there were concerns in regards to what
Page 2004-37

comes next, and the ability to build six more on the other side of the street later. Rather than having the same net number potential on this ultimate approval tonight, that was a major concern."

Reas said "Wouldn't he have to get approval to build on the other side of the street?" Joe Floss said "Let's assume there is never, ever going to be another phase for some reason. When that road is dedicated ultimately, the way that it sits, can he sell lots? Sure he could, in other words we are creating road frontage. I agree with him that this is better, however do we create the ability to build six more homes rather than three more homes, the same net number for the previous approval. We are just trying to find a happy medium to allow what he says is a poor design, his original one, that we apparently weren't diligent on originally to deny. Tim Pazda said "Simply because you did not have the right information." Joe Floss said "Right. It was all based on the data that we received. Thank you for that clarification."

Dominic Piestrak said "And I am the first to admit that. That is why I came here to say look there is added information that would influence your decision."

Reas Graber said "He would have to come to us for the approval of six additional lots, right?"

Joe Floss said "Not necessarily; When the road is dedicated it creates frontage. Pat Powers asked for a roll call vote.

ALL VOTING AYE. MOTION CARRIED.

Motion by Joseph Floss, seconded by Christine Schneegold to adjourn the meeting.

ALL VOTING AYE. MOTION CARRIED.

Meeting adjourned at 10:30 p.m.
Patricia Powers, Chairman