

PLANNING BOARD MINUTES

October 2, 2002

Roll call
Minutes
Sign review
Update on pending items
Review of Open Development Law

Miscellaneous
Agenda items
Communications

AGENDA 8:00 P.M.

ITEM I

Roy Jordan
Commercial

REQUESTS DEVELOPMENT PLAN APPROVAL FOR CONSTRUCTION OF A 99,000 SQUARE FOOT OFFICE COMPLEX AT 8201 MAIN STREET.

ITEM II

Angelo Natale
Commercial

REQUESTS DEVELOPMENT PLAN APPROVAL FOR CONSTRUCTION OF A 7000 SQUARE FOOT OFFICE AND A 2400 SQUARE FOOT STORAGE BUILDING AT 9276 MAIN STREET.

ITEM III

Cimato Enterprises
Agricultural

REQUESTS CONCEPT PLAN APPROVAL FOR HIGHLAND PARK SUBDIVISION - 16 LOTS - AS AN EXTENSION OF FIELD BROOK DRIVE.

ITEM IV

David Glian
Commercial

REQUESTS A SPECIAL EXCEPTION USE PERMIT FOR DEVELOPMENT OF A MINIATURE GOLF FACILITY AND GAME ROOM AT 10080 MAIN ST.

ITEM V

Lake Shore Savings
Commercial

REQUESTS CONCEPT PLAN APPROVAL FOR THE CONSTRUCTION OF A 5500 SQUARE FOOT BANK BRANCH AT 5741 TRANSIT ROAD.

ITEM VI

Calamar Builders
Commercial

REQUESTS CONCEPT PLAN APPROVAL FOR A 37,081 SQUARE FOOT MEDICAL OFFICE BUILDING LOCATED AT 4725 TRANSIT ROAD.

ATTENDING: Harold Frey
Joseph Floss
Michael Metzger
Reas Graber
Roy McCready
Frank Raquet

INTERESTED
PERSONS: Roy Jordan
Bruce Wisbaum
William Schutt
Lynn Jay
Daniel Jay
George Nicola
Rob Ferrini
Andrea Arthur
Brenda Kayser
Patti Nicola
Trissa Shaughnessy
Damon Wojciechowski
Christine Schneegold
Rich LeMaster
Gene Dworzanski
Jeff Zariczny
Dave Norton
Ken Franasziak
Anthony Mussachio
James Callahan
James Hartz
Kathryn Tiffany

MINUTES Motion by Joseph Floss, seconded by Reas Graber to
approve the minutes of the meeting held on September 18,
2002 as written.

ALL VOTING AYE. MOTION CARRIED.

ITEM I
Roy Jordan
Commercial

REQUESTS DEVELOPMENT PLAN APPROVAL FOR
CONSTRUCTION OF A 99,000 SQUARE FOOT OFFICE
COMPLEX AT 8201 MAIN STREET.

DISCUSSION:

Mr. Jordan said he has agreed to extend his driveway to the property line, to the location of the hydrant on Uncle Bob's property line. Uncle Bob's will also pave their driveway, and the two will meet at the fence. A gate will be installed in the fence by Uncle Bob's providing access for fire emergency vehicles on both sides. Chairman Frey said an approval has been given by the Town Engineer, and there are four items that have to be addressed. All the approvals are in place for this project. Frank Raquet asked what the green space calculation is. Mr. Jordan said it is at 29% green space. Chairman Frey said the board would like to see the dumpster receptacle out in front moved back and fenced in, so it is not standing out in front.

ACTION:

Motion by Roy McCready, seconded by Frank Raquet. The Planning Board recommends development plan approval for construction of a 99,000 square foot office complex at 8201 Main Street to the Town Board with the following conditions:

1. Conditions of the Engineer.
2. Uncle Bob's will install a gate for fire access to both properties.
3. Move the dumpster back in line with the building and enclose it with a fence.
4. Resolve the D.O.T. comments
5. Open space fees.

ALL VOTING AYE. MOTION CARRIED.

ITEM II
Angelo Natale
Commercial

REQUESTS DEVELOPMENT PLAN APPROVAL FOR
CONSTRUCTION OF A 7000 SQUARE FOOT OFFICE
AND A 2400 SQUARE FOOT STORAGE BUILDING AT
9276 MAIN STREET.

This item was removed from the agenda.

ITEM III
Cimato Enterprises
Agricultural

REQUESTS CONCEPT PLAN APPROVAL FOR
HIGHLAND PARK SUBDIVISION - 16 LOTS - AS AN
EXTENSION OF FIELD BROOK DRIVE.

DISCUSSION:

Chairman Frey said they have discussed this project, and I think we are ready to recommend a motion for concept plan approval. Chairman Frey asked Michael Metzger to read the motion.

ACTION:

Motion by Mike Metzger, seconded by Reas Graber. The Planning Board recommends concept plan approval to the Town Board for a 16 lot subdivision as an extension of Field Brook Drive currently names Highland Park Subdivision. We further recommend that the Town Board not accept dedication of the land between lots 1 through 10, and Gott Creek. As ownership of this land could put the Town in the position of being involved in the enforcement of State Stream regulations, and because the Towns interest of access for stream maintenance can be accomplished through an easement, rather than ownership. Chairman Frey said he would like to add the recommendation that this parcel be left connected to the other side of the creek as it is still the same owner, and in the event they need to come down and get an easement to clean that creek, they can come right in off of Newhouse Road without having to worry about crossing anybody=s property.

ALL VOTING AYE. MOTION CARRIED.

On the Question?

Bill Schutt said AI know the Highway Superintendent stated his opinion, but did we ever get an opinion back from the Town Board?@ Joe Floss said AYes. Informal.@ Chairman Frey said AInformal. When we get it sent to them, then they will make a decision.@ Mike Metzger said AThey are looking for a decision from us.@

ITEM IV
David Glian
Commercial

REQUESTS A SPECIAL EXCEPTION USE PERMIT
FOR DEVELOPMENT OF A MINIATURE GOLF
FACILITY AND GAME ROOM AT 10080 MAIN ST.

This item was removed from the agenda.

ITEM V
Lake Shore Savings
Commercial

REQUESTS CONCEPT PLAN APPROVAL FOR THE
CONSTRUCTION OF A 5500 SQUARE FOOT BANK
BRANCH AT 5741 TRANSIT ROAD.

DISCUSSION:

Several neighbors of the Highland Farms Subdivision were present for the meeting. Chairman Frey asked if everyone has had a chance to look at the pictures of the bank. Jeff Zariczny is the architect for the project. He stated that the pictures are of a bank branch that is 20% larger than what they intend to build at 5741 Transit Road. Frank Raquet asked if the construction would be similar to the pictures that are being circulated around the room, brick exterior? Mr. Zariczny said AYes, brick, plaster up on the dormers, and some pre-cast.@ The operating hours will be similar to any other bank. There will be a 24 hour ATM there. Mr. Zariczny said his client has a purchase agreement on 120 feet of frontage on Transit by 477 feet in depth. It is a very narrow long site. We had submitted a concept showing the bank pushed to the back, and then Shane Khanjani approached us about a possible land transfer. We negotiated to pick up an additional 30 feet of frontage by 300 feet of depth. They would transfer back to Mr. Khanjani the remaining 177 feet in the rear of the parcel. The parcel size for the bank project would then be 150 feet of frontage by 300 feet in depth or 45,000 square feet. If the deal falls through they will go back to the original plan. He will have to request a zoning variance off Highland Farms Drive, otherwise this parcel is not build able. Even at 150 feet it is not build able. The setback off Transit is 135 feet from the center line of Transit Road. They have 28 plus two handicapped spaces for a total of 30 parking spaces. The ratio is 1 space per 200 square feet. Joe Floss asked the applicant to describe the exterior lighting plan. In the Town of Ellicott they have exterior lighting on the islands and two lights adjacent to the building. Joe Floss commented that they would need a variance regardless of what plan they go with. Chairman Frey said all lighting will be shielded and downcast lighting. Roy said he liked the access onto Highland Farms Drive because it reduces the number of points of conflict. Mr. Zariczny said his client would like an access road off Transit, but he has been told by the Town that it is not ideal His contact at the D.O. T. said it is possible but not likely. Mike Metzger

asked if they work things out with Mr. Khanjani, would he

have access to this driveway? That driveway would actually revert back to him, our property line would be right next to the driveway, and we would have a common easement and a maintenance agreement. When he develops further, we would have a tie to the Transit tie. That is the way the attorneys are putting it together. Mike said he hopes Mr. Khanjani knows he can only have limited development in the back of the site. It is very close to the residents. Chairman Frey said the board has shown their allegiance to the people and whatever goes in there will have to be acceptable to both sides. The area listed as future development is their major concern. There was a lot of discussion about the Highland Farms access road and the Transit Road access. The residents don't want additional traffic going through their subdivision. They don't feel that commercial property should have access on to a residential street. Reas Graber said that ingress and egress on Transit Road - so close to the intersection is dangerous. There is already a curb cut on Shane Khanjani's property. One of the residents questioned why Old Post Road did not allow a curb cut off of their road for commercial access. Actually there are two curb cuts on Shane Khanjani's property on Transit Road. One of the curb cuts has fifteen feet on the property that the bank intends to buy from Mr. Khanjani. Chairman Frey said we can look in to it. If the cut could be moved over to give the bank a right in, and right out, the access road could be moved up to line up with Spoth's driveway on Highland Farms Drive. Chairman Frey said he would like to see them revise the plan, sit down with the D.O.T. and see if they can revise this cut over. When Shane Khanjani proposed the Anderson's restaurant there was an access road going across the front of the property. I would like to suggest we table this and get a plan we can live with. The next Zoning Board of Appeals meeting will be held on November 12, 2002. The applicants were encourage to come in on a Tuesday morning and meet with the Executive Planning Board. We can work something out that will work for everybody, and then send it to the ZBA. After the Board of Appeals you will have to go to Municipal Review Committee, Traffic Safety and Fire Advisory. Chairman Frey asked for a motion to table.

Page 2002-138

ACTION:

Motion by Frank Raquet, seconded by Joseph Floss to table

this item.

ALL VOTING AYE. MOTION CARRIED.

ITEM VI
Calamar Builders
Commercial

REQUESTS CONCEPT PLAN APPROVAL FOR A
37,081 SQUARE FOOT MEDICAL OFFICE BUILDING
LOCATED AT 4725 TRANSIT ROAD.

DISCUSSION:

Chairman Frey stated that this address is actually at the Sheridan Drive entrance of Eastern Hills mall across from Syms Department store. Chairman Frey said that the applicants met with the Planning Board Executive Committee and they have revised their plans. They have moved the location of the detention pond, and the access road has been moved away from the intersection. They have tried to be sensitive to the existing hardwood trees on the property. They have relocated the building to save more of the trees. They have decreased the size of the parking spaces to nineteen feet instead of twenty, and introduced new green spaces within the parking area which are pretty significant in size, to allow the stands of trees to be maintained. They are currently at 1 parking space per 150 square feet. Joe Floss thanked the applicants for listening to the concerns of the Executive Board. The project fits the zoning, the project fits the master plan. Joe asked Chairman Frey if he would entertain a motion to send the Calamar Builders at 4725 Transit Road to Municipal Review Committee, Fire Advisory, and Traffic Safety.

ACTION:

Motion by Joseph Floss, seconded by Mike Metzger. to send the project on to MRC, Fire Advisory, and Traffic Safety for their review and comments.

On the Question:

Mike said AThe three of us feel very comfortable with this plan because we have seen it over and over again, but it should be open to the board.

Frank asked if the building was smaller, and if the number of parking spaces is the same. Mr. Mussachio said that the size of the building and the number of parking spaces have not changed from the original plan. Frank said he liked the

Page 2002-139

way they moved the access road down around. Chairman Frey said the applicant has been very cooperative, and

made substantial changes for the enhancement of the project. Roy said I am still bothered by the size of this project, it is too much going on in too small of a spot. I personally don't see how you can save all those trees once you start re-grading. Mr. Mussachio said "Except for a few that are up in the retention area, as far as the grading is concerned, the property drops off at that end there, so there isn't a lot of re-grading there. The bottom line is we only have about 1 to 2 feet down to the bedrock. We are going to have to do some creative work with the drainage system to get it to work as it is, so there really isn't even a possibility of regrading because we are on bedrock." They realize the value of the trees and will identify all the trees that will stay before any clearing is done. Roy McCready said "Before I will approve any development plan I would like to see a preservation plan for these trees - how you are going to go about preserving them, and what you are going to do to maintain them." Reas Graber said they have done a fine job of rearranging the project, and it will be an asset to the Town of Clarence. Mike Metzger asked the height of the building to the top of it. Mr. Mussachio said it is probably in the 25 to 28 foot range, he doesn't have the elevations with him.

ALL VOTING AYE. MOTION CARRIED.

Motion by Joe Floss, seconded by Reas Graber to adjourn the meeting.

Meeting adjourned at 9:30 p.m.
Harold Frey, Chairman