

PLANNING BOARD MINUTES

Roll call
Minutes
Sign review
Update on pending items
Old Business- Kevin Campbell

Miscellaneous
Agenda items
Communications

February 20, 2002

AGENDA 8:00 p.m

**ITEM I
Wireless Solutions
Industrial**

Requests site plan approval for construction of a 150 foot telecommunications tower at 10000 County Road.

**ITEM II
Bill Henderson
Agricultural**

Requests Temporary Conditional Permit for an Antique Shop in existing agricultural accessory building at 5270 Salt Road.

**ITEM III
Joseph Jacobi
Commercial**

Requests concept plan approval for a mini self storage facility (70, 450 square feet) with five separate buildings located at 6475 Transit Road

**ITEM IV
Donald Steinwachs
Agricultural**

Requests concept plan approval for eight (8) duplexes located at 5785 Newhouse Road.

**ITEM V
Phil Silvestri
Residential A**

Requests concept plan approval for 12,892 square foot addition to the Clarence Church of Christ located at 5375 Old Goodrich Road.

**ITEM VI
Dominic Piestrak
Agricultural**

Requests amended concept plan to add thirty six (36) Residential A lots and re-zoning from Agricultural to Residential A for Hidden Pond Subdivision Phase II.

ATTENDING

**Harold Frey
Patricia Powers
Reas Graber
Joseph Floss**

**INTERESTED
PERSONS:**

**Charles Harris
Fred Ozyp
Chris Parezo
Harold McNeil
Teresa Bergey
Curtis Robbins
Kim Suczynski
Mark Macvittie
Tom Kobylinski
Gretchen Kobylinski
Bill Henderson
Phil Silvestri
Peter Long
Tim Harris
Bob Reggentine
Eric Zawalski
Bob Dohring
Dominic Piestrak
James Callahan
James Hartz
Kathryn Tiffany**

MINUTES

Motion by Patricia Powers, seconded by Reas Graber to approve the minutes of the meeting held on February 6, 2002 with an amendment. Joseph Floss recused himself from the request by Angelo Natale and did not vote on this item. This was not reflected in the minutes.

ALL VOTING AYE. MOTION CARRIED.

WORK SESSION:

William Schutt presented a revised landscaping and parking plan for Campbell Chevrolet. They will cut out some asphalt in the front and put in a planting bed with low plants. They will lose one row of parking that they have now. They will cut a five foot strip of asphalt as well, and put a lawn area in. They will put in some plantings to screen the blank side of the building, and redo all the existing foundation beds. There will be customer parking, display parking, and employee parking as well as staging areas. This will be an independent operation, and will be staffed so that anything involved

with the car sales operation, can be handled by the staff in the building. In the event that there might be an odd situation where they would have to go back and forth, they will provide a shuttle for the customer. The number of vehicles has been reduced. The signage will be applied for in the near future. Chairman Frey asked for a motion recommending the use for Glen Campbell Chevrolet at 5205 Transit Road with the conditions they have agreed on.

Motion by Joseph Floss, seconded by Patricia Powers to approve a Special Exception Use permit for used car sales at 5205 Transit Road with the following conditions:

1. Additional green space.
2. Reduction in number of cars - maximum of 65 cars to be displayed on the site.
3. No collision, mechanical repairs, or vehicle inspection to be done at this facility.
4. No cars can be parked in the State right of way on Transit Road.
5. No loudspeakers allowed on the exterior of the building.
6. Signage, banners, or any other material to attract attention cannot be used without prior approval of the sign committee.
7. No elevated ramps or open hoods will be permitted.

ALL VOTING AYE. MOTION CARRIED.

Page 2002-24

ITEM I
Wireless Solutions
Industrial

Requests site plan approval for construction of a 150 foot telecommunications tower at 10000 County Road.

DISCUSSION:

Richard Trinidad of Nextell Communications stated why this location is necessary. Mr. Trinidad was asked to return with a diagram of a propagation study showing the coverage area for the

Nextell network. The proposed tower would be located in the Industrial zone where it is a permitted use. Towns encourage towers in the industrial zone. Chairman Frey said that the Planning Board does not have to approve the tower if the board feels it will be a major problem in the area. The following reasons are why they believe this is an appropriate location for the tower at 10000 County Road. Mr. Trinidad showed a layout of the existing towers in the Town of Clarence. The tower they are proposing meets all of the height requirements as well the setback requirements of the Town of Clarence ordinance. In the Industrial zone, a special exception use permit is not required for a cellular tower. The biggest requirement for Nextell is this particular location, because it meets their coverage objectives. Nextell has co-located on every tower in Clarence, but they still have a gap in coverage. They have no in building coverage at County and Goodrich Roads and no in building coverage at County and Strickler Roads. They also need in car coverage along Rapids Road. The existing tower at 9975 County Road - Adrian Bopp's property does not meet coverage needs. They need coverage on Goodrich and Strickler for it to be economically feasible for them to construct a tower. The proposed tower coverage at 10000 County Road would meet all of their objectives. Mr. Trinidad compared this site to a recently approved tower site at Roll and Harris Hill Road, the areas are similar. Mr. Trinidad does not believe that property values will be depreciated. Their site will be kept neater and cleaner than a lot of the sites in that area. They will not generate a lot of traffic, they would be a quiet, passive use for this property. Chairman Frey reiterated that the Planning Board does have the right to say no to a tower, if they feel that there will be a negative impact. Chairman Frey pointed out that the industrial zone does not extend to Strickler Road. It ends 800 feet to the west of Strickler, there are brand new homes there. They will facilitate for co-location by other carriers. The tower

Page 2002-25

will be extendable for additional carriers. Those carriers would have to come before the board for a special exception to extend the tower. Pat Powers asked how many carriers could the tower accommodate. The tower can accommodate an additional five carriers. They could go lower or if they had to go higher, they would need a height variance. This will be a lattice type tower. The Town of Clarence ordinance would require an eight foot fence surrounding the tower. A landscape plan would have to be submitted and approved. Pat asked if they had looked at any additional sites. Mr. Trinidad said they did, but they did not meet their objectives. Joe Floss said he has a Nextell phone, and it works exceedingly well in the area they are trying to cover. Joe suggested locating on Strickler Road at the

New Hope Presbyterian Church which is very heavily wooded. Joe also suggested locating at the Frank Jurek tree farm across the street from the proposed location. Joe said it is the Planning Boards job to keep the visual impact on public roads to a minimum. Mr. Trinidad said they wouldn't get the coverage they need at any other location. Seven hundred feet to the south would make a huge difference. Chairman Frey said that if they are planning on extending this tower in the future, they would have to meet the fall zone for any extension. They are just meeting it now, for one hundred fifty feet. Chairman Frey asked what the wind factor for this tower is. Charles Harris said it was 85 to 90 miles per hour, and meets the ice loads. Harold said he wants a minimum of 90 miles per hour wind factor. Chairman Frey recommended contacting Frank Jurek across the street. Mr. Trinidad said he was told that nothing on the south side of County Road would work for them. Tim Harris of Martin Road has a concern for the propane facility on County Road near Strickler. They have 90,000 gallons of propane at this facility. He is concerned that static electricity from the tower could possibly ignite this propane. Mr. Trinidad said all of the towers are regulated by the FCC, and they would address that issue. Chairman Frey asked if the FCC knew that the propane facility is there, it has only been there for a year. Mr. Trinidad said he would make sure the FCC is aware of the propane facility. Harold Frey said we need to know for sure, and we need a letter from the FCC. Mark MacVittie said he had two requests. One, that a SEQR long form is filed for this project before any approval is given. I also

Page 2002-26

have six documents that are different from the other concerns expressed. The report talks about other Towns being able to defeat these cell towers. I also have information on the immediate health impacts, an article on the 30% decrease on our property values, as well as a disclaimer from Motorola stating that if you use their phone near a gas station, it may blow up the gas site. I am also a Nextell customer. I live directly behind the area that is so critical that you provide service for. I talk on this phone one or two hours every day, with people in Niagara Falls and on the Peace bridge both on the two way radio and the telephone. I have never, ever had an interruption in service. In the basement of my building, and I have ten inch walls if you go around my house. I would ask the board to please review those documents I gave you before making any decision, and that they deny this tower based on our previous letters. Thank you. Charles Harris said that the SEQR form is one of the second or third things that are done in the process. They received a negative declaration from the Municipal Review Committee. As Ricky said, any static and dynamic electricity is handled by the

grounding system that is installed. Mr. Trinidad said that based on the Telecommunications Act of 1996, a municipality cannot deny us based on health issues. All the information you have supplied regarding health issues should not delay this boards approval. Chairman Frey said "If we deny this, it would be more on the impact on these homes." Mr. Kobylinski owns a business right next door to the proposed tower and works eight to sixteen hours a day, seven days a week. He asked if there had been any conclusive health studies done. Chairman Frey said the tower will emit 2.5 mg , and a microwave emits 300 mg. Mr. MacVittie said that is not what the tower emits. Chairman Frey said "We could go on and on, let's bring this to a head. We only have four members here tonight, and it takes four ayes to pass it. Would you like to table this, and take a chance with the full board or have a vote tonight? Mr Trinidad said he would like the board to vote tonight.

ACTION:

Motion by Joseph Floss, seconded by Patricia Powers to DENY the request of the applicant for two reasons cited in our code. The first being that the proposed location is put in the front of the parcel rather than located in the rear.

Page 2002-27

Also the code clearly illustrates that we should look to minimize the visual impact on public roads and adjacent property owners. I don't think that this site satisfies that requirement.

ALL VOTING AYE. MOTION CARRIED.

ITEM II
Bill Henderson
Agricultural

Requests Temporary Conditional permit for an Antique Shop in existing agricultural accessory building at 5270 Salt Road.

DISCUSSION;

Mr. Henderson showed his site plan to the board members. He will be using an old chicken coop. His wife will run the shop. The hours of operation will be from 9 a.m. to 4 p.m. Monday through Friday 9 a.m. to 6 p.m. Saturday & Sunday. The paved driveway fits six cars, which should be fine . If they had to park in the back, they could. They will probably only have 2 or 3 cars at a time. Mr. Henderson will install brick pavers for customers to walk from the parking area to the building. There will not be any employees. The existing building is 16 x 32 and he plans on adding a 16 x 8 greenhouse to the building. The barn and the building will both be part of the business. Joe said he did not have a problem with a one year temporary conditional permit.

ACTION:

Motion by Patricia Powers, seconded by Joseph Floss. The Planning Board recommends to the Town Board a Temporary

Conditional permit for an antique shop at 5270 Salt Road with the following conditions:

1. Hours of operation 9 a.m. until 4 p.m. Monday through Friday. 9 a.m. to 6 p.m. Saturday and Sunday.
2. Two to three cars will probably be in the driveway.
3. No employees.
4. Two buildings - the barn and the shop

Joe said he seconds the motion with the clarification that signage is approved at a later day. Mr. Henderson said he is painting the sign right on the building itself. It will look old and say Henhouse Antiques.

ALL VOTING AYE. MOTION CARRIED.

Page 2002-28

ITEM III
Joseph Jacobi
Commercial

Requests concept plan approval for a mini self storage Facility (70,450 square feet) with five separate buildings located at 6475 Transit Road.

This item was removed at the applicant's request.

ITEM IV
Donald Steinwachs
Agricultural

Requests concept plan approval for eight (8) duplexes located at 5785 Newhouse Road.

DISCUSSION:

Chairman Frey reviewed the minutes of the previous meetings for this project. The neighbors concerns have been addressed and they are satisfied. The Traffic safety board has made their recommendations, as well as comments from Historic Preservation, and the Town Assessor David Folger. A landscaping plan must be approved before development plan approval. There will be open space fees for this project.

ACTION:

Motion by Patricia Powers, seconded by Reas Graber . The Planning Board recommends concept plan approval for eight duplexes located at 5785 Newhouse Road to the Town Board.

ALL VOTING AYE. MOTION CARRIED,

ITEM V

Requests concept plan approval for a 12,892 square foot

Phil Silvestri
Residential A

addition to the Clarence Church of Christ located at
5375 Old Goodrich Road.

DISCUSSION:

Phil Silvestri is the architect for the project. They will do a renovation to the existing church just where they are making the connection to the addition. The new portion of the building will have a family life center which will include a basketball court, a stage, storage areas, toilets, locker rooms with showers, and a kitchen. Presently the drive way is a single width with one way traffic, we will be changing that to two way traffic. They will show some proposed additional parking, if it becomes necessary in the future. The whole parking lot configuration is changing,

Page 2002-29

for the addition. There will be better handicapped parking than they presently have, to the entrance of the church, as well as the entrance to the addition. They are showing an area they are proposing for storm water detention. They are in the process of preparing the final drawings showing the grading, drainage, landscaping etc. The addition will include several types of materials. The classroom wing will have materials that match the existing church. Face brick will match the face brick, the asphalt shingles and the pitch of the roof will also be the same to form a link, between the existing church and the proposed family life center. The family life center takes on a different material, it is a larger, higher building. The colors are similar, but the materials are architectural tinted split face concrete block. They have added some textured materials and colors to break up the mass. Jim Callahan said this would be classified as an unlisted action under SEQR, the site is currently disturbed, and the area of the proposed addition is currently a parking lot. It is reasonable to recommend a negative declaration under SEQR for this. The zoning is Residential A, and accommodates a church use. There are 120 parking spaces, and they are showing an additional 30 on the drawing if they are needed in the future. The gymnasium will essentially have a flat roof. Any additional lighting will be downward cast, and no more than 20 feet high.

ACTION:

Motion by Reas Graber, seconded by Joe Floss to recommend to the Town Board that they approve a negative declaration as an unlisted action.

On the Question?

Joe Floss asked if they would be doing a long form SEQR. Yes, there is a short form and they will fill out a long form.

ALL VOTING AYE. MOTION CARRIED.

Motion by Patricia Powers, seconded by Reas Graber. The Planning Board recommends concept plan approval for the addition and to send this to Fire Advisory and the Traffic Safety Board.

ALL VOTING AYE. MOTION CARRIED.

Page 2002-30

ITEM VI
Dominic Piestrak
Agricultural

Requests amended concept plan to add thirty six (36) Residential A lots and re-zoning from Agricultural to Residential A for Hidden Pond Subdivision Phase II.

DISCUSSION:

Chairman Frey read the minutes of June 20, 2001 when the Planning Board recommended concept plan approval for 13 Residential A lots and 31 Residential B lots. They also recommended re-zoning of 39.3 acres. The re-zoning was approved by the Town Board August 8, 2001. Patricia Powers said she counted 38 lots not 36 lots. Pat asked if there would be walk out basements. Dominic said "Not in this phase, as of now." Chairman Frey said "Any walk out basements that will go in any future project, according to our Engineering Department, will be done at development plan. We will know grades, there will be plans for them, there will be no changes, no walk out basements unless there are definitive plans approved at development plan." Pat asked about the haul road. Was that approved for Phase I? Yes, it was. Joe Floss asked if Dominic was still planning on a recreational foot path? Dominic said some of the neighbors on Kamner Drive were violently opposed to it. The Planning Board would like a bridge somewhere over this creek where they could hit the gas line, there is a natural path. Eventually this would connect to a bike path. Dominic said a lot of things have to happen regarding his 27 hole golf course between the sewer, the breakdowns and the wetland studies which is probably three years away. He could do something. Harold said we are just playing suppose here. Joe Floss asked whether this was an amended concept plan or a concept plan. The tabled plan has been amended. Other than larger lots, and fewer lots, not much has changed other than a slight configuration. When this gets constructed the haul road has to go in. Chairman Frey asked Dominic if this haul road could be blacktopped and used as a secondary road. Dominic said the haul road at Meadowlakes was stone and it was well used. It would be a solid stone base, the road base would be at least three feet deep. Harold Frey said "Could we at least get a finished stone road, 80 lots

added on to Hidden Pond is going to make these people unhappy. It will put a lot of traffic there. We need another ingress and egress.”

Page 2002-31

ACTION:

Motion by Patricia Powers, seconded by Reas Graber . The Planning Board recommends re-zoning from Agricultural to Residential A for the additional 38 lots not included in the original re-zoning.

ALL VOTING AYE. MOTION CARRIED.

Motion by Joseph Floss, seconded by Reas Graber. The Planning Board recommends amended concept plan approval for 38 Residential A lots. The haul road must be able to be driven on.
ALL VOTING AYE. MOTION CARRIED.

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

Meeting adjourned at 10:00 p.m.
Harold K. Frey, Chairman