

PLANNING BOARD MINUTES

Roll call
Minutes
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Miscellaneous
Agenda items
Communications

March 6, 2002

AGENDA 8:00 p.m.

**ITEM I
Garth Brandaw
PURD**

Requests site plan approval for construction of a 115 unit Holiday Retirement Residence located at 6351 Transit Road.

**ITEM II
Dr. Bloom
Commercial**

Requests concept plan approval for construction of a of a 4000 square foot medical office building located at 9095 Main Street.

**ITEM III
Frank Rivett/Hank Stockwell
Agricultural**

Requests concept plan approval for development of a 23 lot subdivision located at 5700 Strickler Road.

**ITEM IV
Dave Hauser
Commercial**

Requests Temporary Conditional permit for motorcycle detail shop at existing residence at 10480 Main Street.

**ITEM V
Cimato Enterprises
Agricultural**

Requests concept plan approval for an extension of Fieldbrook Drive and re-zoning from Agricultural to Residential A for Highland Park Subdivision (16 lots)

**ITEM VI
Joseph Jacobi
Commercial**

Requests Special Exception Use permit for proposed mini self storage facility located at 6475 Transit Road.

ATTENDING: Harold Frey
Joseph Floss
Patricia Powers
Reas Graber
Frank Raquet
Michael Metzger

INTERESTED PERSONS:
Garth Brandaw
Timothy Lavocat
Raymond Skaine
Debra Popp
Betty Kellerman
Richard Kellerman
Michael Hoffman
Cesar Banach
Abby Schreiber
Kathy Vozga
Kathy Herrscher
Lisa Herrscher
Alan Herrscher
Linda Mosher
Rebecca Bylewski
Scott Bylewski
Neal Kochis
Frank Rivett
Hank Stockwell
Dave Hauser
Bill Schutt
Bob Knorr
Harold Gates
Joe Jacobi
James Callahan
Kathryn Tiffany
James Hartz
Harold MacNeil

MINUTES

Motion by Patricia Powers, seconded by Reas Graber to approve the minutes of the meeting held on February 20, 2002 as presented.

ALL VOTING AYE. MOTION CARRIED.

ITEM I

Garth Brandaw
PURD

Requests site plan approval for construction of a
115 unit Holiday Retirement Residence located at
6351 Transit Road.

DISCUSSION:

Chairman Frey read a list of approvals for this project. The Board has made field trips, and we would like the following items incorporated in a motion:

1. Drainage will be addressed.
2. The area from the back of the houses, on their lots within 139 feet from this project will be located from the north lot line, 252 feet from the east lot line. There is a lake there, there will be a berm. The area that is treed now will be untouched, and will have a conservation easement so that it can never be touched. This will be owned by the applicants. The Conservation Easement is a forever "do not touch" area. Residents can not touch it, and the applicants can not touch it. Parking has been changed so most of the parking is in the front, the building has been moved so it is farther away from the property lines. There will be an undulating berm all around the back side of this project with trees on top. There will be 75% green space, all lighting will be downcast and have 12 foot high light standards. The dumpster will be in the southwest corner of the property. The Landscape Committee has approved the plan that was submitted, but recommends using Blue or White Spruce instead of Canadian Hemlocks. The Town Engineer has given his approval. They will be subject to the commercial open space fee.

ACTION:

Motion by Patricia Powers, seconded by Reas Graber. The Planning Board recommends site plan approval to the Town Board with the conditions listed above.

ALL VOTING AYE. MOTION CARRIED.

ITEM II

Dr. Bloom
Commercial

Requests concept plan approval for construction of
a 4000 square foot medical office building located
At 9095 Main Street.

DISCUSSION:

Jonathan Hale and Cesar Banach represented the project for Dr. Bloom. They are proposing a medical office building on Main Street near Barton Road It would have four occupants - Quest

Medical Laboratory, an Orthopedic Surgeon, a Cardiovascular Surgeon, and Sung Radiology - they would be satellite offices. The building is approximately 38 feet wide and 100 feet long. The building will have a 100 foot setback from Main Street. They are proposing a retention pond up toward Main Street that would be landscaped. The eastern property line will be slightly bermed with evergreens and shrubs providing a break from the residential area. The building is designed so it can be expanded on the south side. The building is being developed by Dr. Bloom, but his office will not be there, he will remain where he is presently located. The offices will be used three days a week. The building will be masonry with drivot and brick. They will all be neutral tones. The back of the building will not be noticeable because it is ten feet from the property line of the Satellite business building next door. The rear of the building is windowless and bland because of the potential expansion. There are 49 parking spaces - five handicapped spaces. Patricia Powers asked if they had any plans to re-zone the rear of the property at this time. No, they don't. There is nothing permanent on it except the raised bed septic system. Frank Raquet said if he was one of the residents on Barton, he would rather see the building on the east side of the property because there will be a lot of activity there. Mr. Hale said "There was a lot of thought put into that. If you flip it, because of the need to move the building as close to the property line as possible, what you would have is, instead of a berm and landscaping, you would have the back of the building right up against the property line. Ten

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feet away - as close as we can get. I thought that would be far more of an obstruction visually. We can berm that, we can put trees on it, and really soften up the adjacent parking lot. You can't do a lot, all of the utilities and mechanicals all come in the back. We can flip it, it is not impossible, but I think it would make it easier on the residents by berming and landscaping as opposed to trying to do something behind that building in that ten foot strip". Frank thought the back of the building would give them more privacy. He also said he didn't like the parking right up front, those four spaces right off the front of the driveway there. Mr. Hale said it's almost 40 feet in from the road. It's not the largest site in the world, and that was the whole purpose of screening with trees in the front. It is not inconsistent with other parking that is up and down Main Street. We are trying to get as much parking space as possible, and still keep the green. Joe Floss said his concern is the problem that Dr. Bloom has now, and that is parking. Will Quest Laboratories leaving his location, solve his problems? Mr. Hale said he thought it would

relieve the congestion. Joe said he was concerned for the neighbors, with all the lights and traffic going in and out of the four offices. Is there any way you could put in a masonry fence with plantings on top? Something that classes this project up. Mr. Hale said with the exception of Quest Laboratories, the other three tenants will only have one or two patients at a time. Joe said you have to find a way to put more parking in. They only go to a depth of 400 feet. Quest Laboratories has its own entrance on the front, and the other tenants have a main entrance on the east side. Chairman Frey said he would like to see the building move forward to 80 feet, and the parking in front go behind the building. He would like to see a berm on the east side that is 3 ½ to 4 feet high rather than a fence. He would like to see all the parking in front eliminated, and the handicapped parking on the side. Chairman Frey read the minutes from 6-19-1996 . There was a request for a storage facility, and the people were

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not in accord with it. The people thought it was more acceptable to have an office building or multi family. Joe Floss said perhaps the applicant could have an arrangement with the property next door for a shared parking agreement to handle overflow. Mr. Hoffman who owns the Satellite business next door said something could probably be done, he hasn't been approached. He would prefer the building does not come forward, he doesn't want to look at a wall. Mr. Hoffman said he has plenty of parking in the rear of his property. It is up to the applicant to work out an agreement with Mr. Hoffman for additional parking in the rear of the property. Chairman Frey said the board cannot give this concept approval tonight. Provision for additional parking may or may not happen. They still want the eight parking spaces moved to the back. Mr. Hoffman said he is open to negotiation. Mr. Hale said they have 21 or 22% green space. Chairman Frey said the board will be asking for 25% green space. This project has already been given a negative declaration. Mrs. Kellerman of Barton Road asked about the retention pond. Mr. Hale said it is actually an injection well, it probably will never have water in it unless it is during a rainstorm. Joe Floss said the new air conditioners are pretty quiet. Harold said he would like them to consider putting them on the top of the building with indentations, as they are very quiet. The height of the building is 28 feet to the peak of the roof.

ACTION:

Motion by Reas Graber, seconded by Frank Raquet. The Planning Board recommends concept approval for this project to the Town Board.

ALL VOTING AYE. MOTION CARRIED.

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ITEM III
Frank Rivett/Hank Stockwell
Agricultural

Requests concept plan approval for development of
a 23 lot subdivision located at 5700 Strickler Road.

DISCUSSION:

Neal Kochis of William Schutt presented the project to the Board. The original plan showed 14 five acre plots. The revised plan shows 5 five acre plots and eighteen smaller lots. There is one single entrance on Strickler Road. None of the lots actually front on Strickler Road. There is 2400 -2500 linear feet of road extending to one cul-de-sac and an additional 1150 feet of roadway to the other cul-de- sac. The roads would be dedicated to the Town, there would be public water, and individual septic systems. They would like to be sent to the Municipal Review Committee for review. Frank Raquet said the Board had some discussion that they would like to keep this as a private road. Frank Rivett said it never was their intention to have it as a private road. They will build it to Town specifications, and then turn it over to the Town with the utilities. Joe Floss said he liked the one road, and the frontages off of Strickler Road. He said he likes the idea of a berm, and thinks it should be an undulating berm, heavily planted but not as high as the Harris Hill Road berm. Joe said "As far as the road goes that you mentioned Frank, I am of the opinion that we are not going to extend Roll Road, but there is potential development to the west. Proper planning would dictate that you should plan for that. If they are going to be Town roads, that the Town is going to maintain, then your exclusivity is not a valid argument with me. But if they were private roads, then I would say of course, we wouldn't be looking for a curb cut for future planning because you have a right to have your private roads." Chairman Frey asked the neighbors if they had any comments. This will be sent to the MRC, Fire Advisory, and Traffic Safety for their review. People have a right to do something with their property, and rather than have 60 houses in there, I think this is the type of building we are

looking for in the Town of Clarence. These will be upscale homes. One resident said she is concerned about 50 more cars on Strickler Road going 70 miles an hour. Who has control over the speed limit on this road? It is a County Road. This will be sent to Traffic Safety, and they can make a recommendation to the County to lower the speed limit. This will also go to the Municipal Review Committee and you are welcome to go to their meeting. Another resident asked if the heavily wooded areas will be excavated, or will they just work just around the home areas. Mr. Kochis said that they will take down as few trees as possible. It will add to the value of the lots. Chairman Frey said restrictions can be put on the project with regard to tree removal by the Landscaping Committee. The drainage will be addressed by the Town Engineer before development plan approval is given. There are major drainage ditches on the property, and the neighbors don't want to take on their water. A resident said she doesn't like all the development in the area, they are turning this into another Amherst. They can't ride their horses, they used to ride them on this land. Another resident said she would like to see a large treed area rather than a berm. Frank Raquet asked if this is a Town dedicated road, are we going to require them to put a stub in for the future? Harold Frey said he would rather see a paper street, rather than a stub going nowhere. Frank Rivett said he isn't fond of the idea of a paper street. Joe said if they want exclusivity, perhaps they should consider a private road. Frank Rivett said "We can certainly take a look at that as well."

ACTION:

Motion by Joseph Floss, seconded by Patricia Powers to send this project to the Municipal Review Committee, Fire Advisory, and Traffic Safety for review and comment. Also, to bring a landscape plan in for a low undulating berm with a heavily treed area.

ALL VOTING AYE. MOTION CARRIED.

ITEM IV
Dave Hauser
Commercial

Requests Temporary Conditional permit for a
Motorcycle Detail Shop at existing residence at
10480 Main Street.

DISCUSSION:

Mr. Hauser said he is just going to do detailing and change oil on Harley Davidson motorcycles. He doesn't do any engine repair, it will be strictly washing, waxing, cleaning the chrome, and changing

the oil on the motorcycles. It will probably be only in the spring and summer months. The waste oil will be picked up by Fox. Mr. Hauser is unemployed, and he wants to try making a living at his home, rather than having the expense of renting a facility until he sees how well it goes. This will be a one man operation, he will not have any employees. He will be using his garage as his work place. He will apply for a sign if this moves forward. He has talked to the neighbors, and they don't have a problem with this operation. He has room for five cars in his parking lot. Joe Floss explained that Dave Hauser will be held to being a good neighbor, because this is a temporary permit and if there are complaints it is possible that the permit would not be renewed. He will not do any painting or steam cleaning. There will be 1 or 2 bikes at a time. Hours of operation will be 9 a.m.to 9 p.m. Monday through Friday. Saturday hours will be from 9 a.m. until 12 p.m.

ACTION:

Motion by Frank Raquet, seconded by Reas Graber
The Planning Board recommends approval of a Temporary Conditional permit for one year to the Town Board with the conditions listed above.

ALL VOTING AYE. MOTION CARRIED.

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ITEM V
Cimato Enterprises
Agricultural

Requests concept plan approval for an extension of Fieldbrook Drive and re-zoning from Agricultural to Residential A for Highland Park Subdivision (16 lots)

DISCUSSION:

Bill Schutt said their project consists of sixteen lots centered around an extension of Fieldbrook Drive which would end in a cul-de-sac. The east and north boundary is formed by Gott Creek. The lots are offset from Gott Creek in anticipation of any number of issues, since there may be wetlands etc. We know the DEC doesn't want a number of lots extending through there, so our plan shows all our lots cut back. If we needed to we could extend one or two lots, and incorporate that property as DEC doesn't want to deal with a number of property owners. All we are going to do is extend off the existing end of Fieldbrook Drive which is already structured for an

extension. There is a water line and a sanitary sewer that is stubbed off at the end. Storm sewer wise we would create our own detention pond prior to the discharge to Gott Creek. The property is all in Sewer District # 5 and it would be a nice fit. Mike Metzger asked what would happen to the property between the creek and the lot lines. Bill said they are trying to keep some flexibility here, it could be dedicated to the Town or possibly something similar to what we did at Forestview Subdivision, where we had all the area included in one lot. Chairman Frey asked if the flood zone came up into these lots. Mr. Schutt said "It is close, based on the flood map, we are still in the process of doing the actual field topographical survey. Until we finish that, we don't know exactly where that goes." Wetland work is in progress by Don Wilson. There would be an opportunity to stub on the Culverwell property. The lots will all be Residential A. Patricia Powers asked if they were planning any walk outs near the creek. Bill Schutt said as far as he knows, there are no plans for them at this time. Walkouts are of great concern for the Town. It has to be addressed in the grading plan and approved by the Town Engineer. Pat asked if

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this project would be affected by the holds in sewer district # 5. Will they be able to accommodate the sixteen lots for this project? As far as Bill knows, there is only a problem for 50 homes or more.

ACTION:

Motion by Patricia Powers, seconded by Joe Floss to refer this project to the Municipal Review Committee, Fire Advisory, and Traffic Safety for review and comment.

On the Question?

Frank Raquet asked "Are we going to require them to stub?" Joe Floss said " That would be my requirement in the future, unless the applicant can show us it doesn't make good sense. It makes good sense especially for the Fire Service."

On the Question?

A resident said he is here for his own interest. He just wanted to see which way the lots are going to face. His backyard and windows will face the side of the house next to him. He wondered if there could be any buffering for him. Mike Metzger said the stub was for this purpose, and that was obvious. This is a typical layout for a subdivision. Joe Floss said " Most of that is worked out by agreements between neighbors as far as planting along property lines." The code does not mandate the developer to provide screening.

ALL VOTING AYE. MOTION CARRIED.

ITEM VI
Joseph Jacobi
Commercial

Requests Special Exception use permit for proposed
mini self storage facility located at 6475 Transit Rd.

DISCUSSION:

Joseph Floss excused himself from this item, his Father owns the property where this project is proposed. Chairman Frey said this property lies between the Floss Insurance Agency and the bank. This property has had numerous proposals in the past, but nothing has been developed so far. Bob Knorr, the Attorney for Francis Development, said he would like to speak briefly. "We are on your agenda as requesting a special exception use permit.

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Actually we don't believe that is required. We think this is a use that is allowed here on this parcel as a commercial use, in a commercial district. It is zoned commercial, and under commercial, retail is allowed. Under neighborhood business district which is a sub, a less restrictive, or more restrictive zoning. When we are here, and we appreciate you giving us the time, it is our third time here actually. In the past you have indicated that you think we need a special use exception, and for that reason we have gone ahead and put that in our request for action that is what we are asking for. I just want to make it clear on the record we really don't think we need it, however, you have indicated that you believe we do, and on that basis, we put that in there. Under either of those scenarios we think it is an appropriate use, and we think it is an allowable use as a special use exception because it meets all the criteria. This use here, which is a storage facility certainly would not add anything to the noise, dust, fumes, smoke all of those things you find in the special use language. It certainly is not going to decrease property values, anymore than anything else that would go there on a commercial basis. In that regard, I think we have had two neighbor contacts, one that we just had tonight Mr. Harold is here, and I think he is going to ask to speak later, though I am not sure. And I had a direct conversation with a neighbor who indicated that their concern is site and view, not the use, but what it is going to look like. For that reason I think we should be credited (granted) a special exception use and we are going to ask you for that, because you have indicated that is what we need. This plan, as we brought these drawings in the past, is for these storage buildings which are very low lying. If you look at how they are lined up on the property, the people on Clarherst, really except for these last two houses here, aren't going to see these very much. Because if you go to Clarherst, you will see it is raised a bit, and they actually are going to be looking over it.

The fence that we are proposing to go along those property areas bordering on the

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residential, not the bank, you will see that the fence changes switches when it gets to the that point. It is actually a vinyl fence with a decorative top and is an appropriate view barrier. It is a seven foot fence that would pretty much block any view of these low lying buildings on the property. As Mr. Frey has indicated there have been many things proposed here, and I don't think any of the things that have been proposed would have the limited impact that this use would. This would have limited hours only until eight thirty at night, it wouldn't have a twenty four hour use, like some things that could go in there. We anticipate two people an hour coming in to this retail storage facility. It is not something with a lot of traffic coming in and out, it is not a fast food restaurant, or an all night motel, or anything of that nature. It is a very limited use, people come, they put their stuff away, and the reason they have storage is that they don't need it all the time. And that is why it is there, they don't come back a lot. We brought a new drawing in tonight which is an artistic rendering of what these proposed storage units would look like. They are not those orange and beige industrial looking storage units. We expect to make them very attractive to people, so people don't feel they are dumping their stuff off in some warehouse, they are putting it into a storage unit which is actually an appendage to their life style and that is how they are being designed. The general overall concept, which is what we are here to ask for approval on, does fit in to this piece of land as we see. We recognize that there may be issues that neighbors have with regard to sites, with regard to the looks of it, etc. and we are happy to deal with those in the development phase. And the Municipal Review Committee, and the Landscaping Committee, but right now what we are here to ask this board for is approval on essentially the concept we have laid out here, in the form of a special use exception, if that is the format that the board thinks we need to follow. And I don't know Tim if you have something else you want to add." Tim Lavocat said the parcel is approximately four acres. It is currently zoned major arterial back 300 feet

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and from that point to the east property line it is zoned commercial. It consists of 70,450 square feet of indoor storage. There will be no outdoor storage. We consider this a retail use. Some of the services that would be available not only to the people who would rent the units, but to the general public, would be sale of storage and moving boxes, post office boxes, mailing services, oversized postal boxes,

copying, faxing, and Fed Ex overnight mailing, essentially the same services you would have at Mailboxes Etc. facility. We believe it is very low impact with respect to noise, traffic generation, and lighting. Patricia Powers asked the lengths of the storage buildings. Tim Lavocat said the buildings are 350, 365, 365, 365, and 380 feet long. Pat asked the percentage of green space. Tim said he believes it is about 20%. Pat asked if they are fabricated steel buildings, she means the actual storage buildings, not the building in front. Mr. Knorr said "It is a combination of prefabricated structural metal buildings and brick work. On the front elevation facing Transit Road it will be brick, and on each of the buildings, the brick will be returned to a distance yet to be determined. We haven't gotten that far." Frank Raquet said "I really have no questions, but I would like to re-iterate my comments from prior meetings. Although this may fit the zoning and fits according to the law, I really don't think this is the best type of use for this piece of property. I really envisioned, and would like to see some kind of business that compliments the other businesses in the area, and makes it a more vibrant business community in that area. This type of business would be more suited to farther down Transit Road. I just think it is not the proper place for it." Reas Graber said "Aesthetically I was looking for something different there, be it an office building of some kind or something along that line. Rather than a storage building like there is down the road a mile or two." Reas asked what the side of the property next to the Floss Agency would look like. There would be a green area, and a building itself. We use our metal panels, and it would match up with our white vinyl fencing. The storage facility doors would be on the north side. Mike Metzger said "I don't have any questions, just a comment "This is not an allowed use. It is not consistent with what we envision going in that area to the Master Plan process, and I would not be in favor of changing my position on that. I think

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we have re-iterated that to the developer. We have been clear and up front, and I have not changed my position on that." Chairman Frey said "I have to say that I don't envision seeing this on this project either. I disagree number one, with your interpretation that this is a retail business. I am sure that you can interpret things any way you want. We don't interpret storage as a retail business. I envisioned something else enhancing the area. I can't see where this much coverage on this piece of property, is going to enhance the business district on either side of the street. We have had some really beautiful proposals, I don't know why they fizzled out. They would have been fantastic for the area. I just have a problem with it, that's all, and I am going to have a tough time voting aye for it, and I have to tell you that." Mr. Knorr said "I appreciate that. You have

all always been very up front with us and we appreciate that. I am just curious, if you don't consider it retail what would you consider it under the code?" Chairman Frey said "I am not really sure where we would place it, it is something that takes a special exception use. If we get one every couple of years - a request for a storage unit, it is a lot. We just don't get that much. I am not sure just where we would classify it, probably under some kind of a service. It is a service that you're handling, I don't envision it as a retail sales, it is a service you are providing, and a service doesn't always necessarily make it a retail sales. Mr. Knorr said "I am just curious if Mr. Friedman issued any opinion on it? I am very interested in knowing what the Towns position is, as to that definitional question because it is very important to us. Maybe I will contact him and see if I can get some standing out of him." Chairman Frey said "Right now, if you want we can ask him for a letter as to what he feels this is, and we could have it, if you want to table it. I think if you are going to go ahead and get a vote on it, you will get voted down tonight. If you don't want to get voted down then I would recommend that you maybe ask to table this, and we will get a written decision out of the Town Attorney as to what he would classify it. But I think he is going to go along with my thoughts, and this is not a case where we will go and sit down and explain our thoughts to him. We send him a request, and he sends us back a letter." Mr. Knorr said "I think I appreciate that offer, but I think we would just as soon have a vote to move it forward. I was just curious whether he had already given

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an opinion." Chairman Frey said "We talked to him verbally is all. I don't have a written opinion at this point, because I didn't ask him for one." Mr. Knorr said "Mr. Frey, a neighbor Mr. Harold Gates has been waiting for several hours, and he has to go home and take some medication. I was just wondering if he could just say a few things regarding his position on it." Mr. Gates thought he heard they were considering a restaurant, because he doesn't want a restaurant, and will fight a restaurant with all his neighbors. Mr. Gates said he doesn't mind this project, but he doesn't want a restaurant. Mike Metzger asked Chairman Frey if he could put forth a motion.

ACTION:

Motion by Michael Metzger, seconded by Frank Raquet to recommend to the Town Board the denial on the request for a Special Exception Use permit at 6475 Transit Road based upon the following:

- 1) This not being an allowed use in major arterial or commercial districts.
- 2) This project is inconsistent with the intent and vision of the

master plan for this area.

ALL VOTING AYE. MOTION CARRIED.

Motion by Patricia Powers, seconded by Reas Graber to adjourn the meeting.

Meeting adjourned at 10:30 p.m.
Harold Frey, Chairman