

PLANNING BOARD MINUTES

May 1, 2002

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

**Miscellaneous
Agenda items
Communications**

AGENDA 8: 00 P.M.

**ITEM I
Angela McDougal
Commercial**

**REQUESTS TEMPORARY CONDITIONAL
PERMIT FOR AUTO SALES WITH NO
DISPLAY AT 8274 MAIN STREET.**

**ITEM II
Roy Jordan
Agricultural**

**REQUESTS AMENDED CONCEPT PLAN
FOR FOUR LOT OPEN DEVELOPMENT
LOCATED AT 8422 STAHLEY ROAD.**

**ITEM III
Dr. Bloom
Commercial/Agricultural**

**REQUESTS DEVELOPMENT PLAN APPROVAL
FOR NEW MEDICAL OFFICE BUILDING
LOCATED AT 9095 MAIN ST.**

**ITEM IV
Dominic Piestrak
PURD**

**REQUESTS DEVELOPMENT PLAN APPROVAL
FOR SPAULDING LAKE PHASE IV, PART III.
(3 LOTS)**

**ITEM V
Dominic Piestrak
PURD**

**REQUESTS DEVELOPMENT PLAN APPROVAL
FOR SPAULDING LAKE PHASE IV, PART IV
(17 LOTS)**

ATTENDING: Joseph Floss

Michael Metzger
Patricia Powers
Roy McCready
Reas Graber
Frank Raquet

INTERESTED
PERSONS:

Ralph
Roy Jordan
Michael Bloom
Sally Banach
Cesare Banach
Dick Kellerman
Betty Kellerman
Jon Hale
Debra Popp
Harold MacNeil
Debra Popp
Councilman Bylewski
James Callahan
James Hartz
Kathryn Tiffany

MINUTES

Motion by Reas Graber, seconded by Roy McCready to approve the minutes of the meeting held on April 3, 2002 as written.

| | |
|-----------------|--------------------------|
| Mike Metzger | AYE |
| Reas Graber | AYE |
| Roy McCready | AYE |
| Joseph Floss | AYE |
| Frank Raquet | AYE |
| Patricia Powers | ABSTAINED she was absent |

MOTION CARRIED.

ITEM I
Angela McDougall

REQUESTS TEMPORARY CONDITIONAL PERMIT
FOR AUTO SALES WITH NO DISPLAY AT 8274

Commercial

MAIN STREET.

DISCUSSION:

Ralph Camilla represented the request for a temporary conditional permit for auto sales with no auto display at 8274 Main Street. Angela signed an agreement with the Town to not display any vehicles. Acting Chairman Joseph Frey read the agreement to the Planning Board. Ralph Camilla said that in the near future he would like to ask permission to show a few cars. Joseph Floss explained that this board is not prepared to act on that, it would have to be a separate request. Roy McCready said he would like to see that this is consistent with previous permits that have been granted. Mr. Camilla said there might be one employee, but he doubts it. The hours of operation are not set hours. Mr. Camilla said he is on the property from nine to five everyday with the brokerage. There would not be any Sunday hours. Jim Callahan read the history of the project.

ACTION:

Motion by Michael Metzger, seconded by Patricia Powers to recommend to the Town Board a temporary conditional permit for auto sales with no auto display at 8274 Main Street with the following conditions:

1. Finalization of no display agreement.
2. Signs will be a separate approval from sign review board.
3. Temporary conditional permit will be for one year.

ALL VOTING AYE. MOTION CARRIED.

ITEM II
Roy Jordan
Agricultural

Page 2002- 56
REQUESTS AMENDED CONCEPT PLAN APPROVAL
FOR FOUR LOT OPEN DEVELOPMENT LOCATED
AT 8422 STAHLEY ROAD.

DISCUSSION:

Jim Callahan read a history of this project. The Planning Board made an initial review of the project on April 4, 2001. It was referred to the Municipal Review Committee, Traffic Safety, and Fire Advisory. The NYSDEC identified a State Wetland area on the property, and the applicant has been working with the property owner on how this issue should be addressed. A revised site plan was developed which provides for a conservation area for the identified wetlands areas and avoids conflict with the wetlands areas and avoids conflict with the wetlands in the design. A negative declaration was issued by the Town Board upon recommendation from the MRC. The application has been reviewed by the Erie County DEP with no comment under 239M. The project as designed meets the requirements of the Open Development regulations. Fire Advisory has identified concern over the turn around and hydrant location, and the concept of a dry line. This issue should be addressed. The Assessor wants the road named, so it can be approved by Fire protection. Roy Jordan said they have added a turnaround in the plan, and the hydrant as well. They put the charged hydrant in the back so it would be close to the four homes. The Erie County Water Authority told Mr. Jordan a dry line was not acceptable. Mike Metzger told Mr. Jordan "You must have misunderstood what they were saying. Erie County Water does not allow water lines off of public right of ways. Acknowledging that it is very expensive to put in a charged line, what we have done is work out an arrangement where we actually put in a dry line. You put in a stand pipe out at the road, hopefully near an existing hydrant, and then run a dry line back into the development with a hydrant. If it is ever needed there is a connection made - a jumper in between an existing charged hydrant at the right of way tying into the stand pipe charging that line. It sounds like you may have gotten some bad advice." Roy Jordan said if he could do that, he would rather do that. I will do whatever they want but that sounds like a better system to me. Mike Metzger said "That is what we have done with the last two open developments, and we have been satisfied." Mike said "An issue that was

Page 2002-57

raised by Fire Advisory is that in order for the stand pipe dry hydrant system to work properly, it has to be in close proximity to a charged hydrant in the right of way." Joe Floss read the comment from Fire Advisory saying the distance was excessive from Stahley Road to the beginning

of lots two and three, and a hydrant must be installed off of the private driveway near the entrances to lots one or four. Otherwise the ability to provide fire protection to the northern lots will be greatly impeded. Joe Floss said "This is a concept approval, so we don't have to settle on that detail tonight." Joe asked Mr. Jordan what other amendments he has made. Mr. Jordan said last year when he was coming in for approval, the DEC dropped a bombshell on him three days before the meeting. Roy had hired Earth Dimensions to map the federal wetlands and there were 2.8 acres. The DEC told him fifteen years ago they had mis-mapped the State wetlands and they have it shown on the Town map one thousand feet away. When you move it over here, it ends up running right along this line here, and the State wetlands goes from about 2 acres to 8 acres. So, we spent the last year going back and forth with the DEC. They had to map their own wetlands, and we had to work it all out. They are going to allow us to mitigate a fifth of an acre of wetlands, which will make it easier to fit the two houses in. We are going to mitigate it with one third of an acre. They have agreed to all of that, and so did the Corps of Engineers. Our original plan showed the exception lot, and the four lots. Now we just have the four lots. Lot number four is a three acre lot, lot number three is a seven acre lot, lot number two is a five and a half acre lot, and lot number one is a four acre lot. They would like to have the ability to put in-law apartments for these homes. That is not the Planning Boards jurisdiction, Mr Jordan would have to deal with the building department. Doubles are allowed in the zoning, but not in the open development. Joe Floss said the lot that has frontage on Stahley Road - we are to ask that their driveway goes in to the private road, not onto Stahley Road. Mike Metzger asked if Mr. Jordan had a permit from the DEC yet. It is being published in the Bee today, and then they will have a public hearing. That permit will have to be in place, before this goes forward. Mike asked about the archaeological concern. Mr. Jordan said it has been addressed, the archaeological has been done and signed off

Page 2002-58

by SHPO. Pat Powers said part of this is in the flood plain. Mr. Jordan said two of the lots have to be raised up one foot above the flood plain. They will apply for a LOMAR. He will work with the Town Engineer and obtain a flood plain development permit. Mike asked him to show the flood plain on the plans.

ACTION:

Motion by Mike Metzger seconded by Roy McCready.
The Planning Board recommends concept plan approval to the Town Board for a four lot open development located at 8422 Stahley Road.
ALL VOTING AYE. MOTION CARRIED.

ITEM III

Dr. Michael Bloom
Commercial/Agricultural

REQUESTS DEVELOPMENT PLAN APPROVAL FOR
NEW MEDICAL OFFICE BUILDING LOCATED AT
9095 MAIN STREET.

DISCUSSION:

Jim Callahan gave a brief history of this project. The project originally was for a 6000 square foot building, but it has been redesigned to 4000 square feet after initial discussions with the Planning Board. The MRC has recommended and the Town Board has issued a negative declaration on 2-13-2002. On 3-6-2002 the Planning Board recommended concept plan approval for this project. An approval has been received from the Town Engineer and the Erie County Health Department. They have approval from the Landscape Committee as well as a verbal approval from the State D.O.T. Joseph Floss read the minutes from the meeting held on March 6, 2002. Joe Floss read a list of issues that have been raised - head lights, building lights, the hours of operation, the plantings as opposed to a fence, fumes, and the timetable for the project. Mr. Hale said in the event they can work out an agreement with the neighbor for additional parking, they have made provision for a drive that would go though. They have eliminated the parking up front with the exception of the three handicapped spaces. They have a berm and landscaping with pine trees down the side, and trees that will be planted up along Main Street. The setback of the building will be 100 feet. They have incorporated everything that the board asked them to do at the last meeting. As far as the construction timetable - if this project gets started in the next couple of weeks, it will take a couple of months - 60 to 90 days. They have done the injection wells. This building will be built slab on

Page 2002-59

grade. Pat Powers asked about the lighting. The lights are low lights that only shine on the parking lot. They will be shielded on the back. There will be a few security lights. The lights could be put on a timer. Pat asked about the hours of operation. They will work Monday through Friday, they need to work about 50 hours a week. They could work eight a.m. to six p.m. but they are on the work site at seven a.m. getting things set up. There will be two

weeks of hard mechanicals as far as site work. Other than that, this is one step up from building a house. The air conditioners will be behind the building and they will be shielded. Pat asked if they had made any progress with the additional parking arrangement with Mr. Freedman. Mr. Hale said he has talked to him, and is interested in talking to him again, but nothing formal has been done. Mr. Freedman is concerned that people will use the front of his lot when they come to the medical facility. They will not allow it to be used as an overflow parking area. Roy said the landscaping plan he reviewed is not the landscaping plan up there. Mr. Hale said this is more of a computerized version of that plan. Roy said he prefers the one that the landscape committee approved, ten feet is too narrow for pine trees. In five years they will be hanging into the parking lot. Juniper shrubs make an excellent hedge, and provides a better screen, and is easier to maintain. Mr. Hale said there will be a ground cover so they don't have to mow. Roy said they would like to see a curbed island around the 24" maple tree on the property to protect it. Mike Metzger asked where the septic system is located. Mr. Hale said it is in the rear of the building, and is a raised bed system. Joseph Floss asked the neighbors if they would like to comment. Mr. Richard Kellerman of Barton Road asked if the parking could be turned around and the parking could be toward the building instead of toward the neighbors. Mr. Hale said all the lighting for the parking lot would be flooding the neighbors homes. Mike Metzger said there isn't any reason they couldn't continue to shine in the same direction. Roy McCready said if they move the parking they would lose eight to ten parking spaces. Mrs. Popp asked why they couldn't do a fence instead of a berm. Joe said sometimes fences aren't very attractive after a few years. The Planning Board will accept the landscape committee's recommendation, but we may ask for some financial consideration in the event the shrubbery fails.

Page 2002-60

Mrs. Popp said she prefers a fence, with construction going on all summer it will be dusty, and noisy. Mrs. Popp said her husband works nights, and he sleeps at 7 a.m. Joe said unfortunately there is nothing in the code pertaining to a noise ordinance. Joe asked for notification to the neighbors just before the construction starts. Mr. Kellerman asked about the height of the building, it is 28 feet high. He is concerned about too much shade for their pools. Joe said it fits the ordinance. The Town Board may require a fence as

well as the landscaping. Mr. Kellerman asked what they will do with the snow. They will push it out the back past the dumpster, there is plenty of room in the back. The dumpster will be enclosed and there will be no medical waste - just typical trash. Pat Powers said the landscaping and fencing if there is any, would be one of the last things to be done. Mr. Hale said the landscaping wouldn't be put in until the final coat of blacktop is striped and completed.

ACTION:

Motion by Patricia Powers, seconded by Reas Graber. The Planning Board recommends development plan approval to the Town Board with the following conditions:

1. Conditions of the Town Engineer's approval.
2. Traffic Safety and D.O.T. approval.
3. Lighting directed to the parking lot.
4. Setback will be 100 feet - same as the Satellite Store.
5. Subject to .15 cents per square foot commercial open space fees.
6. 41 parking spaces.
7. Work hours 8 a.m. until 6 p.m. Saturdays half a day.
8. Fire advisory report
9. Approved landscape plan.

On the Question?

Roy McCready asked to add the following: screening on the east side is optional at this point - it could be shrubbery, fencing or a combination of both to the list of conditions.

10. Screening on the east side is optional at this point - it could be shrubbery, fencing or a combination of both.

On the Question?

Mike Metzger wanted to add that the curbed island around the maple tree on the approved landscape plan is included.

11. A curbed island around the maple tree to protect it.

Page 2002-61

ALL VOTING AYE. MOTION CARRIED.

ITEM IV
Dominic Piestrak
PURD

REQUESTS DEVELOPMENT PLAN APPROVAL FOR SPAULDING LAKE PHASE IV, PART III. (3 LOTS)

ITEM V
Dominic Piestrak
PURD

REQUESTS DEVELOPMENT PLAN APPROVAL FOR SPAULDING LAKE PHASE IV, PART IV (17 LOTS)

Joseph Floss read the requests for Item IV as well as Item V. Joe apologized to the applicant, he tried to get him on

the phone. We have a dilemma, due to the lack of the Engineer's approval. We need to talk about a misconception we had yesterday morning regarding the three lots versus four lots. We think it needs to be posted the next time as four lots. Joe Latona was concerned that there was nothing in writing from you to the Highway Superintendent as of yesterday. As of today, some of these things were resolved. Joe was prepared to give us the written approvals, but unfortunately he didn't. Dominic said the only reason he is putting in this section, is because we have a group of people who want to become Clarence residents. They want either a lot and a half or two lots. It is an inconvenience to them. Joe said he has a much better understanding in regards to the three lots versus four. But it should be four on the agenda. Dominic said there are seventeen lots on the concept, I think I will wind up with ten or eleven. That is why I am willing to put the fifty thousand up front to have the flexibility.

ACTION: Motion by Patricia Powers, seconded by Frank Raquet to table the motion until the next Planning Board meeting.

ALL VOTING AYE. MOTION CARRIED.

ACTION: Motion by Frank Raquet, seconded by Reas Graber to table the motion until the next Planning Board meeting.

Motion to Reas Graber, seconded by Roy McCready to adjourn the meeting at 9:35 p.m.

Meeting adjourned.
Joseph Floss, Acting Chairman