

**PLANNING BOARD MINUTES**

**August 21, 2002**

**AGENDA 8:00 P.M.**

Roll call  
Minutes  
Sign review  
Update on pending items  
Miscellaneous  
Agenda items  
Communications

**ITEM I  
Tom Hollander  
Agricultural**

**REQUESTS CONCEPT PLAN REVIEW (FOR REFERRAL TO MUNICIPAL REVIEW COMMITTEE) FOR GABLES ON THE GREEN.**

**ITEM II  
Vinecroft Residence  
PURD**

**REQUESTS DEVELOPMENT PLAN APPROVAL FOR ADDITION OF THREE DUPLEXES TO EXISTING FACILITY LOCATED AT 6015 NEWHOUSE ROAD.**

**ITEM III  
Bristol Home  
PURD**

**REQUESTS DEVELOPMENT PLAN APPROVAL BRISTOL HOME ADULT CARE FACILITY - 84 UNITS LOCATED ON CLARENCE CENTER ROAD AND NEWHOUSE ROAD. (PHASE II OF VINECROFT SENIOR FACILITY)**

**ITEM IV  
Philip DeSimone  
Residential A**

**REQUESTS DEVELOPMENT PLAN APPROVAL FOR FOUR LOTS ON EXTENSION OF BONCREST WEST.**

**ITEM V  
Don Peronne  
Agricultural**

**REQUESTS CONCEPT PLAN APPROVAL FOR FOREST BROOK FARMS - A 16 LOT SUBDIVISION LOCATED ON THE EAST SIDE OF STRICKLER ROAD NORTH OF GREINER ROAD.**

**ITEM VI  
Towne BMW  
Commercial**

**REQUESTS CONCEPT PLAN APPROVAL FOR A 6020 SQUARE FOOT BUILDING AT 8215 MAIN STREET.**

**ITEM VII  
Dr. Michael Bloom  
Commercial & Agricultural**

**REQUESTS RE-ZONING OF REAR PROPERTY FOR 1200 SQUARE FOOT ADDITION TO THE BUILDING UNDER CONSTRUCTION AT 9095 MAIN STREET.**

**ITEM VIII  
Neil Buono  
Commercial  
ITEM IX**

**REQUESTS CONCEPT PLAN APPROVAL FOR A NEW BUILDING FOR THE MILLIONHAIR SALON LOCATED AT 8180 WEHRLE DRIVE.  
REQUESTS APPROVAL FOR A 33 CAR**

**Erie & Niagara Insurance  
Commercial**

**PARKING LOT EXPANSION FOR THE  
EXISTING BUSINESS AT 8800 SHERIDAN DRIVE.**

**ITEM X  
Orazio's Restaurant  
Commercial**

**REQUESTS CONCEPT PLAN APPROVAL FOR  
3067 SQUARE FOOT ADDITION TO EXISTING  
RESTAURANT LOCATED AT 9415 MAIN STREET.**

**ATTENDING: Harold K. Frey  
Joseph Floss  
Patricia Powers  
Reas Graber  
Frank Raquet**

**INTERESTED  
PERSONS:**

**Erik Milbrath  
Tim Englert  
Councilman Bylewski  
Rebecca Bylewski  
Dolores Liebner  
Carol Minnick  
Ronald Walkowiak  
Judy Walkowiak  
Gary Russell  
Pat Russell  
Lilly Jewett  
Bryan Jewett  
Elaine Barone  
Frances Barone  
Janice Armitable  
Drew Steger  
Olga Martin  
William Schutt  
Mike Helbringer  
Paul Heist  
Bill Wincott  
Frank Downing**

**Steve Carmina  
Bob Lowe  
James Hartz  
James Callahan  
Kathryn Tiffany  
Tom Hollander  
Joe Strapason  
Susan King  
Cesare Banach  
Dr. Michael Bloom  
Neil Buono  
Bob Conway**

**MINUTES**

**Motion by Reas Graber, seconded by Frank Raquet to  
approve the minutes of the meeting held on July 17,  
2002 as written.**

ITEM I  
Tom Hollander  
Agricultural

REQUESTS CONCEPT PLAN REVIEW (FOR  
REFERRAL TO MUNICIPAL REVIEW COMMITTEE)  
FOR GABLES ON THE GREEN.

DISCUSSION:

Chairman Frey said that this project has been before the board several times, and the Planning Board has taken many trips to the property. At this point the Planning Board feels that in order to give this project a yes or a no vote, that it needs to be sent through the rest of the reviews. Reviews will be conducted by the Municipal Review Committee, the Traffic Safety Committee, Fire Advisory, the DEC, and the Town Engineer. They have made some changes on their plans. The Planning Board feels it is time to move this on through the rest of the process. They will come up with the final answers we need to make a decision on this project. Joe Floss said on June 26, 2002 he suggested sending this to MRC, Fire Advisory, and Traffic Safety to gather more information before we make any decision. Since that meeting we have received a synopsis of concerns from the residents which includes fresh water service, sanitation system, forest preservation, traffic impact, air, water and noise pollution, construction damage, school system impact, financial impact to Clarence, financial impact to area residents near the project site, rezoning to PURD, and endangered species. What makes this report unique is that it not only identified their concerns, but it also identified potential remedies or ways to mitigate their concerns. I move to send this project on to the Municipal Review Committee with specific instructions that this report is reviewed by them, and to address all of the relevant issues raised in this open letter petition that we have received. Further I move to send this project to the Traffic Safety Board for review, as well as the Fire Advisory Committee, and any and all involved or interested agencies that will have to be identified in the SEQR process.

ACTION:

Motion by Joseph Floss, seconded by Patricia Powers to send this project to the MRC, Fire Advisory, and Traffic Safety Board.

On the Question?

Chairman Frey said AI would like to say to those who prepared this statement, it is one of the finest statements

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that has ever been presented to the Planning Board. Someone put some real thought and some real work into it.

I would like to back up Joe Flosses thoughts and feelings that all of these things will be addressed before any development plan will ever take effect. There are some other things such as a limited partnership on the sewer system with the Town Board which comes under the sanitation system. That has to be done, because the DEC did make the statement that they would not approve this until that contract was in order. We have not even approached the Town Board or questioned them as to what their thoughts or feelings will be on this. I have no idea how they will handle that. But, there are lots of questions, and we need lots of answers.

ALL VOTING AYE. MOTION CARRIED.

ITEM II  
Vinecroft Residence  
PURD

REQUESTS DEVELOPMENT PLAN APPROVAL  
FOR ADDITION OF THREE DUPLEXES TO  
EXISTING FACILITY LOCATED AT 6015 NEWHOUSE  
ROAD.

DISCUSSION:

Chairman Frey said AWe have looked at this project before, and discussed it and we now have Health Department approval and the Town Engineer Joe Latona=s approval. We have a letter from Bristol Homes saying they do not mind it being so close. Everything is in order. We would like to discuss one point however, and that is the rails to trails. We are still looking for an easement through there, and they have stated that they are in favor of it, and are willing to grant this. This will be along with our motion, that they have made these statements, and that they are willing to do this.@ Pat Powers said there was a memo in the file from David Metzger indicating that there had been some complaints out there about lighting from neighbors. I would like to make sure that it is addressed.

ACTION:

Motion by Patricia Powers, seconded by Reas Graber. The Planning Board recommends to the Town Board development plan approval for three additional duplexes at Vinecroft Residence located at 6015 Newhouse Road.

ALL VOTING AYE. MOTION CARRIED.

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ITEM III  
Bristol Home

REQUESTS DEVELOPMENT PLAN APPROVAL FOR  
BRISTOL HOME ADULT CARE FACILITY - 84 UNITS

PURD

LOCATED ON CLARENCE CENTER ROAD AND  
NEWHOUSE ROAD. (PHASE II OF VINECROFT  
SENIOR FACILITY)

DISCUSSION:

Chairman Frey said AAgain, we have been through all of the agencies, we have all the approvals. We have the Town Engineers approval. We have fine tuned this, we would recommend this with the assurance that the developers of Bristol Homes know that we will be looking for a bike path down through the easterly side. We would like to keep it on the inside of the buffer line that is there. There is an old fence line there that we do not want torn out, we want to use it as a buffer and we just want the understanding that this will be granted - that we will get an easement to do that down through there. The open space and recreation fees will be set by the Town Board. Joe said he would like a letter for the file regarding the bike path easement. Bill Schutt said the bike path easement is actually shown on the site plan. Chairman Frey said the board would like to see a curved bike path with undulating turns - not sharp turns.

ACTION:

Motion by Reas Graber, seconded by Harold Frey. The Planning Board recommends development plan approval for Bristol Home Adult Care Facility - 84 units located at Clarence Center Road and Newhouse Road.

ALL VOTING AYE. MOTION CARRIED.

ITEM IV  
Philip DeSimone  
Residential A

REQUESTS DEVELOPMENT PLAN APPROVAL FOR  
FOR FOUR LOTS ON EXTENSION OF BONCREST  
WEST.

DISCUSSION:

Chairman Frey asked Engineer Paul Heist to point out the four lots in this phase. They are lot numbers 3, 4, 21, & 22. There is a letter coming from the Army Corps of Engineers regarding the delineation of the wetlands. The Town Engineering Department has given approval with conditions.

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ACTION:

Motion by Joseph Floss, seconded by Reas Graber. The Planning Board recommends development plan approval to the Town Board for four lot extension of Boncrest West.

with appropriate recreation and open space fees to be paid for at the time of the building permit.

ALL VOTING AYE. MOTION CARRIED.

ITEM V  
Don Peronne  
Agricultural

REQUESTS CONCEPT PLAN APPROVAL FOR  
FOREST BROOK FARMS - A 16 LOT SUBDIVISION  
LOCATED ON THE EAST SIDE OF STRICKLER  
ROAD NORTH OF GREINER ROAD.

DISCUSSION:

Chairman Frey said this can't be called a subdivision, it is a road extension for a private road. You will be allowed to develop so many homes a year due to New York State law. What happens here, because you will not get Health Department approval for a full subdivision, you will have to call it a street. You will be allowed to build four lots every three years if they are under five acres. If they are over five point one acres they are not counted as a residential building lot by the Health Department. The road will come off of Strickler Road. They will all have individual septic systems. This project received concept plan approval four years ago, this is a revised concept plan, and revised wetland because the wetland expired with everything else. A negative declaration was granted on February 13, 2002. Joe asked what protective mechanism they intended to use to protect the wetlands in the back. Bob Reggentine said they can deed restrict the purchasers from cutting down trees etc in those areas. This project encompasses approximately 35 acres. Chairman Frey said the project across the street on Strickler Road has to have all their wastewater contained on each lot, and not be tied to the road ditch or the storm sewer in order to function. Each lot is going to have to have its own engineering, its own system provided, stamped and approved in order for this to happen. The Town Engineer came in on the last project across the street and really got into it, and this is how we decided we could handle that project. We feel this one is so similar right across the street and down a little bit, we would put the same conditions on each one. When the Town is spending millions and

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millions of dollars for sewer abatement between the line going up and the sewer project in Clarence to keep Ransom Creek clean, the Town Engineer felt we needed to address these situations at hand right now. Just so you know up front what is going to be required. This project will be

subject to the open space and recreation fee.

**ACTION:** Motion by Reas Graber, seconded by Patricia Powers. The Planning Board recommends revised concept plan approval for sixteen lots located on the east side of Strickler Road north of Greiner Road.

ALL VOTING AYE. MOTION CARRIED.

**ITEM VI**  
Towne BMW  
Commercial

REQUESTS CONCEPT PLAN APPROVAL FOR A  
6020 SQUARE FOOT BUILDING LOCATED AT  
8215 MAIN STREET.

**DISCUSSION:** Chairman Frey said AYou are very close to the homes on the rear of this property with your building. How much land do you have behind it?@ Bill Wincott, the Engineer for the project said there will be 200 feet from the rear of the building to the property line. This building will be strictly for detailing and storage. There will not be any collision work, no painting, no body work. The detailing has been done in two bays, but they need those bays for service work. The two storage trailers outside will no longer be needed when this building is built. They will be removed from the property. They store tires for their customers in the winter. The buffer will be extended along the building. The entrance door is facing north to cut down on noise, in consideration for the neighbors. They will have security level lighting and it will be downcast lighting. Harold said some neighbors had complained about the existing lighting Mr. Wincott and Mr. Downing said they would be happy to install shields on the existing lights. The hours of operation will be 8 a.m. until 5 p.m. Monday through Friday.

**ACTION:** Motion by Patricia Powers, seconded by Joe Floss. The Planning Board recommends to the Town Board concept plan approval for a new 6020 square foot building at 8215 Main Street.

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Joe Floss amended the motion to include that the Planning Board recommends a negative declaration on the SEQR to the Town Board. Patricia Powers agreed to amend the motion.

ALL VOTING AYE. MOTION CARRIED.

ITEM VIII  
Dr. Michael Bloom  
Commercial & Agricultural

REQUESTS RE-ZONING OF REAR PROPERTY  
FOR 1200 SQUARE FOOT ADDITION TO THE  
BUILDING PRESENTLY UNDER CONSTRUCTION AT  
9095 MAIN STREET.

DISCUSSION:

Dr. Bloom is requesting an addition to the building under construction at the present time. Patricia Powers asked how will the addition affect the placement of the septic system? Cesare Banach said they are just going to move it back. They are going to move it back thirty feet, and re-design the underground mechanicals. Pat asked if additional drainage would be required for the addition. Cesare said they have two injection wells on the property right now, where one would have sufficed. At the last several meetings there was discussion about negotiating for additional parking with a neighboring business. Where does that stand? Cesare Banach said AWith this new additional property, they will not need the neighbors property. They bought the additional land from Paul Stephens, and there is room for 20,000 square feet of parking. Pat said AAt the last meeting when you came in for development plan approval you said you did not have any intentions of re-zoning the rear of the property.@ Cesare Banach said this came up when AWindsong@ said they would like to put in some additional diagnostic equipment, and they would need additional space. Paul Stephens is a patient of Dr. Bloom, and he said he would be willing to sell him some of his property for the additional parking that would be necessary. This all transpired at one time. Pat asked what plans for additional buffering would you have for the neighbors that back up to the property. They would extend and widen the berm for buffering the neighbors. They would still keep the parking they have in front. The berm in front will be thinner and then widen out in the back of the additional parking. The neighbors that back on to this property were all sent notices of the meeting

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tonight. Frank asked what they will re-zone to. Cesare said that they had talked about restricted business. Joe Floss said he would be reluctant to re-zone this to commercial, for any future owner. He would be willing to look at this as restricted business. Joe asked if they could eliminate the parking on the east side. Cesare said they

would like to keep that parking close to the building. Joe asked what the percentage of green space is. Harold Frey said it looks like a little over 20%. The Planning Board would like to see 25% - that is the goal. Frank Raquet said he would like to see the parking in the front eliminated, and moved over to the side so there would be more green space in front. Joe asked if re-zoning to restricted business would be considered spot zoning. Jim Callahan said that the master plan recommends restricted business, so it would not be considered spot zoning. Joe said he felt it should be sent to the MRC for review due to the re-zoning.

**ACTION:**

Motion by Patricia Powers, seconded by Joseph Floss. The Planning Board recommends sending this project back to the MRC, Fire Advisory, and Traffic Safety Board. Joe Floss said he would like to identify that the parking lot has been re-configured.

**ALL VOTING AYE. MOTION CARRIED.**

**ITEM VIII  
Neil Buono  
Commercial**

**REQUESTS CONCEPT PLAN APPROVAL FOR A NEW  
BUILDING FOR THE MILLIONHAIR SALON  
LOCATED AT 8180 WEHRLE DRIVE.**

**DISCUSSION:**

Bob Conway is the architect for the project. The building will be plus or minus 2000 square feet. It will be constructed to the rear of the existing residential property. The site plan indicates that the new building sets behind a parking lot which is part of the proposed project. The parking lot will have seventeen spaces for the hair salon. They are proposing a driveway for going into the salon, and another driveway for exiting the salon. An easement has been granted by the Golf Dome for the use of an existing gravel parking driveway. They have had conversations with the Town Engineer regarding drainage, and the early indications are he will permit us to sheet drain this into the development of a swale. We will have to drill a drainage

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well to drain this swale. We are looking at creating a berm to the west which would segregate them from the residential property. There is a two story two family residence that will remain on the property, and a garage that exists for the tenants. Pat Powers read the approval from Fire Advisory and the conditions that were on the approval. Reas Graber asked why are we going with two

exits on to Wehrle Drive. Generally, the fewer exits the fewer accidents. Why not have a two way driveway? Joe Floss said the executive committee brought this up to the applicant as well and encouraged it as well, but we ultimately said or one way in or one way out if that flows better. It is a tight lot, he got an easement for the second driveway to the east from the Gold Dome as a quid pro quo from the rear easement they granted him in the past. After more discussion it was decided the best solution would be to widen the driveway on the east side so the cars can enter and exit on that driveway. The existing driveway on the west side would be just for the people who rent the apartments on this parcel. Pat asked how they are intending to buffer the neighbor to the west. They will have to submit a landscaping plan as well as a rendering of the building before they come back for development plan approval. The signage is a separate issue handled through the Planning and Zoning office. This project will be subject to the open space fee.

**ACTION:**

Motion by Patricia Powers, seconded by Joseph Floss (with the amendment that it include the recommendation of a negative declaration by the Town Board) The Planning Board recommends concept plan approval for the Millionhair Salon at 8180 Wehrle Drive to the Town Board.

**ALL VOTING AYE. MOTION CARRIED.**

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**ITEM IX**  
Erie & Niagara Insurance  
Commercial

**REQUESTS CONCEPT PLAN APPROVAL FOR A 33  
CAR PARKING LOT EXPANSION FOR THE  
EXISTING BUSINESS LOCATED AT 8800 SHERIDAN  
DRIVE.**

**DISCUSSION:**

Chairman Frey said there is a letter from the Town

Engineer stating his approval with the following conditions:

1. The proposed storm drainage wells must be constructed, inflow tested, certified to the Engineering Department and an EPA Injection Well Inventory application completed and submitted to EPA before commencing with site work.
2. A Private Improvement Permit from the Engineering Department is required for the pavement and storm drainage prior to construction. Pat Powers asked how much of the buffered area will remain intact. Steve Carmina said the intent is to only take trees down as far as they need to go to re-grade for the parking area. They will probably have to go in to the trees about thirty feet. When they built the building they agreed not to come any closer than seventy feet. The additional landscaping will be exactly what they have there now in the present parking area. Bradford Pear trees, compact burning bushes, and some crab apples. That would be constructed on the north side of the parking lot and around the east and west side.

**ACTION:**

Motion by Frank Raquet, seconded by Joseph Floss. The Planning Board recommends a negative declaration for this project and approval for a 33 car parking lot expansion for the existing business at 8800 Sheridan Drive to the Town Board.

ALL VOTING AYE. MOTION CARRIED.

**ITEM X**  
Orazio's Restaurant  
Commercial

REQUESTS CONCEPT PLAN APPROVAL FOR A  
3067 SQUARE FOOT ADDITION TO THE EXISTING  
RESTAURANT LOCATED AT 9415 MAIN STREET.

Motion by Frank Raquet, seconded by Joseph Floss to table this item. The applicant was not present.

Meeting adjourned at 9:45 p.m.  
Harold Frey, Chairman