

PLANNING BOARD MINUTES

July 17, 2002

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

AGENDA 8:00 P.M.

ITEM I

Gary Ferrara
Industrial

SBA TOWER REQUESTS SITE PLAN APPROVAL FOR CONSTRUCTION OF A 20' EXTENSION TO EXISTING 150' TELECOMMUNICATIONS TOWER LOCATED AT 9975 COUNTY ROAD.

ITEM II

Mark Zagger
Agricultural

CINGULAR / PYRAMID TELECOMMUNICATIONS REQUESTS CONSTRUCTION OF A 150' TOWER AT 8490 COUNTY ROAD.

ITEM III

Philip DeSimone
Residential A

REQUESTS DEVELOPMENT PLAN APPROVAL FOR A FOUR LOT ROAD EXTENSION AT BONCREST WEST.

ITEM IV

Noel Dill/Paul Stephens
Commercial

REQUESTS DEVELOPMENT PLAN APPROVAL FOR FULL BUILD OUT OF ROCK OAK WEST (145) LOTS AT 10065 MAIN STREET.

ITEM V

Rob Scofield
Commercial

REQUESTS CHANGE IN USE FROM VACANT PROPERTY TO COFFEE SHOP LOCATED AT 10837 MAIN STREET. (FORMER MAZIA'S PIZZERIA)

ITEM VI

Roy Jordan
Commercial

REQUESTS CONCEPT PLAN APPROVAL FOR CONSTRUCTION OF A 99,000 SQUARE FOOT PROFESSIONAL OFFICE COMPLEX AT 8209 MAIN STREET.

ITEM VII

Calamar Builder
Commercial

REQUESTS CONCEPT PLAN APPROVAL FOR A 37,081 SQUARE FOOT MEDICAL OFFICE BUILDING AT 4725 TRANSIT ROAD (OFF SHERIDAN DRIVE ON THE EASTERN HILLS MALL ACCESS ROAD)

ATTENDING:

Harold Frey
Joseph Floss
Michael Metzger
Reas Graber
Roy McCready
Frank Raquet
Patricia Powers

INTERESTED PERSONS:

Gary Ferrara
Noel Dill
Francis Kennedy
Councilman Scott Bylewski
Harold McNeil
Rob Schofield
Sean Hopkins
John Crawford
Emily Crawford
Katherine Plaisted
Rebecca Bylewski
Deputy Supervisor Anne Case
James Callahan
James Hartz
Kathryn Tiffany

MINUTES

Motion by Reas Graber, seconded by Joseph Floss to approve the minutes of the meeting held on June 26, 2002 as written.

Mike Metzger	Not present
Reas Graber	AYE
Roy McCready	AYE
Harold Frey	AYE
Joseph Floss	AYE
Frank Raquet	AYE
Patricia Powers	ABSTAINED she was absent from that meeting

MOTION CARRIED.

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ITEM I

Gary Ferrara
Industrial

SBA TOWER REQUESTS SITE PLAN APPROVAL FOR CONSTRUCTION OF A 20' EXTENSION TO EXISTING 150' TELECOMMUNICATIONS TOWER LOCATED AT 9975 COUNTY ROAD.

DISCUSSION:

Chairman Frey stated that this item has been to the Board of Appeals and they received a variance for the increased

height of twenty feet and also a variance for the fall zone of four point one foot (4.1'). The Planning Board requested that the tower would be inspected and brought into compliance. Pat Powers said she was happy to see that an inspection was done. She would have preferred that an independent engineer inspect the tower, not one that is associated with the owner of the tower. However, their report did site that there will be reinforcement required to accommodate the extension of the tower. Part of our ordinance states that a copy of the inspection report should go to the Town Engineer. Did that happen? Mr Ferrara said he submitted one to Jim Callahan with a cover letter. Also Pat said as part of our motion that tower will be required to be inspected every two years from now on. Pat asked who would sign off on the work that is being done. Chairman Frey said he thought the Town Engineer would have to sign off and also inspect the tower. Pat said the variance you received from the ZBA allows you to have a free fall zone in all directions for the finished height of the tower. Mr. Ferrara said the tower of 170 feet actually - if it were to fall vertically would fall 4.6 feet onto the adjoining property. Mr. Ferrara said the extension to the tower has to be constructed with a weak point so if it was to fail, it would collapse on to itself and fall within the property. Mr. Ferrara said he also submitted a letter to Mr. Callahan from Spectra Site stating their intentions to comply with the existing ordinance and bring the tower into compliance. Joe Floss asked if the additional height would increase the eventual cost of the demolition? Spectra Site is looking into that at the present time, and will get an estimate in time for the Town Board meeting. It will be more than \$20,000. Frank asked if there would be a light on the tower. Mr. Ferrara said it is not required, and there will not be a light.

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ACTION:

Motion by Patricia Powers, seconded by Reas Graber. The Planning Board recommends site plan approval for the construction of a twenty foot (20') extension to the existing one hundred fifty foot (150') telecommunications tower located at 9975 County Road to the Town Board with the following conditions:

1. A copy of the inspection report be submitted to the Town Engineer before this goes to Town Board.

2. The tower will be inspected every two years from here on with a copy of the report submitted to the Town Engineer.

3. Agreement on the demolition bond will be worked out before going to the Town Board.

ALL VOTING AYE. MOTION CARRIED.

ITEM II
Mark Zagger
Agricultural

CINGULAR / PYRAMID TELECOMMUNICATIONS
REQUESTS CONSTRUCTION OF A 150' TOWER AT
8490 COUNTY ROAD.

This item was removed from the agenda at the applicants request.

ITEM III
Philip DeSimone
Residential A

REQUESTS DEVELOPMENT PLAN APPROVAL FOR
A FOUR LOT ROAD EXTENSION AT BONCREST
WEST.

This item was removed from the agenda due to insufficient information from the Erie County Health Department.

ITEM IV
Noel Dill/Paul Stephens
Commercial

REQUESTS DEVELOPMENT PLAN APPROVAL FOR
FULL BUILD OUT OF ROCK OAK WEST (145) LOTS
AT 10065 MAIN STREET.

DISCUSSION:

Chairman Frey said "We have checked the design and the design is okay as we have approved it. We have the Town Engineers approval with no conditions put on it, all it says is approved as submitted. We have a negative declaration on the whole project from the Municipal Review Committee, the DEC has a letter of approval as well as Fire Advisory and Traffic Safety. There are a couple of things we need to talk to you about. In our ordinance it states that we have to have some idea when you are going to build the

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clubhouse. Also, community spaces - how much there is, where it is - and when these things are going to happen" Mr. Dill they have segregated off on the map where the clubhouse will be located. They have incorporated plans for the parking in it. They anticipate construction of the clubhouse once they reach one hundred residences. Our goal is to have 100 homes on site by the end of this year. By next spring we should have 100 residences, then we will start construction of the clubhouse. Because of the nature

of this project, the fact that there were no public sewers, we had to expend a great deal of money in order to build sewer facilities in the back.. Right now, we have approximately 65 certificates of occupancy. Some of those are models, we have about 58 residences. Chairman Frey said there are some trailers parked in the green space from Visone. Are they on your property? Visone has committed to making sure that when we get to that stage of construction, none of his trailers will remain. He is doing some rock milling for us. Jim Hartz said “Those trailers are going to have to be moved as soon as possible. Visone Brothers are in court right now for the vehicles. We had verbal agreements with the Visone Brothers that they would be out of here a long time ago, and they have not been moved. So, they will have to be moved as soon as possible.” Mr. Dill said if that is in the Towns interest, we will support that. He wasn’t aware that there was a summons issue. Chairman Frey said he didn’t think the Town Board would want to approve this with those trailers on the green space. Mr. Dill said he would take care of it, he wants to go for Town Board approval next week. There was a discussion on the sign that Rock Oak is presenting. Champion Homes is paying for the sign, and they have their logo on the sign. There are two lines for changeable copy for announcements for the community. It is forty four square feet. They received a variance for the size of the sign. It will replace the existing sign.

ACTION:

Motion by Roy McCready, seconded by Reas Graber. The Planning Board recommends development plan approval to the Town Board for full build out of Rock Oak West (145 lots) at 10065 Main Street with the following conditions:

1. When 100 units are installed and certificates of occupancy are given, the clubhouse will be started and completed in a reasonable amount of time.

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2. All trailers owned by Visone will be removed from the green space by the time the Town Board will vote on this item with Jim Callahan or Jim Hartz checking on this to make sure they are gone.

3. \$250.00 open space fee per unit.

Mike Metzger ABSTAINED He arrived just before the vote was taken.

Reas Graber AYE

Roy McCready AYE

Harold Frey AYE
Joseph Floss AYE
Frank Raquet AYE
Patricia Powers AYE

MOTION CARRIED.

ITEM V
Rob Schofield
Commercial

REQUESTS CHANGE IN USE FROM VACANT
PROPERTY TO COFFEE SHOP LOCATED AT 10837
MAIN STREET. (FORMER MAZIA'S PIZZERIA)

DISCUSSION:

Chairman Frey said there are only 7 parking spaces instead of the required eight. Have you reached an agreement with the neighbor for employee parking. Mr. Schofield has a signed agreement with Eric and Kathy Finch of 10836 Main Street signed July 5, 2002. Chairman Frey said that as soon as the sewers go in, he can tie into the sewer, then he can push that mound off, flatten everything out, crush his septic tank, and have parking back there. Patricia Powers asked Mr. Schofield if he had any intentions of having outdoor music at this facility. He said "Yes." He is contemplating outside dining as well. This would require a temporary conditional permit, which he could apply for in the future. Joe Floss asked Mr. Schofield "Would you consider donating or selling this piece of property to the Town for a public parking lot?" Mr. Schofield said "I offered it to the Town at fair market value two or three years ago, and I received no response. So, that is when I started pursuing this as a café about a year ago. If the price is right, sure." Chairman Frey said "It would be a classic spot for a parking area, we need it so bad in that area." There would be a one way entrance and exit with the seven parking spaces in the back. Pat Powers asked what hours he would be open.

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Rob said 6 a.m. until 10 p.m. on week nights, 6 a.m. until 12 a.m.

ACTION:

Motion by Michael Metzger, seconded by Roy McCready to recommend approval to the Town Board for a change of use from a vacant building to a coffee shop at 10837 Main Street with the following conditions:

1. Hours of operation would be 6 a.m. until 10 p.m. on week days and 6 a.m. until midnight on week ends.

2. When sewers come in he will increase the parking in the rear of the building.
3. He has presented a letter from the neighbors for employee parking.
4. Parking will be one way in and one way out.

On the Question?

Mike Metzger said “I just want to state I did make the motion, but I am not typically in favor of moving a project forward if there are parking issues. But, considering there are so few opportunities in Clarence Hollow as well as Clarence Center for businesses to have proper parking. We do want these two areas to thrive, I personally am willing to move forward with this project with the conditions that were stated.”

Joe Floss said “I would like to concur with Mike, I have serious reservations about the traffic and the control of traffic. The fact that two curb cuts are so close together. I feel like you have some problems that were handed to you such as setbacks, and your ability to do much with the property. I would prefer, as I have indicated to you in prior discussions to see you remove the building, and have the parcel spruced up and used for public parking. In the event, that the Town Board finds that to be a better use, and offers you something with it ultimately, or offers you something for it ultimately, so be it.”

ALL VOTING AYE. MOTION CARRIED.

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ITEM VI
Roy Jordan
Commercial

REQUESTS CONCEPT PLAN APPROVAL FOR
CONSTRUCTION OF A 99,000 SQUARE FOOT
PROFESSIONAL OFFICE COMPLEX AT 8209 MAIN
STREET.

DISCUSSION:

This project was represented by Sean Hopkins of Renaldo Meyer. Chairman Frey read the approvals. The NYSDOT desires a traffic study. Mr. Jordan has moved the setback of the building to 35 feet, he has done a tree survey on the lot lines. They have talked about a landscaped buffer, he has agreed to plant pine trees or a fence. He has verified that the sewer is in the right place, and is okay. They talked to him about moving the dumpster, and he would

rather do some extensive landscaping and fencing so it is centrally located for the whole complex. They talked to him about putting a sidewalk on the edge of the road going out to Main Street, so that on nice days, people from the project could walk across the street to the restaurants. He moved the building on the east side back 35 feet along with the parking. The only other thing that Mike asked him about is the issue of a 294 foot building. Mr. Hopkins said they did reduce the size of that building to 272 feet, reducing the building from 18,000 square feet to 16,000 square feet. They are well aware of the DOT issue. We would ask that you give us concept plan approval, and we will go back and meet with the DOT. If they do ultimately require the traffic study, we will have to do it of course. There are a couple of neighbors here tonight, and I have met with them as well as Mr. Jordan, I think the consensus at this point in time, is that they would like to see as much vegetation and trees preserved as possible. They are willing to enhance that with some additional evergreen trees. Most of the neighbors have expressed a preference to not install a fence. I think everyone is familiar with Mr. Jordan's product. It will be a single story, all brick, with sloped roofs, very similar to projects he has built in Amherst. Reas Graber asked how was it left with the sidewalks there? Chairman Frey said "I think what we talked about doing there is just building the road wider, and just putting a white line down and if the road was built wider, it would always then be plowed. I think we were going to increase the road four feet and that would give them a walkway down the side, it would be like a bike path on the road on the main highway.

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Joe Floss said a designated pedestrian corridor – somehow identified whether it be stamped pavement with a white line. Chairman Frey said "There might even be some signage that says careful pedestrians walking here, or something to that effect. We will let him decide that." Roy McCready asked "What is the percentage of green space? It looks like an awful lot of pavement for this site." Sean Hopkins said he doesn't have the actual calculation, he will find that out before development plan. Roy said with a parking lot this long, the ordinance requires one of the islands to be a planting island. You will probably have an island in each one of these." Joe Floss said "Sean, we are seeking the cooperation of the project sponsor to pave or to allow access to a neighboring project Uncle Bob's Storage

Facility with a breakaway gate for fire access. He was receptive to that, but I don't think it was ever entered into any minutes. Sean said "Okay. So, we are looking for limited access - basically emergency." Roy asked what the name of the project is. At this time it does not have a name. Mike Metzger said there is a heavy thick brush stand along the east property line, which if you could work something out with the neighbors, that is fine. I am concerned about the west line, there are some beautiful hardwoods along that line. We need to check that against the footprint of the plan to make sure that we minimize the effect on these trees. There might need to be some adjustments made. Mike said he still has an issue with the building along the east property line. I think we need to move that building as far away from the property line, and I have had an issue with it's length. I have been pressing for that to be split into two smaller buildings to break it up with a ten foot maybe as much as a twenty five foot separation. I am still adamant about that unless I hear from the people who are directly affected by it, that they don't have a problem with it. Chairman Frey asked the homeowners if they had any questions. Mr. Crawford said he had brush and trees right behind his property. He wanted to know if the tree behind him was going to be saved. He would prefer that the tree and the brush stayed. It would be nice if they put some evergreens on the building side for the view during the winter months. They wouldn't mind if he waited until the building was finished before he planted the trees. They would like a tree survey overlaid on the property site plan, so they can make a better judgment. They would like

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to know what type of outside lighting there will be. Sean Hopkins said the back of the building will probably not have any lighting at all. The lighting will be at a reasonable height and it will be downcast lighting. The buildings will have typical office hours. Sean Hopkins said Mr. Jordan will continue to work with the neighbors and make sure they address their concerns.

ACTION:

Motion by Joseph Floss, seconded by Reas Graber. The Planning Board recommends concept plan approval to the Town Board for construction of a 99,000 square foot professional office complex located at 8209 Main Street with the following

On the question?

Mike Metzger said he would like to suggest a few conditions for the motion.

1. When the development plan comes in, it shows a minimum of 25% green space.
2. That the applicant works with the landscape committee on the east line buffer of natural vegetation and planted evergreens.
3. The applicant verify the sanitary sewer location, and move the east building further west if possible.
4. That a plan showing an overlay of the site plan on the tree survey depicting the adjacent property lines, and work with the Planning Board to adjust the site plan if it is needed to save significant trees. And further, that the tree survey reflect the species and size of the trees.
5. That the development plan provide emergency access as discussed to Uncle Bob's storage facility.

Joe Floss said he would be happy to amend his motion to include the conditions set forth by Mr. Metzger.

ALL VOTING AYE. MOTION CARRIED.

ITEM VII
Calamar Builder

Requests concept plan approval for a 37,081 square foot medical office building at 4725 Transit Road

This item was removed from the agenda by the applicant.

Motion by Patricia Powers to adjourn the meeting.

Meeting adjourned at 9:15 p.m.

Harold K. Frey, Chairman