

Clarence Planning Board Minutes
Wednesday, February 15, 2006

Work Session (6:30 PM)

- Roll Call
- Minutes
- Sign review
- Update on pending items
- Committee reports
- Zoning reports
- Miscellaneous
- Agenda Items

Agenda Items (7:30 PM)

Patricia Powers, Chairperson, called the meeting to order at 7:31 PM. Councilman Scott Bylewski led the pledge to the flag.

Planning Board Members Present:

Patricia Powers
George Van Nest
Phil Sgamma
Tim Pazda

Wendy Salvati
Jeff Grenzebach
Gerald Drinkard

Other Town Officials Present:

Councilman Scott Bylewski
James Callahan, Director of Community Development
James Hartz, Asst. Director of Community Development
David Donohue, Town Attorney
Councilman Patrick Casilio

Other Interested Parties Present:

Sean Hopkins
Rob Pidanick
Michael Hnat
Lori Winzenried
Joan Menichelli
Lisa Napierala
Gail Gillette

Fred Cimato
Kay Adamczak
Paul Winzenried
Gail Menichelli
Jim Englert
Steve Napierala

Motion by Gerald Drinkard, seconded by Phil Sgamma, to approve the minutes of the meeting held on January 25, 2006, as written.

Patricia Powers	AYE	Wendy Salvati	ABSTAIN
George Van Nest	AYE	Jeff Grenzebach	AYE
Phil Sgamma	AYE	Gerald Drinkard	AYE
Tim Pazda	AYE		

MOTION CARRIED.

Item 1	Requests Preliminary Concept Review of a
Carl Frizlen	proposed Mixed-Use Development at 9435 Main
Agricultural Rural Residential	Street.

DISCUSSION:

Jim Callahan provides the history of the project. The project is located on the south side of Main Street and west of Goodrich Road. It consists of approximately 21.3 acres, zoned Commercial on the Main St. frontage and Agricultural Rural Residential to the rear. The applicant previously introduced a Mixed-Use Development to the Planning Board and was tabled base upon questions associated with the type of sanitary sewer service proposed and with the need for a Special Exception Use Permit. This represents the second time the Planning Board has had a chance to review the project.

There is no representative present for the project. Patricia Powers advises the Planning Board will go on to discuss Item 2 from the agenda to provide the applicant time to arrive.

Item 2	Requests Preliminary Concept Review for a
Creekwood Meadows	proposed Open Space Design at Roll Road and
Cimato Enterprises	Newhouse Road.
Residential Single-Family	

DISCUSSION:

Jim Callahan provides the history of the project. The project is located on the north side of Roll Road, west of Newhouse Road. The property consists of approximately 21.96 acres and is zoned Residential Single-Family. The applicant has submitted a proposed Open Space Design which was referred from the Town Board on December 21, 2005. This represents the presentation of the project to the full Planning Board.

Sean Hopkins of Hopkins, Garas & Sorgi PLLC is present and speaks to the Planning Board on behalf of the applicant, Cimato Enterprises. Fred Cimato is present along with Rob Pidanick from Greenman-Pedersen, Inc. Mr. Pidanick is the project engineer.

Sean Hopkins states the project is located on the northwest intersection of Roll Road and Newhouse Road. The lot has a Roll Road Tax ID Number and Roll Road will be the address of the site. The project site itself consists of 21.8 acres and the proposal is for a Residential Subdivision that consists of detached Single-Family homes on individual lots. The proposed use is permitted by the Zoning Code and consistent with Town’s Master Plan 2015, which depicts this site as being appropriate for low density residential. Updated density calculations have been submitted and the

applicant has met with the Planning Board Executive Committee who expressed their concerns relative to a portion of the calculations. The applicant has adjusted the calculations based on the concern reducing the number of lots from forty-seven to forty-one. The applicant has tried to incorporate the key aspects of not only the Open Space Design but the Subdivision Regulations as well. In terms of the Roll Road frontage, the Town has expressed an interest in preserving much of the frontage along major roads and arterials in the town. The plan shows a buffer area that would remain undeveloped of approximately 250 to 300 feet. The Town generally looks for at least 200 feet. The plan also shows access to a large majority of the open space and some type of recreational trail. The entire Gott Creek corridor will be preserved.

The applicant has retained a wetlands expert to conduct a wetland investigation of the property. The boundaries of the three wetland areas are indicated on the site plan. One is associated with the Gott Creek corridor, one along Roll Road and a third one in what would be the permanent open space. These are Federal Wetlands. If the wetlands can not totally be avoided, The Army Corp of Engineers requires the applicant to demonstrate that they have at least made an effort to minimize the impacts. The only impact on wetlands, currently shown on the site plan, is a roadway crossing of approximately .06 acres. This is a small enough impact that it does not require a permit from the Army Corp of Engineers, anything less than a tenth of an acre does not require a permit. The documentation will be submitted to the Army Corp of Engineers for their records.

Mr. Hopkins states that the applicant has designed the plan to try and maximize the distance between the proposed lots and the existing home, both along Roll Road and Newhouse Road. There are no cul-de-sacs. There is open space to the northwest and the applicant prefers that this area not be publicly accessible, it is a small area and irregular in shape.

Jeffrey Grenzebach asks if the road will be public or private. Sean Hopkins states it will be a private road.

Jeffrey Grenzebach asks if the pond is to scale or is it a rendering. Sean Hopkins advises that all the engineering has not been done yet. However, GPI has looked at the plan and they are comfortable with the representation of the pond in terms of size.

Gerald Drinkard advises that the trees on the property line start very abruptly. Sean Hopkins advises there are trees on site, concentrated along the creek corridor, which will be preserved.

Phil Sgamma asks how the portion of land to the northwest, the irregular, small portion, would have been accessible. Sean Hopkins advises the applicant would have had to provide some type of access, perhaps an easement.

Gerald Drinkard asks if there is some perspective as to where the road of the subdivision comes out. Sean Hopkins points out the location on the site plan that is on display.

Phil Sgamma asks what the frontage is on most of the lots. Sean Hopkins advises the frontage is approximately sixty feet.

Phil Sgamma asks if the applicant is looking at patio homes for this project. Sean Hopkins replies, "Yes."

Patricia Powers looks for confirmation that the plan that is on display is the same plan that was faxed today. Sean Hopkins advises, "Yes." The density calculation is on the full size plans that were submitted.

Jeffrey Grenzebach asks how the houses will be placed on the four center lots of the proposed plan. Sean Hopkins advises there will be some minimum setback established from the right-of-way. The houses will be located on the front portion of the project site. Although it will be privately owned, there will be some common green space. Mr. Cimato advised the Planning Board Executive Committee that he plans on recording a set of declaration restrictions that would prohibit fencing from being installed in this area.

Wendy Weber-Salvati looks for confirmation that the applicant has indicated the project site is in Sewer District Five, there is sewer available. Mr. Hopkins replies, "Yes."

George Van Nest looks at the aerial photo on display and asks if that is a drainage ditch along the west end of the property. Mr. Hopkins replies, "Yes." The drainage ditch is completely off the project site and there will be no impact on it.

Jeffrey Grenzebach asks if there will be any type of gateway on Roll Road. Mr. Hopkins will work with the Town but he would like to see some type of decorative landscaping.

Wendy Weber-Salvati asks in order to develop the detention basin how much of the woodlands will be impacted? Rob Pidanick advises that calculation has not been worked out yet, they are trying to work around the trees. The basin is represented on the plan but it has not been engineered yet.

Rob Pidanick points out that utilities, such as sewer and water, are available on the site. Internally it is a private street, private sewer and private water that would be maintained by an Association and the Town would not assume any responsibility for the maintenance.

Gerald Drinkard asks for clarification that there are no access or entrance points on Newhouse Road. Rob Pidanick advises the only access into the parcel is from Roll Road. Sean Hopkins states that if one were to propose an access road of Newhouse Road it would involve a crossing of the Gott Creek corridor, which the Department of Environmental Conservation does not prefer.

Wendy Weber-Salvati asks why lots one and two are not placed across from each other. Sean Hopkins advises there are two reasons:

- 1.) it makes sense to preserve a larger green space.
- 2.) the utilities can be run on one side to accommodate both lots.

Fred Cimato indicates that he and the other parties involved have worked very hard to cooperate with the Planning Board regarding the green spaces and everything else. He is doing the best he can as a developer and comes before the Planning Board with his "best foot forward".

Patricia Powers asks if there has been a meeting with the neighbors yet. Sean Hopkins has advised there has not been a meeting yet. At this time Patricia Powers opens the meeting to public participation, Sean Hopkins advises if anyone has questions he will address them, collectively at the end of the public participation portion of the meeting.

Steve Napierala of 8340 Roll Road speaks to the Planning Board. Mr. Napierala's major concern is that he will have five backyards facing his house; therefore, he will not have any privacy. Another concern is the amount of traffic that this project will create. With constant traffic he does not see what good the wetlands are. How are all these houses being built around him with sewers, when he doesn't have a sewer yet?

Nick Naples of 5576 Oak Dale Lane speaks to the Planning board. He wonders if the Planning Board has looked at the traffic patterns on Roll Road over the past couple years. He is concerned about the traffic with the increased developments in the area. What will happen to the width of Roll Road if it needs to accommodate more traffic? Mr. Naples asks that the Planning Board keep his traffic concerns in mind as this project moves forward.

Another resident of 8340 Roll Road speaks to the Planning Board. The concern is obtaining mail from the mailboxes that are across the street. With the traffic flow and no street lights it is very difficult to obtain the mail from the mailboxes. Speed is a concern as well as the road being narrow. How close are the homes going to be to the road? What size are the homes? How much of a backyard with the new homes have?

Lisa Napierala of 8340 Roll Road speaks to the Planning Board. Ms. Napierala is questioning if her property value will decrease once the project moves forward. She now has five lots touching her lot and she is wondering what that will do to the resale value.

Paul Winzenried of 8270 Roll Road speaks to the Planning Board. One of Mr. Winzenried's concerns is the traffic. His other concern is regarding the sewer; he is on a leach bed system now and would like to know what his chances are of obtaining a sewer as well.

Sean Hopkins advises the adjacent property owners that an Environmental Review pursuant to the State Environmental Quality Review Act must be completed regarding this proposal. During this review the Planning Board, the Municipal Review Committee and the Town Board will be looking at the potential environmental impacts which include traffic, wetlands, etc.

Sean Hopkins advises that what is proposed is expressly permitted by the Zoning Code. Nonetheless, he understands the concerns of adjacent property values. The proposal is for upscale patio homes, perhaps nothing less than two hundred and fifty thousand dollars per house. In terms of setbacks for lots one, two, three, four and five, the lots are approximately one hundred and fifty feet in depth. There is an established minimum front yard setback that Mr. Hopkins guesses would be approximately thirty to thirty-five feet. The depth of a typical patio homes is approximately forty feet. So this leaves a backyard of approximately eighty feet.

Sean Hopkins indicates they have several options for the sewer at this site. They will explore each option and will describe them to the Town in an upcoming meeting. If there was some way the existing sewer pipe could be extended to allow existing homes access to the sewer system the applicant is more than willing to discuss that.

Phil Sgamma asks if the applicant will use the sewers along Roll Road or along Newhouse Road. Sean Hopkins advises both options are available. The applicant will coordinate those plans with the Town Engineer.

Jeffrey Grenzebach asks if there was any thought of putting the pond in the middle of the project site. Rob Pidanick indicates that option was reviewed. However, the location of the pond on the current proposal is the best place due to the desire to have the discharge as close to the creek as possible, this also enables the project to have more green space in the backyards of the lots in the middle of the site. Sean Hopkins states that the Department of Environmental Conservation has enacted more stringent standards in terms of storm water run-off. The discharge from the pond to the creek has to be clean and meet very specific standards; Mr. Hopkins is referring to SPDES.

Jeffrey Grenzebach asks if there will be extra parking for the residents. Rob Pidanick states there will be room for two cars in the driveways of the lots; the road will be wide enough at twenty-four feet to allow visitors to park. Mr. Pidanick is considering a country gutter.

Patricia Powers states that the Planning Board is ready for a motion. Ms. Powers advises that the Planning Board needs further time to study the plan and the calculations that were received on February 15, 2006. The Planning Board previously requested a written statement indicating how this project fits into the Master Plan with a detailed explanation as to how the sewage/water is to be treated. The Planning Board also needs to review the yield calculations that were presented today. A Department of Environmental Conservation exceptive wetlands delineation is also required. Rob Pidanick advises there are no State wetlands on the site, there are Federal wetlands and they have been delineated and are shown on the plan. Ultimately, the applicant will need concurrence to accept the wetland delineation, but a permit will not be required based on the impact area.

Patricia Powers indicates that as soon as the Planning Board receives the requested information from the meeting of February 7, 2006 and has had time to review it, the applicant will be placed on the next Planning Board meeting agenda.

Sean Hopkins asks when the question on the density can be clarified. The project can not move forward until a consensus is reached on this aspect. Patricia Powers confirms that the current plan shows forty-one lots. The Planning and Zoning Department will prepare the density calculations as soon as possible and will forward a letter to Mr. Hopkins with the results. Mr. Hopkins requests a letter with supporting detail of the calculations.

Fred Cimato asks if the Planning Board can approve the development to move forward with a condition set. Patricia Powers advises the Planning Board needs time to review the plan. Mr. Cimato advises the design reflects the calculations set forth in the Open Space Design Code. Ms. Powers advises that the plan that was submitted in December 2005, had an error within the calculations. Mr. Cimato advises the error was corrected and the revised plan was submitted. Ms. Powers states the Planning Board needs time to review the revised plan, prior to making a decision.

Sean Hopkins asks if it is possible to attend an upcoming Executive Planning Board Committee meeting. Patricia Powers advises Mr. Hopkins that the Executive Planning Board Committee will expect Mr. Hopkins at the February 28, 2006 meeting at 10:00 a.m.

Fred Cimato asks if there will be a calculation or a formula brought up so everyone in the town knows what the green space area is going to be, the Board included. Mr. Cimato thinks this is the current problem. Gerald Drinkard advises the Zoning Law (229) it specifically identifies how the calculations should be made.

Wendy Weber-Salvati agrees with Gerald Drinkard and states that it appears the applicant did not take out ten percent for infrastructure, although the plan she is looking at is small and hard to read. Sean Hopkins will provide full size copies of the plan for all the Planning Board members.

Rob Pidanick advises he has gone through, as it is laid out in the code and made the appropriate deductions as he understands them.

Gerald Drinkard states that the yield will be on public record and must be correct.

ACTION:

Motion by Jeffrey Grenzebach, seconded by Gerald Drinkard, to TABLE Item 2 to allow the Planning Board time to review the most recent information submitted and to allow the applicant to provide the information requested, per previous discussions.

Patricia Powers	AYE	Wendy Salvati	AYE
George Van Nest	AYE	Jeff Grenzebach	AYE
Phil Sgamma	AYE	Gerald Drinkard	AYE
Tim Pazda	AYE		

ALL AYES. MOTION CARRIED.

Item 1

Carl Frizlen
Agricultural Rural Residential

Requests Preliminary Concept Review of a proposed Mixed-Use Development at 9435 Main Street.

DISCUSSION:

The applicant is not present. Patricia Powers asks Jim Callahan if the Planning Board can move ahead on this project without the applicant present. Jim Callahan indicates it is not generally the preferred method, but because this project is not moving forward but moving back to the Town Board, he feels it is in the Planning Board's authority to take that action. Timothy Pazda agrees. Wendy Weber-Salvati agrees as well and reads the following resolution into the record:

Whereas, The Frizlen Group, Architects, has submitted a site plan for a mixed use development, including office space and various occupancy types of housing at 9435 Main Street within the Town of Clarence, and

Whereas, 9435 Main Street is located within the Commercial Zoning Classification for a depth of 700' from the Main Street frontage, and

Whereas, there are no public sewers available at 9435 Main Street and the property is not located within any existing or proposed public sewer districts, and

Whereas, the Clarence Town Board had previously referred the proposed project to the Clarence Planning Board for review and comment, and

Whereas, a Special Exception Use Permit is required for the multiple-family residential portion of the development, and

Whereas, development of multiple ownership housing without public sewers will require the creation of a private sewer corporation with approval/involvement of the Clarence Town Board, and

Now Therefore Be it Resolved, by the Town of Clarence Planning Board, that the proposed project be referred back to the Clarence Town Board for action on the Special Exception Use Permit and a determination as to the type of sanitary sewer facilities to accommodate the project and as to the interest of the Town Board in proceeding with development of a private sewer corporation.

ACTION:

Motion by Wendy Weber-Salvati, seconded by Patricia Powers, to ACCEPT the above resolution.

ON THE QUESTION:

Phil Sgamma suggests that Article Ten of the Transportation Corporation Law be referred to within the resolution. This should be put in the resolution; therefore the appropriate paragraph will read:

Whereas, development of multiple ownership housing without public sewers will require the creation of a private sewer corporation pursuant to Article Ten of the Transportation Corporation Law with approval/involvement of the Clarence Town Board, and

Patricia Powers	AYE	Wendy Salvati	AYE
George Van Nest	AYE	Jeff Grenzebach	AYE
Phil Sgamma	AYE	Gerald Drinkard	AYE
Tim Pazda	AYE		

ALL AYES. MOTION CARRIED.

Patricia Powers provides the Committee Report for the Town Board meeting of February 8, 2006. A number of Public Hearings were held. The report is as follows:

- 1.) A public hearing was held to consider limiting the number of residential building permits issued for new home construction. There were a number of people who spoke that evening, the hearing was closed and the item was TABLED and a public hearing was set for the amendment to the Master Plan on March 8, 2006.
- 2.) A public hearing was held to consider a Special Exception Use Permit for development of a 38,342 square foot professional office building at 8755 Sheridan Drive. The item was TABLED until the next Town Board meeting. This is the Casilio project. A new plan was presented; the building has been reduced to 34,000 square feet.
- 3.) A public hearing was held to consider a Special Exception Use Permit to allow an in-law apartment at 10310 County Road. This item was APPROVED with conditions.
- 4.) Natalie Builders was present requesting Development Plan and architectural approval for construction of a 9,000 square foot professional office building at 9159 Main Street. The item was APPROVED and the recommendations of the Planning Board were upheld. There was a question regarding the necessity of sidewalks from the building to the public

sidewalks. The final decision was to include the sidewalks as the Planning Board recommended.

- 5.) Norm Castine requested Preliminary Concept Review of a twelve lot residential development at 7040 Goodrich Road; this item was referred to the Planning Board.
- 6.) Stage and Ransom Road LLC requested a minor subdivision approval for four residential lot splits. This item was APPROVED. The Town Board declared the Negative Declarations and the addresses are yet to be determined.
- 7.) Philip DeSimone requested a public road dedication for Boncrest West Drive and extension for four residential building lots. This item was APPROVED subject to the Town Attorney's review.
- 8.) Daniel Singer requested a preliminary Concept Review of a proposed ice cream stand at 8353 Main Street. This item was referred to the Planning Board. Under "For the Good of the Town" three people spoke opposing the ice cream stand at that location.
- 9.) MTI requested a building permit and architectural approval for construction of a 20,000 square foot warehouse facility at 4255-4295 Research Parkway. This item was approved.

Phil Sgamma asks for an update on the Zoning Board of Appeals meeting of February 14, 2006. Jim Callahan explains there was a long presentation regarding the nine variances for the proposed Walgreens at 9200 Sheridan Drive. The Zoning Board denied the application based upon the proofs required under the Zoning and State Law. Gerald Drinkard asks if the record will show the reason for denial on a variance by variance basis. Jim Callahan advises the way it was discussed was more lumped together. There were variances related to the specific site plan of the proposed Walgreens and then there were variances related to the impact on the Manufactured Housing Park.

The variance request for the sign at Walgreen's located at 6785 Transit Road was TABLED due to the property was not properly staked.

Phil Sgamma asks what Walgreens (9200 Sheridan Drive location) choices are? Will they completely design the proposal? Jim Callahan advises it is totally in their domain. They could appeal the decision to the Supreme Court, they could redesign the site plan, they could acquire the whole Manufactured Housing Park, it is their choice. They could relocate the whole project or reduce the scale of it.

David Donohue speaks to the Planning Board regarding the calculation of percentages of usable land. Mr. Donohue refers to the Subdivision Law, page 17, item (8) - Calculating the Overall Density of a Proposed Development, of the Subdivision Law, this item is clear, however Mr. Donohue questions page 24, item (k) – Park and Passive Recreation Space Dedication. He reads from the Law: The Town Board shall require that a minimum of twelve percent (12%) of the total usable land area within a major subdivision be set aside and shown on the plat for active and passive recreation purposes. Jim Callahan advises in doing the density calculations in the Open Space Design Section of the Zoning Law, it provides you with specific calculations. Mr. Callahan refers to item six (6) and indicates that fifteen percent (15%) of the adjusted total of the gross area shall be set aside or preserved or maintained as open space. The land subtracted out in calculation (6) (i), (ii) and (iii) can not be included in the open space requirement. Using the adjusted total gross area of the parcel as determined in section (6) (i), (ii), (iii) and (iv) within the law, it shall then be used to compute. At this point it asks you to compute the maximum number of dwelling units and or building lots permitted. This is for calculating the actual number of units that can be put on that site for an Open Space Development. Mr. Donohue asks if after this calculation you take fifty percent (50%) of it. Mr. Callahan states in calculating the density you take out the wetlands, woodlands, any hydrologically sensitive areas and

anything that is identified in section (6) (i), (ii), (iii) and (iv). Once the usable land is calculated, the lay out for how many 125' by 160' lots, on 60' right-of-way roads, that can fit onto the available land can be calculated, this is the density yield. Once this number is calculated the Open Space and the Design Features need to be incorporated identified in the Law.

Item 3

Town of Clarence Traffic Model.

Robert Miller, Nussbaumer & Clarke, Inc.
Traffic Consultants

Robert Miller of Nussbaumer & Clarke, Inc. provides a brief explanation on the Town of Clarence Traffic Model.

Councilman Scott Bylewski speaks to the Planning Board and states that his intention is to have monthly reports on the progress of the APFO so as to keep moving forward on it. Once there is a firmer grasp on the schools, the water, etc., perhaps there will be an understanding with the State and the County and that can be incorporated as well.

Kay Adamczak, of 5255 Shimerville, speaks to the Planning Board. Ms. Adamczak states that the Planning Board's plans impact her quality of life, her property and her home.

Meeting adjourned at 9:35 p.m.

Patricia Powers, Chairperson