

PLANNING BOARD MINUTES

Wednesday March 2, 2005

WORK SESSION 6:30 P.M.

**Roll call Miscellaneous
Minutes Agenda items
Sign review Communications
Update on pending items
Committee reports
Zoning reports**

AGENDA ITEMS 7:30 P.M.

ITEM I

**Kathy DeRose
Agricultural**

**REQUESTS CONCEPT PLAN APPROVAL FOR A
FOUR LOT (4) OPEN DEVELOPMENT AREA
LOCATED AT 5131 KRAUS ROAD.**

ITEM II

**Casilio Construction
Commercial / Residential A**

**REQUESTS CONCEPT PLAN APPROVAL FOR THE
CONSTRUCTION OF A THREE STORY (3) 53,800
SQUARE FOOT OFFICE BUILDING AT 8755
SHERIDAN DR - BETWEEN BONCREST &
OVERLOOK DRIVE.**

ITEM III

**Joseph Floss
Major Arterial/Commercial**

**REQUESTS CONCEPT PLAN APPROVAL FOR THE
CONSTRUCTION OF A ONE (1) STORY OFFICE
BUILDING LOCATED AT 6465 TRANSIT ROAD.**

ITEM IV

**Vito Pace
Agricultural**

**REQUESTS DEVELOPMENT PLAN APPROVAL
FOR A THREE (3) LOT OPEN DEVELOPMENT
AREA AT 5485 SALT ROAD.**

ITEM V

SUBDIVISION LAW REVIEW

ATTENDING:

**Patricia Powers
Christine Schneegold**

**Jim Hartz
Councilman Scott Bylewski**

Wendy Salvati
George Van Nest
Jeff Grenzebach
Tim Pazda

Assistant Town Attorney Dave Donahue

INTERESTED
PERSONS:

Kathy DeRose
Steve Carmina
Mary Powell
Georgeanne Walter
Mr/Mrs Cius
Mr/Mrs Depowski
Larry Vito
Jeff Palumbo
Cheryl Anthony

Dave DeRose
Peter Casilio
Ron Clayton
Mr/Mrs Irving Roy
Janet Callahan
Jeffery Schoewalter
Joe Floss
Luther Townsend

MINUTES

Motion by Tim Pazda, seconded by Jeff Grenzebach to approve the minutes of the meeting held on February 16, 2005 as written.

ALL VOTING AYE. MOTION CARRIED

OPENING REMARKS:

the
evening.

Pat Powers announced that with the absence of Roy McCready, George Van Nest, alternate member of

Planning Board will be voting on all items this

Pat Powers stated, on behalf of the Board, she would like to acknowledge, with regret, the announcement of

Joe Floss's resignation. Pat Powers made aware the many contributions Joe Floss was involved in. Pat Powers stated that Joe's experiences, expertise, initiative and great leadership will be surely

missed.

ITEM I
Kathy DeRose
Agricultural

REQUESTS CONCEPT PLAN APPROVAL FOR
A FOUR LOT (4) OPEN DEVELOPMENT AREA
LOCATED AT 5131 KRAUS ROAD.

DISCUSSION:

Jim Hartz gave a brief description of the project which is located off of Kraus Road. Jim stated that it currently is a private drive with a gate near Kraus Road. There are four (4) homes residing off the private drive, each with 100 feet of frontage on Kraus Road. Jim informed that the proposal is to split off four (4) additional lots. Jim stated that the Master Plan shows the property in a single family zone.

property
husband

Applicant Kathy DeRose explained that originally this
was bought through foreclosure auction in 1992 by her

and herself along with three (3) other couples. The four (4) couples began a horse farm business. Due to the financial aspects, the couples began to drop out of the business. They are now the sole owners by default and are no longer in the horse farm business due to the high maintenance. Kathy DeRose stated that maintaining 26 acres of property is more than what her and her husband need. Mrs. DeRose said that they have been approached by a Clarence resident requesting to build a home on 3 ½ acres of this property. Mrs. DeRose informed the Board that currently, they are looking to sell off one (1) parcel. Mrs. DeRose stated that going through the process of selling one parcel is the same as going through the process of selling (4). Mrs. DeRose described the property with seven(7) acres in the back and eleven (11) acres by the barn and the two (2) lots up close by the driveway. Mrs. DeRose informed the Board that an association was established by Attorney George Grasser and the association states that all property owners have easement rights to the driveway. Mrs. DeRose stated that once the concept has been approved by the Town, they need to file an amendment with the association, which will give these other lot owners, at such time of their purchase, the same rights to the driveway that the existing lot owners have. Mrs. DeRose said that would be filed and gone through with the State Attorney

association
each
installed for
DeRose
that
will
line.
recommended
sprinkler
questioned as to
association or the DeRose's
barn is on parcel #3 and that they
have rights to the barn. Jeff Grenzebach
about the condition of the driveway. Kathy DeRose
that they had built the private drive to Town
specifications in 1998 or 1999. Mrs. DeRose continued by
saying that there is 1" of crusher run that they don't have on
the driveway because it is on the bedrock.

General. Mrs. DeRose informed the Board that the
controls the maintenance of the driveway. Mrs. DeRose
continued by saying that between the four (4) lot owners,
lot owner contributes 10% to the association, and the farm
contributes 60% to the association operation expenses.
Jeff Grenzebach questioned if a new water line was
the four (4) existing homes, and is the line big enough with
enough pressure to cover the four (4) new lots. Kathy
informed Jeff that the water line is an 8" line that is tested
regularly by the Water Department. Mrs. DeRose stated
that they will need an engineer to determine what size line
be needed for parcel #2. Mrs. DeRose stated that Clarence
Town Engineer Tim Lavocat estimates it to be an 1 1/2"-2"
Mrs. DeRose continued to say that Tim Lavocat
that a fire hydrant not be done, because it would require a
water meter pit. A better solution is Plan B, to install a
system within each home. Jeff Grenzebach
who has the rights to the barn, the
Mrs. DeRose stated that the
themselves own and
questioned
replied

ACTION: Motion by Chris Schneegold, seconded by Jeff Grenzebach
to
refer the request of concept plan approval for a four (4) lot
open development area located at 5131 Kraus Road to

MRC, Traffic and Safety and Fire Advisory.

ALL VOTING AYE. MOTION CARRIED.

ITEM II
Casilio Construction
Commercial / Residential A

REQUESTS CONCEPT PLAN APPROVAL FOR THE
CONSTRUCTION OF A THREE STORY (3) 53,800
SQUARE FOOT OFFICE BUILDING AT 8755
SHERIDAN DRIVE - BETWEEN BONCREST &
OVERLOOK DRIVE.

DISCUSSION:

Jim Hartz stated the entire property owned by the applicant is

Drive is

5 acres. The first 300' from the center line to Sheridan

Sheridan

zoned commercial. The rear 50' is zoned residential A. The adopted comprehensive plan shows this in an area of

stated

Drive that would support commercial development. Jim

that he was just informed that a revised site plan is being submitted.

Supervisor,

Peter Casilio of 9170 Thompsonwoods Drive informed the Board that he requested from the Clarence Town

from

written documentation that the Town has and also letters

Executive
to revise the
neighbors with a

the neighbors. Peter stated that after meeting with the Committee of the Planning Board, they decided site plan to accommodate the concerned buffer that they had requested. Mr. Casilio informed the Board that along with observing 50', the property line along a fence is being proposed along with some elevation of berm areas with pine trees.

Casilio informed the Board
a fence is being proposed along
with some elevation of berm areas with

them to

Steve Carmina displayed the proposed project to the Board. Steve began by describing the 50' buffer which allowed

that

save various existing trees. Mr. Carmina assured the Board

that they will preserve the trees along the corner and south

continued

be

will

the

a

property line, creating a natural buffer. Mr. Carmina

by saying between the sparse trees, supplemental trees will

planted. Steve Carmina stated that the finished floor level

be approximately 107'. Mr. Carmina said the contour line at the rear property line, where the residents are, is approximately 111', which would be approximately 4' below the residents

backyard elevation. Steve Carmina informed the Board that

proposed building would be moved to the west, eliminating

row of parking and aisle-way to secure the setback.

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be

building.

designed

(2)

Steve
with Erie

Steve Carmina added that two (2) rows of parking would

moved to the other side of the site. Steve stated that the parking would be screened in the back and side of the

Mr. Carmina explained that the proposed project is

with a two (2) story building with an exposure for three (3) stories on the west side which would be screened from the residents. Steve stated that the residents would see a two

story building of approximately 35' in height from grade.

Carmina compared the similarities of this project
Niagara, which he designed.

of the
Jeff asked how

Jeff Grenzebach questioned Steve Carmina as to where the fence would be located. Steve replied that if the neighbor's prefer a fence, it would be located along the south side property between the neighbor's and the buffer.

Steve

Board

many parking spaces there would be. Steve answered that there are currently 196 parking spaces, with 2 ½ acres remaining that could be expanded to 250 parking spaces.

continued by saying that they will be asking the Planning

of

and the Town Board to relieve them of the responsibilities paving the unneeded parking spaces.

Mr.

Pat Powers asked if the building is still 53,800 square feet.

Casilio replied 53,800 is the gross square footage.

to

Tim Pazda questioned Steve Carmina as to what the plans are for the parcel next door. Steve Carmina replied that the concept would be to connect the properties to allow traffic

points

flow through the properties, to prevent multiple access

the

along Sheridan Drive. Steve stated that it would also give

are

opportunity for sharing or overflow of parking if necessary. Steve informed the Board that in the new rendering, there

is

two (2) curb cuts on opposite sides of the site. The one that

curb

furthest to the east would be right hand turn only, the west cut would be the main entrance.

Peter

Christine Schneegold asked how much space would be for medical and how much space would be used for tenants.

footage.

Casilio replied that they do not have the exact square

Peter Casilio informed the Board that this building is of

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occupying the
(2) letters of intent

professional use not only as Construction Real Estate Management, but an investment broker will be building. Peter stated that there are two

designed

from medical offices. Peter stated that this building is

stated

around medical use.

Wendy Salvati stated her concerns over parking. Wendy

that according to her calculations on a 53,800 square foot building, Mr. Casilio has one half the required parking

spaces
land
that they
tenants and 196

needed. Steve Carmina responded that they have ample
to expand if necessary and given the mix of tenants
foresee, there will not be a big turn over of
parking spaces should be sufficient.

the
between
Pat
everyone
preserved.

Pat Powers clarified with Mr. Casilio that his intent for the
property to the west would be used for additional parking if
needed, until then, it would be kept as green space. Pat then
asked Mr. Casilio if he was to develop another project on
remainder of the parcel, would the parking be shared
both buildings. Mr. Casilio confirmed that to be their goal.
requested that Mr. Carmina “ribbon” the trees so that
can see for themselves, which trees are going to be
Steve Carmina agreed to Pat Powers request.

becoming
becomes adopted.

Chris Shneegold stated her concerns about the site
restricted business when the new zoning law

of

She questioned whether Mr. Casilio will require a Special
Exception Use Permit. Jim Hartz responded by saying a
Special Use Permit is required with the approval of four (4)
the five (5) Town Board Members.

He

Ronald Clayton was the first concerned neighbor to speak.

Eastern

stated his concerns of his property value and privacy. Mr.
Clayton also reminded the Board that they rejected the

Mr.

Hills Wesleyan Church from building on a particular site.

level

Clayton asked the Board to consider keeping the “single
buildings” consistent in the neighborhood.

and

Pat Powers acknowledged that the Board has letters of
concern on file from Janet Roy, Donnette and James Cius

permanent

Irving Roy. Pat stated these letters have become a part of the file on this project.

questioned

Irving Roy complimented the revamping. Mr. Roy

that it

what is the 50' buffer zoned. Jim Hartz informed Mr. Roy is zoned Residential A and must be kept as a green belt.

Green

belt is a buffer area between new construction and other properties consisting of various forms of vegetation. This

area is

mainly used for aesthetic mitigation for existing or future adjoining uses. Mr. Roy strongly stated his dislike for the

fence

being placed on the neighbors side of the property. Mr. Roy questioned why there is a need to re-zone 50' to 45' instead

of

just maintaining the 50'.

Walters

Georgeanne Walter stated her opposition to a two or three story building rather than a one story building. Mrs.

character for the

said she feels this structure would be out of neighborhood. Mrs. Walter also

stated her concerns of

increased traffic and

possible "cut-through" traffic down the

side streets,

creating a hazard to the children walking to

Sheridan Hill Elementary School. Mrs. Walters feels this

proposed project will devalue her home and neighborhood.

concerned

Jim Cius and Donnette Cius expressed their concerns over the size of the building. Mr. & Mrs. Cius are also

in the evening and

over the cars headlights shining into houses

the Board that they hold

their privacy. Mr. Cius requested to

that the Board has established.

Mr. Casilio to the guide lines

a

Richard and Catherine Depkowski submitted to the Board,

office

petition signed by 72 neighbors objecting to a three story

building at 8775 Sheridan Drive.

Janet Callahan requested the Board to reconsider the

proposed
privacy.

site of a building of a much lesser magnitude. Janet also expressed her concerns of the neighborhood's

imply

Linda Clayton questioned as to what happens to the green space in the event some of the trees die. She asked if they would be replaced, or if by definition, green space can

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replacing it with grass.

the
building.
need to

Jeffery Schoewalter questioned if the fire department has capabilities and capacities to deal with such a large

full
informed

Jeffery stated his concerns that the fire department may

request more equipment, which in turn, may mean a raise in taxes. Mr. Schoewalter also expressed concerns of his property value. Jeffery questioned if the building will be at

Pat assured
qualified

capacity or if parts will be left dormant. Pat Powers

Mr. Shoewalter that this project will be referred to Fire Advisory to be looked at from a safety stand point.

neighbors

Mr. Schoewalter that the Harris Hill Fire Co. is well

because they are the fire district for the Eastern Hills Mall.

stating
County

Larry Vito stated he agreed with all the concerned

that spoke. Mr. Vito questioned where the septic system is going to be installed. Pat Powers answered Mr. Vito by

Mr. Carmina will have to have approval from the Erie

Health Department as to where it is installed.

by

Mary Powell responded to some of the neighbors concerns

saying :

There is nothing showing that a commercial office building

be

brings down owners property value.
There is really no connection with respect to traffic. Traffic would empty out onto Sheridan Drive.
We will make sure that this project is done correctly.
Mary Powell apologized to the neighbors for any misled information that was given to them that this property was to
a one story building.

welcome

Mr. Casilio stated that the neighbors are more than
to walk the buffer, to tag trees, and aid in the location of
trees.

pine

questions

Steve Carmina responded to some of the neighbor's
and concerns:

eliminating

The office buildings would be open 8am - 6 pm.
car headlights.

new

The current ordinance allows for a 45' height building. The

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deal of

zoning ordinance allows for a 35' height building.
The amount of landscaping and buffer will offer a great
privacy.

combustible

Steve Carmina assured the concerned residents that the
building is a "sprinkler friendly code" and a non-

fire-

building. The building will have four (4) access sides for
fighting.

be

Steve Carmina informed the audience that the sewer would

front

a sand filter system. The sand filter would be placed in the
area, with the approval of the Department of Health.
Steve Carmina stated that a "view shed analysis" would be
provided.

with

Steve Carmina stated that the use of water in this building
should be similar to the use of the homes along the back
property line, eliminating the concern of water pressure

the existing homes. Steve also stated that he does not believe
proposed building gets its water from the same area as the
concerned residents' homes. More information will be
supplied by the Erie County Water Department.

Pat Powers asked Mr. Vito, who is representing the Home
Owners Association, if the Home Owners Association
would be willing to organize a meeting to meet with the
applicants. Mr. Vito responded "Yes". Pat Powers asked Mr. Vito if he
would be willing to take on the responsibility to set up the
meeting with Mr. Carmina, Mr. Casilio and Mrs. Powell. Mr. Vito
replied, "Yes".

ACTION: Motion by Wendy Salvati, seconded by Tim Pazda for
request
(3) of a Concept Plan Approval for the construction of a three
story, 53,800 square foot office building located at 8755
Sheridan Drive between Boncrest and Overlook Drive to be
tabled for further review.

On the question? Wendy Salvati reminded Mr. Casilio that he was cautioned
of before and is being cautioned now as to the size and scale
uncomfortableness the building. Wendy continued by stating her
regarding the "land banking" of parking spaces.

ALL VOTING AYE. MOTION CARRIED.

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ITEM III
Joseph Floss
Major Arterial/Commercial

REQUESTS CONCEPT PLAN APPROVAL FOR THE
CONSTRUCTION OF A ONE (1) STORY OFFICE
BUILDING LOCATED AT 6465 TRANSIT ROAD.

DISCUSSION: Jim Hartz gave a brief description of the project. Jim stated
north the property is located on the east side of Transit Road,

the
office

of Old Post Road. The front of the property is zoned Major Arterial, the rear property is zoned commercial. Mr. Floss currently owns the existing office building in the front of property. Jim stated that Mr. Floss is proposing a second building on his property to the rear of the site.

management
neighbors

Joe Floss stated that he is a proponent of access and that he is planning to connect with the adjoining on either side of his property. He has designed the project under the current zoning regulations and will yield to the Board's authority on the final design requirements. The project currently fits with the comprehensive plan and zoning laws.

Town
project

ACTION:

Motion by Jeff Grenzebach, seconded by Chris Schneegold to grant approval for a concept plan for the construction of a one (1) story office building located at 6465 Transit Road.

ALL VOTING AYE. MOTION CARRIED.

ITEM IV
Vito Pace
Agricultural

REQUESTS DEVELOPMENT PLAN APPROVAL FOR A THREE (3) LOT OPEN DEVELOPMENT AREA AT 5485 SALT ROAD.

DISCUSSION:

Jim Hartz gave a brief description of the project. Jim stated that the property is located on the east side of Salt Road, between Greiner Road and Howe Road. Jim stated that the Master Plan shows it in a agricultural/rural residential zone. Jim stated that the development plans have been submitted and reviewed by and recommended by the Engineering Department. Jim stated that the original concept plan is being presented. Jim showed an aerial photo displaying the boundaries.

concerned
meeting.

Jeff Palumbo began by apologizing to the Board and neighbor for failure to appear at last months

Jeff Palumbo informed the Board that each proposed lot

would
there
side as

measure approximately 2.3 acres in size. Jeff stated that
would be no problem with accessing the lots from either
previously requested by the Board.

in
are
aware

Pat Powers questioned Mr. Townsend if the neighbors are
agreement with the driveway widening and access. Mr.
Townsend replied that to the best of his knowledge, they
in agreement. Pat Powers asked Mr. Townsend if he is

engineering
Mr. Wutz

of the charged water line requirement. Mr. Townsend
acknowledged that he is aware of it, and it is in the
plan. Pat Powers asked if the agreement with

worked
when

regarding the easement has been concluded. Mr. Townsend
informed Pat that the easement issue is currently being

out. Pat Powers requested a copy of the easement issue
it is completed. Mr. Townsend agreed to Pat's request.

Mr.

Tim Pazda questioned if there is anything in the deed of a
"buyer beware" regarding the effects of agricultural uses.

Townsend replied that there is not, but would consider
discussing it. Scott Bylewski informed the Board that under
the Town of Clarence's Right to Farm Law, there are
provisions to allow for such mitigation to occur.

from
read the

Pat Powers informed the Board that a letter was received
a concerned neighbor, Cheryl Anthony. Tim Pazda

her

letter to the Board. In the letter, Cheryl Anthony expressed
many concerns regarding frontage and set back, drainage,
undesirable change of character and denial of this agenda in

the

past. Cheryl Anthony requests the Board to vote against

this

proposal.

Cheryl Anthony addressed the Board about her concerns

already
also stated her

regarding the adding of a road and more traffic to an
busy and dangerous part of Salt Road. Cheryl

affecting

concerns regarding the decrease in property value. Cheryl
expressed her concerns with the agricultural smells

problem

her flower business.

Tim Pazda stated that he feels this is a complicated

because this project has already received concept plan

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Pazda

approval from the Planning Board and Town Board. Tim

Boards

stated that he feels a problem is being created for future

regarding the Right to Farm Legislation.

this

Jeff Palumbo responded to Cheryl Anthony's letter and
comments. In regards to:

Setback - Mr. Palumbo questioned as to where exactly the
setback line is.

Right to Farm Law - There is nothing in the law to prohibit

project

type of development.

Jeff Palumbo concluded his statement by saying this

requests

meets the intent of the ordinance and Master Plan and

the Board to make a positive recommendation to the Town
Board.

as

Tim Pazda questioned as to whether the applicant has
considered the sale of development rights on the property

the

opposed to selling it out right. After a discussion between

there

Board members and the applicant, it was determined that

was no consideration at the present time.

ACTION:

Motion by Pat Powers, seconded by Jeff Grenzebach to
recommend to the Town Board development plan approval
for a three (3) lot open development area at 5485 Salt

of a

Road with the following conditions:

- 1.) Subject to recreation and open space fees.
- 2.) Copy of the access agreement to be provided by virtue

letter dated 04/10/04.

- 3.) All on site water facilities will be private.
- 4.) Applicant will be subject to all conditions of the Town Engineer; letter dated 07/28/2004
- 5.) Subject to the requirements for a charged water line.
- 6.) Homeowners agreement will be reviewed by the Town Attorney prior to being placed on the Town Board

agenda.

- 7.) Applicant will be subject to all requirements of the

Town's

Right to Farm Law.

- 8.) Request to file a map cover indicating this plot of land

is

located in an agricultural district.

- 9.) Parcels are to be deed restricted as to disclosing farm odors, noise, chemicals, etc.

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Tim Pazda	Nay
Jeff Grenzebach	Aye
George Van Nest	Aye
Chris Schneegold	Aye
Wendy Salvati	Aye
Pat Powers	Aye

MOTION CARRIED.

ITEM V

SUBDIVISION LAW REVIEW

DISCUSSION:

Pat Powers stated that the Board had just received a copy of the subdivision law this evening, making it difficult to have coherent discussions pertaining to this review.

any

Jim Hartz updated the Board of Draft III and identified

items

that could be inputted in Draft IV.

ACTION:

Motion by Pat Powers, seconded by Wendy Salvati to set a Public Hearing on subdivision law for the Planning Board meeting on April 6, 2005.

ALL VOTING AYE. MOTION CARRIED.

Motion by Chris Schneegold, seconded by Jeff Grenzebach

to

adjourn the meeting.

Meeting adjourned at 9:45 p.m.

Patricia Powers, Chairman