

PLANNING BOARD MINUTES

WORK SESSION 6:30 P.M.

Wednesday May 4, 2005

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
Casilio Companies
Restricted Business | REQUESTS CONCEPT PLAN APPROVAL FOR THE
CONSTRUCTION OF A 38,342 SQUARE FOOT
OFFICE BUILDING AT 8755 SHERIDAN DRIVE. |
| ITEM II
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Agricultural/Rural Residential | REQUESTS CONCEPT PLAN APPROVAL FOR
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PROJECT AND INCLUDING UP TO 50 SINGLE
FAMILY UNITS. |
| ITEM III
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Commercial | REQUESTS CONCEPT PLAN APPROVAL FOR THE
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| ITEM IV
Phil Silvestri
Traditional Neighborhood | REQUESTS CONCEPT PLAN APPROVAL FOR THE
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HILL ANIMAL HOSPITAL LOCATED AT 8470 MAIN
STREET. |
| ITEM V
Lou Visone
Commercial | REQUESTS CONCEPT PLAN APPROVAL FOR THE
DEVELOPMENT OF A 43,500 SQUARE FOOT OFFICE
PARK AT 9300 MAIN STREET |

ITEM VI
Kathy DeRose
Residential

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

ITEM VII
Holy Cross Lutheran Church
Commercial

REQUESTS DEVELOPMENT PLAN APPROVAL FOR A
2,835 SQUARE FOOT ADDITION TO THE EXISTING
FACILITY LOCATED AT 8900 SHERIDAN DRIVE.

ATTENDING: Patricia Powers

Wendy Salvati
Roy McCready
Tim Pazda
George Van Nest
Jeff Grenzebach

INTERESTED PERSONS:

Matthew Balling
Councilman Scott Bylewski
Attorney David Donohue
Steve Carmina
Mary Powell
Peter Casilio
Deputy Supervisor Anne Case
Gerald Drinkard
Attorney John Robshaw
Janet Vito
Larry Vito
Tom Hollander
Joseph Strapason
Susan King
T & M Russo
Jim & Donnette Cius
Rick & Kathy Dudkowski
Rene Desai
Georgeann Walter
Sean & Nancy McDonald
Janet Callahan
Paul Thoms
Robert Bosworth
Laura Leone
Dolores Liebner

Don Adams
Frank Nochajski
Gregory Mazikowski
Fred & Shari Ehlert
Sam Russo
Meghan Brown
Jocelyn Bos
Patricia Bittar
Rhonda Frederick
Ray Funk
Carol Minnick
William Long
Robert Berquist
Peter Pucak
Mark Eiden
Kathy DeRose
Irv Roy
Tim Englert
James Hartz
Kathryn Tiffany

MINUTES

Motion by Jeff Grenzebach, seconded by Tim Pazda to approve the minutes of the meeting held on April 6, 2005 as written.

ALL VOTING AYE. MOTION CARRIED.

ITEM I

Casilio Companies
Restricted Business

REQUESTS CONCEPT PLAN APPROVAL FOR
CONSTRUCTION OF A 38,342 SQUARE FOOT
OFFICE BUILDING AT 8755 SHERIDAN DRIVE.

DISCUSSION:

Jim Hartz gave a brief review of the project, which was introduced to the Town Board on February 9, 2005. The Planning Board first was introduced to the project on March 2, 2005 when it was tabled to allow the applicant to work with the neighbors and get some input. That meeting was held on March 14, 2005. The applicant has made some revisions to the site plan and is here tonight seeking concept plan approval. The project is located in the restricted business zoning district on Sheridan Drive. The Master plan does show it in a commercial use corridor. Steve Carmina the Architect for the project was accompanied by Peter Casilio and Mary Powell. Steve Carmina said "The meeting with the neighbors went very well and was very constructive. They had some great comments which allowed us to go back to the drawing board and put some of those requests and comments into play. Also the comments of the Planning Board were very valuable with us re-visiting what we want to build here. The most important thing is we eliminated 10,000 square feet of rental space. That lower level that was part of the original concept plan was eliminated, thus eliminating a lot of the confusion about the height of the building, and the density of it on the site with parking requirements. We did add some parking in this portion of the building right here. So this inside the building protected parking, will be very valuable to some of the tenants of the building, and would be marketable for that. Also it allows us to actually exceed our parking requirements for the site. For the neighbors, I think if you remember that there was a terraced area here, which allowed for us to step down to expose the glazing along this corner of the building at the lower level. Now that of course is all gone now, this is all landscaped green area here. There will be a slope around this corner so we can

access the under building parking at this point. That is the lion's share of the changes to the site plan. The building footprint is still the same. As we go forward and look through some of the other documents you will see some of the other changes that we made. This was the original design - this was the elevation looking to the south west on Sheridan Drive. This is not the side that was facing the residences it is the side that was facing Sheridan drive. But, this extra story here became a real problem . I think some of the elements that projected above the roof line, the stair halls, the entrance way and also some of the architecture needed to be looked at. We looked at the "monumentality" of the glass, especially through on the second floor. It pretty much ran horizontally through the whole building. This is the proposed south facing elevation. The first thing that will strike you the residents, is the fact that we have added some very articulated columns, which will break up this horizontal band of glazing up on the top of the second floor. We really stylized the building, more of a cross between prairie style and usonian style. It uses some of the features that were very important to the prairie style - the overhangs, the stylized columns, the textile block. For people who don't know what that is ...Frank Lloyd Wright designed these textile blocks to use in some of the residences that he designed. They are a very stylized element, so rather than have a flushed panel, these actually have embossing on it to make them three dimensional. The base is still going to be a flushed brown faced stone like material. We need that very strong material for the base. The columns will be brick with a limestone or pre-cast stone detailing. On the corners of the building we will have planters much like the large urns that Frank Lloyd Wright made part of his designs. And also at the entry way above the porte-cochere, and at the projection where the entrance is. The other remarkable thing is that this is a flat cornice on the building. No longer does the entrance project up, and no longer do the stair halls project up. The building has gone from 37 feet high to 28 or 29 feet tall. It has lowered the projection on the building substantially. If you remember what the south elevation looked like, the north elevation will look very similar to that We still have that element which we think is very important here for rental. The glazed elevation will be one of the most dramatic parts of the building. There will be terraces or retaining walls across this elevation in this location, similar to where we would

have had them, if we would have had that lower level. That allows us to pick up the changes in grade back down to Sheridan Drive. As you remember there is about 30 feet of drop across the site from the south east corner to the north west corner. So, we do have to make sure we take that into consideration. The west facing elevation - you will notice this was the elevation where we stepped down here, in the original design, we had this sort of cut out so there is actually a full story here. Now the only change in elevation is where we are driving down to get to the lower level parking. The porte-co-chere is still here, it is still that very long horizontal element. The support element is still here with the planters on top. The entry element is really the same except we cut off the projections above the roof, and the stair halls have been simplified substantially by cutting off that, and having a corner window element which is another Frank Lloyd Wright element, if you have ever been to Falling Water you may have seen that. I think the other thing that you will notice is that the proportion of this cornice has changed substantially. We actually have a very small under cornice here which is a small projection above the glazing, and this cornice here is about totally half of what it was before. The line of site drawing - if you remember our meeting at the school, we had a line of site drawing where even the tallest projection which was at about 37 feet was going to be screened substantially if not entirely by the tree growth here. During that meeting with the residents we talked about adding new undergrowth in that buffer area, and it seemed as though the lion's share of the folks and I think some of the executive board members felt that if the residents prefer that this was left natural and no additional planting occurred in here, certainly the Casilio's would be very happy to capitulate with that. Along the property line we did talk about adding some evergreens here, in that gap, that would require obvious removal of some of the undergrowth here to make that happen. But, it would allow for much more growth and much more screening here during the winter months. I think if everyone saw the back of Jim Callahan's home where he has these 50 foot tall evergreens, we could see these maturing to that in a few years. They grow about a foot a year, so it would be a few years before they get to that point. We feel very comfortable that the site lines are defended very well, and the fact that the building has come down substantially. It puts about 22 feet of the building above

the grade at the homes. The building height relative to the residential height would be very similar, so we don't have this overbearing building anymore. The pictures that Peter Casilio took are really very telling in the fact that these were taken during the winter months. Here are Jim Callahan's very tall pines right here. These pictures are sort of dark, but if you actually saw the photographs, you can't even see the residences behind these existing trees here. All of these are staying, I believe the line of these trees are right at the edge of where our proposed parking will start. Even in the wintertime, this is so dense here, and certainly this will be less dense if we remove the undergrowth, I think it provides a lot of screening, and a lot of permanent screening for the residents. That is all we have. We will be happy to answer your questions, Peter Casilio and Mary Powell are here. Chairman Pat Powers asked if the Planning Board had any questions. Pat asked if they had the location of the sign on the plan. Steve Carmina said it is on the plan. Pat said that would be an issue that would require a special permit. Pat asked if it has been determined if this building will be strictly a professional building, and that it is not going to have medical offices. Steve Carmina said "Oh no, it is very likely that it will have medical offices in it - yes." Wendy Salvati said "That is a problem. The way that your parking is calculated on one parking space per 200 square feet. Medical offices require one parking space per 100 square feet. That is where we were in trouble before. The fact that you were proposing medical space, and you needed twice as much parking as you were showing. In order to achieve this, you are not going to be able to have medical space. If you do have medical space, you are going to have to do one of two things. Add more parking or down size this building." Steve Carmina said "At this point I could tell you that there are no tenants signed except for the original tenant which is a professional office, it is not medical. We do have extra space on the site, not that it would meet the medical zoning parking requirements. We do obviously have another option, and that would be to go for a variance if we determine that we have a medical use in the building. Right now we would be asking for concept approval for this as an office building. If we do have medical we will be happy to come back and deal with that at that time. If we all had a crystal ball it would be great to know what the makeup is going to be, but we don't know that. So, two things have to

happen. One is we have to have a tenant who is going to sign a lease, so we are in a position to determine what their actual parking requirements are, and then we are able to go and ask for a variance once we have site plan approval. We could easily have an insurance company, and those are generally higher parking requirements too." Wendy said "In all honesty, I am not against you having a building here, I think it is a nice looking building, but I do have a concern. You still have a building that you need a Special Exception Use permit for. The maximum size allowed here is 10,000 square feet, and you are going almost 40,000 - 38,300 square feet. So already you have a building that is pretty big for the site, I am concerned that you are going to put uses in, that are going to force you to go and get a variance for the parking that would be required on the site, because you are trying to maximize what you are doing on the site. Just for the record those are my concerns." Steve Carmina said "Well we aren't maximizing anymore. We have cut twenty five percent of the rental space out of the building. Keep in mind that there is additional property available, should it become necessary. Let's say we can't get a variance, then we certainly have the option to expand our parking area. That is the benefit we have, we are not sandwiched on a property that does not have additional land. I know it is hard not to think of this as a potential for medical, but let's just think about it as an office building. If there is medical we can always tackle that, and we do realize that we have to get the Special Exception Use permit. Pat Powers said "It is early in the proceedings, but has the issue of a berm, fence, or natural vegetation been resolved at this point?" Steve Carmina said "Well actually, again in the discussions with the neighbors, our concept plan that we put together for the buffer area, we had introduced series of as natural a looking of a berm as you could do with plantings on it, a mixture of deciduous and coniferous growth so that we could add to the under story screening. However, I can't tell you what the count was, there was never a vote, but I think the lion's share of the folks who have looked at this, and have responded back to the leaders of the homeowner's association have said that their preference is to leave it natural. and not do anything. So, there would be no need for a berm, it is so darn dense back there, you can't see through it. I think putting in a berm would open up that under story again, and you would be able to see some of the site. Pat

Powers asked if the trees had been identified yet, what is going to stay and what is going to go? Steve Carmina said "In our initial concept plan we generated a - I have it here. I might have Jim pass this up to you. The trees that are just very simple circles in the darker green are all existing trees of varying species and size. They vary from cherry to oak to hemlock from a six inch caliper up to a twenty inch caliper. Those were the trees that we were initially going to save if we were going to work in the under-story. However, if we are not going to work in the under-story, we are going to leave all the existing trees there. There are trees along the property line and trees along Sheridan Drive that would stay. We would mark those as we have done in the past and maintain those existing trees. Pat Powers said "Councilman Bylewski has suggested to the executive committee several weeks ago that perhaps you might be willing to fly some balloons. Stake out the four corners of the building and have a balloon so the residents could see what the height of the building would be. Steve Carmina said that they could do that now that the weather is nice, within the next couple of weeks. The green space is upwards of 30 percent. We have 50 feet of green space along the back across the entire property which is about 400 feet long. If you look at the building footprint area here, probably half is green space. We also have this large setback here, along the property line with our neighbors to the east which is all green area. We are close if not over 30%. At this point Chairman Powers asked if anyone in the audience wanted to speak to this item.

Mr. Roy of 4715 Boncrest East said he is happy to see it has come down in size, but he said it is still too large for the site. Mr. Roy said you can see through the buffer area, he can see cars on Sheridan Drive looking out his back windows. The fence that you did propose at one time, the six foot fence that I would hope would be along your property line. Mr. Carmina said "Our common property line." Mr. Roy said that would be unacceptable to me. If there is going to be a fence he would like it to be at the parking lot line. He would have concerns with a medical usage.

Georgeanne Walter of 4706 Boncrest East expressed her concerns regarding the two story building. It should be a one story like the rest of the buildings on Sheridan Drive. They are

concerned about the value of their property, and the quality of their lives. They have a concern for increased traffic in the neighborhood when people who work in the building figure out the short cuts.

Mark Eiden of 4695 Boncrest East said you can definitely see through the trees in the winter. He doesn't want a medical building there. The building should fit with the environment, the neighborhood, and it should look like the buildings that are already along there. Where do you fit a septic system of that size on a property that size? The septic system would be located in the front on the north side of the property.

Jim Cius of 4725 Boncrest Drive said he still thinks the building is too large. The maximum allowed in that zoning is 30,000 square feet, and this is 38,342 square feet. The main entrance to the building would face his property. The building does not blend in with the neighborhood. They are concerned about privacy. They can see right through. He doesn't believe that the consensus of the neighbors was to leave the buffer natural.

Pat Powers said this project will be sent to Fire Advisory, Traffic Safety, and the Municipal Review Committee for further study to provide more information to the board. We will place some conditions on that.

ACTION:

Motion by Roy McCready, seconded by Wendy Salvati to refer this project to MRC, Traffic Safety, and Fire Advisory with some conditions:

On the Question?

Pat Powers said "I do believe we talked about the parking spaces in front - twelve parking spaces are to be banked for additional parking if needed , and those would be on the western and the northern elevations. The easternmost curb cut will be a right turn only. The west curb cut to be the main entrance. The rear of the property is zoned Residential A and must be kept as a green belt. The project would require a Special Exception Use permit due to the size of the building. That would require a public hearing, and will be taken care of at a Town Board level at the proper time. After you come back from the MRC, we will be looking for a checklist for concept approval, and when you get to that stage - a checklist

for development plan approval.

On the Question?

Wendy Salvati said “When the MRC does their review they need to be aware that the applicant owns the adjoining parcel, and to avoid the segmentation issue they need to look at all the property.” Pat Powers said “I will amend my motion to include the segmentation issue. Also, we will look for the balloons for the four corners of the building at the appropriate time.”

ALL VOTING AYE. MOTION CARRIED.

Pat Powers told the neighbors “So you understand what is happening, the only action that we have taken this evening is to refer this out for additional study. Once those studies are concluded, the project will come back to the Planning Board and there will be another meeting like we had this evening.

ITEM II

Meteor Enterprises

Agricultural/Rural Residential

REQUESTS CONCEPT PLAN APPROVAL FOR THE DEVELOPMENT OF A 180 UNIT TOWNHOUSE PROJECT AND INCLUDING UP TO 50 SINGLE FAMILY UNITS.

Jim Hartz gave a brief history of the project. the project was first introduced to the Town Board in December of 2001. The Planning Board referred it for Environmental review in February of 2002 and again on a revised plan in June 2002. On December 18, 2002 the Town Board issued a Positive Declaration meaning the project could potentially have a significant effect on the environment. They went through the environmental review process and eventually issued a final findings statement in May of 2004. After a legal action, the State Supreme Court basically laid out what the Town is necessary to do from this point forward with the application. The applicants are here this evening. John Robshaw introduced himself. He is the attorney for Meteor Enterprises. He stated “I did review the court order handed down by Judge Glonia , and I got here earlier and heard some of your earlier comments when you reviewed the project. My recommendation is that this board complies with the provisions of the court order, makes your decision and refers it back to the Town Board as required by the court order. We have been here for four years,

you have heard our presentation time and again. I don't want to delay us, or you or my dinner anymore, and I would defer that to your board and let you make your recommendation.

George Van Nest said "Madame Chair I am going to recuse myself from this matter, as my property abuts the project site - with your permission."

Pat Powers said "I know that the neighbors were notified. Is there anyone here that wishes to speak to this project?"

Tim Englert of 4425 Ransom Road said "I would like to refer to the Master Plan that states that like housing should be placed by like housing. Placing a subdivision or townhouses in an old quarry? I can look back from my property and see how the water levels have changed in the past four years, all of the water retention ponds. There is water now where there never was water, and in other areas it is dry. Obviously there are change staking place back there. That whole subdivision is going in on septic systems. Granted they were going to be clustered septic systems, but still they building a subdivision that is 50, 60, 70 feet below the property that is in front of them on Ransom Road. The water pressure in the area now is inadequate for what we have there now. Adding 180 new town houses and 50 more new single family homes, it can't make the water pressure get any better. Traffic is another issue. They say this will be for empty nesters, but you cannot discriminate. The traffic will be increased.

Tony Russo of 10755 Rosewood Lane said he has been coming to these meetings for this project for years. He would like to hear a satisfactory description of how the sanitation is going to be handled, traffic, water. He has never heard a clear description of how they are going to be solved. If we are going to go through with this thing, I think all those studies should be independent, documented, and we should be able to read them or at least have someone explain them to us. It has been missing all this time. I don't know where they are. If these reports existed, I think we would have heard about them. I would like to know more about this court ruling. I didn't know such a thing existed. Thank you.

Pat Powers said "I am not an Attorney, and I don't think I would do an adequate job of trying to explain the court ruling to you. I don't know at this point if this is the time and the place to get into the court ruling and try to explain it. I believe that the court found in favor of the Town - is that correct Councilman? No?" Mr. Robshaw said "I have a copy of the court ruling if you would like, I brought it with me. What the court basically said is they heard the Town attorneys, they heard the petitioner's attorney's, I will read the order at the end.:

ORDERED, ADJUDGED AND DECREED, that the Petition be, and the same hereby is, **GRANTED**, and it is further,

ORDERED, ADJUDGED AND DECREED, that the May 26, 2004 Resolution of the Respondent Town Board of the Town of Clarence, New York which adopted "Overall Findings/Conclusions" concerning Petitioners' application for PURD zoning on the Clarence Materials site be, and the same hereby is, **ANNULLED**, and it is further,

ORDERED ADJUDGED AND DECREED, that the Petitioners' application for PURD zoning for the Clarence Materials site be referred to the Town of Clarence Planning Board for Review pursuant to the provisions of the Town of Clarence Zoning Ordinance. So the Town Board originally turned it down, that turn down was annulled, and the court ordered the matter come back here for your decision, and in turn to go to the Town Board.

Councilman Bylewski said "Part of that order struck down the conclusion section of the findings statement, but allowed the remainder of the findings to stand. That is how it has been explained to the Town Board."

Pat Powers asked "Is there anyone else wishing to speak this evening?"

Sean McDonald of 4617 Ransom Road said he is concerned with the traffic, the sewer, the water pressure, everything that everyone else has said here.

Fred Ehlert of 10805 Stage Road said there are millions of gallons of water that flow into that corner every spring. They could have septic systems that deal with the sewage that is back there, although when the water table is up, what happens to that sewage? I would assume that it floats on the top of the septic systems. How would you get rid of the water that is back there to put homes in? It is a hole in the ground, virtually a hole in the ground. How do you get rid of the water without having a sewer system of some kind to take it out? Now if you are going to have to make everybody up there be on a sewer system at some point in time to handle this, we all shouldn't have to bear the brunt of a sewer system that is potentially, eventually going to come up there. If you leave it the way it is, everybody's septic is fine, and works alright. Lancaster Speedway is right around the corner, that area is kind of an industrial area. I have spent many nights over there, so I love the noise that comes from there. But if you put 230 families down there, that have no idea that the track is there, and it echoes. You can stand down there and you can hear the announcer speak. Lancaster Speedway has been there for fifty years. What about the noise? I don't think it is the area to put a big residential area in.

Greg Mazikowski of 10730 Jones Road said he has concerns about the traffic, the septic issues, and the infrastructure. That is a lot of people in a relatively small parcel of land. In keeping with the Master plan, I don't think that is what they envisioned. I would also like to confer with the attorney for the developer. I have been coming here for four years now, looking at this project, and I wonder how often they have to get turned down on this project, before they just stop proposing this thing time after time after time. I would also like to comment to the Planning Board. I think they are doing a very good job in giving due process to this project, and looking at all the variables, and I applaud you for that. Thank you.

ACTION:

Motion by Patricia Powers, seconded by Tim Pazda to recommend to the Town Board that the project be denied based upon review of the findings statement, all records and evidence in the file, and all testimony given, and that includes testimony presented here this evening. In addition, the Town has adopted a new zoning law which has eliminated the PURD

zoning.

Tim Pazda	AYE
Jeff Grenzebach	AYE
Roy McCready	AYE
Wendy Salvati	AYE
Patricia Powers	AYE
George Van Nest	Recused himself because he lives adjacent to the property.

MOTION CARRIED.

ITEM III
People Inc.
Commercial

REQUESTS CONCEPT PLAN APPROVAL FOR THE
CONSTRUCTION OF A 50 UNIT SENIOR HOUSING
PROJECT LOCATED AT 4725 TRANSIT ROAD.

DISCUSSION:

Jim Hartz gave a brief review of the project which was introduced to the Town Board in February of 2005. The Planning Board heard the request on March 16, 2005. It was denied based on the density of the living units and the size of the units. The request for a variance was heard and granted by the Board of Appeals on April 12, 2005. The property is located in the Commercial zoning district on the entrance drive to the Eastern Hills Mall. The Master plan shows this in a Commercial use district. Rhonda Frederick, Chief Operating Officer for People Inc. and Patricia Bittar of William Schutt & Associates represented the project. Pat Bittar said "Just so you know - we made two other revisions to the plan based on Building Department comments. The access drive that goes around the perimeter of the building was increased from sixteen feet to twenty feet. Also the curb in the northeast corner of that access drive, we softened that up. Jeff Grenzebach asked if they had incorporated the sidewalk to the mall. Rhonda said "No, but if you want to make a recommendation, we will take it into consideration." Tim Pazda asked how many other locations they have. There are seven in operation and two under construction. Tim Pazda asked about the parking. There will be 50 spots, and we find that only about half of the parking is utilized. We have one van, one manager, and one maintenance person. The van is available to residents for grocery shopping, and social activities. Tim Pazda read the

Fire Advisory comments. The fire chief is looking for a fire hydrant on the mall access road in front of the building, and he had concern about the width of the road going behind the building on the eastside, and that sounds like that may have been taken care of.

ACTION:

Motion by Wendy Salvati, seconded by Jeff Grenzebach to recommend this project to the Municipal Review Committee, Traffic Safety with the following conditions:

- 1) The front portion of the property (Sheridan Dr) is to remain as green space (forever wild).
- 2) A sidewalk on the property to extend to the southernmost property line.
- 3) Checklist for concept and development plan approvals at the proper time.
- 4) A front setback of at least ten feet and there will be only one exit on the mall access road.
- 5) Fire hydrant to be placed on the mall access road.

On the Question?

Roy McCready stated he would rather see one exit on the access road. Traffic Safety will study the plan where two exits are shown.

ALL VOTING AYE. MOTION CARRIED.

ITEM IV

Phil Silvestri
Traditional Neighborhood

REQUESTS CONCEPT PLAN APPROVAL FOR THE CONSTRUCTION OF A NEW FACILITY FOR HARRIS HILL ANIMAL HOSPITAL LOCATED AT 8470 MAIN STREET.

DISCUSSION:

Jim Hartz gave the background on the project. The project was first introduced to the Town Board in January of 2005. It received a Negative Declaration on March 9, 2005 from the Town Board. It was denied by the Planning Board on March 16, 2005 based on the parking in the front of the building. The applicant applied to the Zoning Board of Appeals and their request for relief was granted on April 12, 2005. They are here tonight seeking concept plan approval on this site plan. Phil Silvestri represented the project, he showed the rendering of the building that was recently completed on Niagara Falls Boulevard and Green Acres Road. This building will be similar.

The transition period from demolition of the building and settling in to the new building will be two to three weeks of shut down. George Van Nest said "The construction schedule that you mentioned, is that going to impact the parking and access to the existing building, to the extent you will be bringing in heavy equipment, dump trucks etc for the excavation, fill etc?" Phil Silvestri said "Actually the construction vehicles will be limited to the left side of the site, the right side of the site will be maintained for parking for the customers. Our employees will park at the church across the street." No one in the audience chose to speak to the project.

ACTION:

Motion by Roy McCreedy, seconded by Tim Pazda to recommend concept plan approval to the Town Board with the following conditions:

- 1) Checklist for development plan.
- 2) Sidewalk to connect to the street sidewalk.
- 3) Access management is to be paved to the property line and can be used for parking in the interim until access management is available.
- 4) Fire Advisory suggested that a Knox box be installed.

ALL VOTING AYE. MOTION CARRIED.

ITEM V
Lou Visone
Commercial

REQUESTS CONCEPT PLAN APPROVAL FOR THE DEVELOPMENT OF A 43,500 SQUARE FOOT OFFICE PARK AT 9300 MAIN STREET.

The applicant was not present.

ITEM VI
Kathy DeRose
Residential Single Family

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

DISCUSSION:

Jim Hartz gave a description of the project. The project was introduced to the Town Board on February 9, 2005, and they received a Negative Declaration on March 23, 2005. The property is zoned Residential Single Family zoning District and the Master plan shows it in a Residential Single Family area. They are splitting their 20 acres into four additional parcels. They have four existing homes on this, and they are accessing

the existing driveway that has access from Kraus Road. Kathy DeRose said "I guess this is the second time we have been back to the Planning Board and the original concept plan was approved, so I am assuming the information hasn't changed, and the project hasn't really changed, it is still the same. Pat Powers asked if the Planning board members had any questions relative to this project. Jeff Grenzebach was concerned that one house would be in the backyard of an existing home. Kathy DeRose said the first two houses face the private driveway, and the other two houses sit on an angle kind of toward the cul-de-sac. There are a several rows of pine trees, and fruit trees too, so that shouldn't be a problem. Tim Pazda asked about the homes and id they require sprinkler systems. Kathy DeRose said only one of the homes will require a sprinkler system, and that will be part of the requirement to buy that parcel because of the length of the private driveway back to the parcel. Pat Powers asked if anyone in the audience had any questions or comments.

Ron Walkowiak of 500 Pineledge Drive West said he is curious about parcel #3. Right now that parcel is not available at the present time. Kathy DeRose said her daughter still rides her horse and that is where the barn is as well as the east pasture and the west pasture, and includes 11 acres. It is not for sale right now, but she wants the approval included so at some point down the road if they want to take the barn down and sell it for a house. The house would probably be in one of those two pastures. Mr. Walkowiak saw someone flagging the property and was concerned. He would like to see the buffer kept there so he doesn't lose his privacy. Mr. Walkowiak said "At this point, if I can be assured that the buffer is going to stay and the house will be far enough away from the property line, I have no objection." Kathy DeRose said "The financial advantage when someone buys that lot, the closer they place the house to the private driveway the less they have to pay to run the utilities back so far." Mr. Walkowiak said "If the lots are that big, is there the possibility of subdividing the lots in the future? Pat Powers said "No, this is it."

Anne Case of 10013 Greiner Road said her property abuts a pond in the existing 4 lot open development. Back in February the Town Board held a public hearing to purchase some

property on Goodrich, Old Goodrich and Greiner Roads. Their description was that it was part of the Onondaga Escarpment, along with Onondaga limestone, the water feature, and a mineral rich habitat. They have been studying that area since 1920, and they are concerned because this type of habitat is disappearing due to development. The reason it is rare is because it has significant wetland, a local aquifer, and it is the only geological feature it found with the trees and the wildlife. Because of the urgency of development they wanted to purchase it. When I heard the description of that property I said to myself that is exactly what is at the end of my property. I believe the pond is owned by Mr. & Mrs. Clunie, who live in the middle property of this development. The rise from my property to the top where the Clunie's live is between 20 and 30 feet, and I do believe it is part of the escarpment. When I moved into my home in 2001, the Clunie's home had not yet been built. I have noticed a distinct change in the pond, and the aroma that is coming from the pond. I know what a stagnant pond smells like, and I know what sewage smells like. I am disturbed at the change in the pond, and I am disturbed by the aroma coming from the pond that I smelled in September that I never smelled before. I describe it as a stench, and it is not a stagnant pond stench. I am concerned that when more homes are built up there, they are going to have to dig basements. There is going to be some kind of hitting of the rock, that is going to fracture the rock and create new fissures. I don't know what is going to happen to that property of Mr. Clunie, but I would just like to bring it to the attention of this board. I have noticed changes, and I am sure that once you start pounding that rock, there are going to be more significant changes, and I am just concerned about drainage and the sanitary issue that will be created to service these homes. Thank you for listening."

Kathy DeRose said there are new houses that have been constructed along this area (further down on Greiner). There are two or three new homes. She has a topographic map of her property. If anything the land pitches down toward Kraus, and as you go this way it pitches toward Oehloft's due south east. Mr. Clunie hasn't touched anything, it hasn't been disturbed. If there is something going on with the pond, I don't know what it is. We have a sand filter system that was

designed by William Schutt, and approved by the Erie County Health Department.

Wendy Salvati said the problem could be from one of the older homes on Greiner Road with a failing septic system.

Anne Case said her septic system is in front of her home. She didn't smell anything the first two years she lived there. She is not trying to blame anyone, she just wants everyone to be aware of the situation.

Wendy Salvati said the pond can be tested for coliform by the Erie County Health Department to determine if there is septic leaching. The question is where is it coming from?

Pat Powers said "Kathy I went back to the minutes of our meeting held on March 2, 2005. We were discussing water lines etc. and you stated that you would need an engineer to determine what size water line would be needed for parcel # 2. You stated Tim Lavocat of our Engineering Dept estimated a 1½" to 2" line, and he also recommended that a fire hydrant not be done because it would require a water meter pit. He suggested that a better solution is to install a sprinkler system in each home. "

Kathy DeRose said "He was referring specifically to parcel # 2. It was just intended to satisfy that requirement to be within so many feet of a fire hydrant. It wouldn't be for parcel # 4 or parcel # 1, and maybe parcel # 3 if it is far enough. We have two fire hydrants, but if someone chooses to put their house past the water line they will need to have a sprinkler system.

ACTION:

Motion by Wendy Salvati, seconded by Jeff Grenzebach to recommend concept plan approval of the four lot open development area located at 5131 Kraus Road to the Town Board with the following conditions:

- 1) File a memo with the Homeowner's Association to give other lot owner's the right to use the driveway.
- 2) A sprinkler system to be installed within parcel # 2 and if necessary in parcel # 3 per the recommendation of the Town Engineer.
- 3) The DEC and the Health Department will be contacted to

study the pond.

On the Question?

Jeff Grenzebach asked if there were deed restrictions. Kathy DeRose said there are deed restrictions, and everyone receives a copy.

ALL VOTING AYE. MOTION CARRIED.

ITEM VII
Holy Cross Lutheran Church
Commercial

REQUESTS DEVELOPMENT PLAN APPROVAL FOR A
2,835 SQUARE FOOT ADDITION TO THE EXISTING
CHURCH FACILITY LOCATED AT 8900 SHERIDAN
DRIVE.

Motion by Tim Pazda, seconded by Jeff Grenzebach to table this item, as well as Item V because the applicants were not present.

ALL VOTING AYE. MOTION CARRIED.

Motion by Wendy Salvati, seconded by Jeff Grenzebach to adjourn the meeting.

Meeting adjourned at 9:05 p.m.
Patricia Powers, Chairman