

PLANNING BOARD MINUTES

Wednesday June 1, 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

Charles Reid
Major Arterial / Residential Single Family

REQUESTS BUILDING PERMIT FOR A POLE BARN AND CHANGE IN USE FROM RESIDENTIAL TO FENCE BUSINESS AT 6695 TRANSIT ROAD.

ITEM II

People Inc.
Commercial

REQUESTS CONCEPT PLAN APPROVAL FOR THE CONSTRUCTION OF A 50 UNIT SENIOR HOUSING PROJECT LOCATED AT 4725 TRANSIT ROAD. (Entrance to Eastern Hills Mall)

ITEM III

Rocco Del Grosso
Major Arterial / Residential Single Family

REQUESTS CONCEPT PLAN APPROVAL AND DEVELOPMENT PLAN APPROVAL FOR THE CONSTRUCTION OF A 7160 SQUARE FOOT OFFICE BUILDING AT 6215 TRANSIT ROAD.

ITEM IV

Douglas Klotzbach
Agricultural / Rural Residential

REQUESTS DEVELOPMENT PLAN APPROVAL FOR A THREE (3) LOT OPEN DEVELOPMENT AREA ON 6.95 ACRES AT 10998 KELLER ROAD

ITEM V

Kathleen Fleming
Traditional Neighborhood

REQUESTS DEVELOPMENT PLAN APPROVAL FOR CONSTRUCTION OF A NEW BANK AT 8411 MAIN STREET.

ATTENDING:

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

INTERESTED PERSONS:

Jocelyn Bos
Matt Balling
Councilman Scott Bylewski
Rhonda Frederick
Attorney David Donohue
James Hartz
Kathryn Tiffany
Danielle Pfund
Christine Pfund
Charles Reid
Pat Bittar
Rocco Del Grosso
John Haas
Doug Klotzbach
Frank Wailand
Anne Case
Rich McNamara

MINUTES

Motion by Jeffrey Grenzebach, seconded by George Van Nest to approve the minutes of the meeting held on May 18, 2005 as written.

| | |
|-----------------|-------------------------|
| George Van Nest | AYE |
| Tim Pazda | ABSTAINED he was absent |
| Jeff Grenzebach | AYE |
| Roy McCready | AYE |
| Pat Powers | AYE |

MOTION CARRIED.

ITEM I
Charles Reid
Major Arterial/Residential Single Family

REQUESTS BUILDING PERMIT FOR A POLE
BARN AND CHANGE IN USE FROM
RESIDENTIAL TO FENCE BUSINESS AT 6695
TRANSIT ROAD.

DISCUSSION:

Jim Callahan gave a description of the property which is located on the east side of Transit Road south of County Road. The property consists of 3.33 acres and is zoned Major Arterial along the frontage, and a single-family unit exists on the site. The Master Plan identifies the area in a commercial classification. The applicant was granted a change-in-use to operate a fence business at this location in 2001. The applicant is proposing a pole barn for storage purposes for the business, and was referred to the Planning Board for recommendation on May 25, 2005 by the Town Board. Mr. Reid said he would like to build a 60 x 28 pole barn. Chairman Powers asked the applicant if he intended to use the existing house as his office. Mr. Reid said it will eventually be used for his office. He hopes to have his business moved over there by November 1, 2005. By spring he would like to have his display area set up on the right corner of the property. The business is pretty dormant in the winter, but last year he kept his guys on until the third week of January. He said business usually starts up again April 1st. Wendy Salvati asked Mr. Reid to show exactly where on the site the display area would be. He indicated an area on the right side of the existing house. He said he would like to keep the country feel to the property. Wendy Salvati indicated that the property has a lot of beautiful trees and that it would be nice if many could be retained. Mr. Reid indicated that along the side of the property there are some beautiful maple trees that are being saved. In the front, he will keep everything he can, except for maybe one. He indicated, also, that the garage will be removed. Roy McCready stated that, if the pole barn has to be moved one way or another in order to save some trees, the board would like to see that done. Mr. Reid indicated that the pole barn is about 80 feet from the back of the house. Patricia Powers asked Mr. Reid, "it's quite possible that with the foliage that is there, the pole barn won't even be seen from Transit Road?" Mr. Reid answered that he was hoping for that. However, he said that he has cleared a

lot of the rear property already, but is trying to maintain as many trees as he can. Wendy Salvati asked about an area indicated on the site map and if it would be used for storage or staging. Mr. Reid answered that the pole barn would be used for storage and for some manufacturing and the rest of the indicated area would be used for storage. He would like to run a fence on both sides of it for security reasons but also for aesthetics.

Pat Powers said, "Do you intend any other outside storage other than the fence display? Would this primarily be a retail fence business as opposed to a wholesale fence business?" Mr. Reid replied that any other storage would not be visible from the road and that he is not interested in wholesaling. Tim Pazda asked if it was said if all the materials would be stored within the building. Mr. Reid replied that if he stored all his materials in the building it would defeat his purpose. He needs the area to manufacture. All of his work is custom. In the area that is fenced in along the back, behind the pole barn, will be used as storage area. Tim Pazda brought up the new zoning law (pg. 48), under major arterial, which mentions the exclusion of on-site manufacturing and outdoor storage of merchandise. Councilman Bylewski added that it would require a special exception use permit. He said that Chapter 2, Outside Display of Materials, does require a Special Exception Use permit if it's a business, which by the nature of the product sold, desires out side displays. It provides various conditions to meet, in addition to the super majority required by the Town Board. Jim Callahan added that this use(with light manufacturing and the outside storage), would qualify as a special exception use permit. Tim Pazda said that he wasn't trying to throw water on the project, but wanted to make sure we were following the rules. Councilman Bylewski said that since this project may require a special exception use permit for the outside display and anything else that may be required, it might be a good idea to delineate where the outside display will occur, how close it is to the lot lines, etc. Wendy Salvati agreed. Jim Callahan added that Mr. Reid had identified that area as the fenced in area behind the pole barn. Councilman Bylewski asked if the outside display was different that the outside storage area. Mr. Reid replied that, yes, it was different.

Wendy Salvati asked how deep the property was, and Mr. Reid replied that it is over 1200 feet in depth. Jeff Grenzebach asked if Mr. Reid would be accessing the storage area from the left side of the pole barn. Mr. Reid replied yes. Jeff Grenzebach added that this gave Mr. Reid some additional security. Patricia Powers asked, "Is it true, Mr. Reid, that those trees shown on here have already been taken down?" He replied that some have, but everything along the sidelines of the property has remained. David Donohue asked if the back portion of the lot was in Residential. Jim Callahan said, "not where he's clearing. That line is 700 feet back. He's nowhere near that." David Donohue asked if the 45 feet was in jeopardy and Jim Callahan said no.

ACTION:

Motion by Roy McCready, seconded by Tim Pazda to recommend a building permit for a pole barn and a change in use from residential to a fence business at 6695 Transit Road. The project would be subject to commercial open space fee and subject to the Town Engineer's conditional letter of 5/27/05. No display out front. This will remain a retail fence business, no wholesale business. Must submit a tree survey to the landscape committee so they can help to eliminate the number of trees that must be taken down to accommodate the pole barn. This will require a special exception use permit for outside display and storage and that will be taken care of at the Town Board level.

On the Question?

Mr. Reid added that, as far as the trees near the pole barn are concerned, many are gone. He said that he isn't even using all the 700 feet. Wendy Salvati said that it was difficult to understand because we only have a sketch for a portion of the site. We don't have a site plan drawn by a professional. We also had the boundary survey that you gave us which shows a whole bunch of trees. It wasn't clear to me until this meeting tonight that you had already cleared the site. Now I know, by listening to you, that a good portion of those trees are gone. Mr. Reid stated that when driving down Transit Road, you're not going to notice much of a difference, other than there's going to be a white picket fence out in front. Patricia Powers asked Roy McCready to amend his

motion to include these conditions and he responded yes. Tim Pazda agreed to amend his second; however, he had a question about the house. He asked if the Board should have a time period for the house to be converted to a business, so there are not conflicting uses for the property. Wendy Salvati asked if Mr. Reid lived there and he responded that he did not live there but had rented it out until April. Tim Pazda said that the Board just wants to be sensitive to the property next door. He doesn't want Mr. Reid's property to be rental property for six to nine months, maybe lasting for a year and a half. Mr. Reid said, "the next resident in there will be my business." Patricia Powers asked how soon that might be. Mr. Reid said, "My date is the 31st of October." Patricia Powers asked Mr. Reid if he would have a problem if the Board made it a condition that he occupy the house as the office for his business by October 31, 2005. Mr. Reid stated he had no problem with that. Councilman Bylewski asked that the applicant work with the Planning and Zoning Office in accordance with Chapter 2 of the Zoning Laws, specifically as it relates to showing the outside display on the site plans. He said, "There are some setback requirements and we want to make sure that it falls within that." He recommended contacting Planning and Zoning. Mr. Reid said that he would already be set back 3 or 4 feet because of the row of maple trees that he won't be touching. Patricia Powers amended the motion to say, "occupied by October 31st of this year and work with Planning and Zoning to meet the setback requirements as outlined in the Zoning Law."

| | | |
|-----------------|-----|-----------------|
| Philip Sgamma | AYE | |
| George Van Nest | AYE | |
| Tim Pazda | AYE | |
| Jeff Grenzebach | AYE | |
| Roy McCready | AYE | |
| Wendy Salvati | AYE | |
| Pat Powers | AYE | MOTION CARRIED. |

ITEM II
People Inc.
Commercial

REQUESTS CONCEPT PLAN APPROVAL FOR THE
CONSTRUCTION OF A 50 UNIT SENIOR HOUSING
PROJECT LOCATED AT 4725 TRANSIT ROAD
(Entrance to Eastern Hills Mall)

DISCUSSION:

Jim Callahan gave a brief review of the project which is located on the east side of the access road to Eastern Hills Mall. The property consists of 4.12 acres, zoned commercial. The Master Plan identifies this area in a commercial classification. The applicant was originally referred by the Town Board on February 23rd of this year. It received a denial on the project by the Planning Board due to unit size and density. The applicant received a variance on April 12, 2005 to allow a higher density and smaller units, as designed. The Town Board issued a Negative Declaration under SEQR on May 18th. The applicant is here requesting a recommendation on concept plan approval. Rhonda Frederick with People, Inc and Patricia Bittar, with William Schutt & Associates appeared before the board but did not have anything to add to Jim Callahan's comments. Jeff Grenzebach asked if the mall had been approached regarding the striping of the pedestrian sidewalk. He said that some people might not know where to go when walking. Rhonda Frederick said she would be happy to contact them. Wendy Salvati mentioned the sidewalk that needs to be shown on the site plan. Patricia Bittar apologized for it not being there, but said it would be added. Wendy Salvati also added that Fire and Safety had wanted a fire hydrant located someplace. Pat Bittar said that as soon as they get design plans into engineering, it will reflect a fire hydrant.

ACTION:

Motion by Pat Powers, seconded by Jeff Grenzebach, to recommend to the Town Board Concept Plan approval with the following conditions:

1. You would be subject to all appropriate fees;
2. The front portion of the property on Sheridan Drive is to remain as green space, forever wild;
3. A sidewalk on the property, to extend to the southernmost property line;
4. Fire Advisory requires installation of a fire hydrant on the mall access road in front of the building;
5. Width of the road behind the building on the east side has been widened to 20 feet;
6. You will be required to have an approved landscape plan at Development Plan Approval;
7. A checklist for commercial project development plan;
8. Two access points on the mall road; and
9. Parking for 50 cars (amended below).

Pat Bittar asked, "Are you going to require the 50 spaces up front, or can we allow the 13 to remain for the future as shown? We offered 37, and showed 13 as future because we didn't feel we needed that additional parking for the residents." Pat Powers amended item 9 to read, "parking for 37 cars, and 13 to be banked."

On The Question?

Wendy Salvati asked about the area designated to remain forever green. She said that it had been mentioned earlier that it was the front section along Sheridan Drive. She said, "it's actually the property that sits behind the facility that would remain forever green." Pat Powers said that it's confusing because it's considered to be located on Sheridan Drive, even though it doesn't have a Sheridan Drive address. She said, "it's confusing and I hope they can get it straightened out before the occupants move in." Tim Pazda said, "this is the first time that I've heard of the banking of the parking. Did the Executive Committee look at that?" Pat Powers replied that they have recommended in the past that, if they don't think they're going to need that parking, they can bank for parking in the future, if needed.

- Philip Sgamma AYE
- George Van Nest AYE
- Tim Pazda AYE
- Jeff Grenzebach AYE
- Roy McCready AYE
- Wendy Salvati AYE
- Pat Powers AYE

MOTION CARRIED.

Pat Powers said, "We'll see you back in time for development plan approval."

ITEM III
Rocco Del Grosso
Major Arterial / Residential Single Family

REQUESTS CONCEPT PLAN APPROVAL AND DEVELOPMENT PLAN APPROVAL FOR THE CONSTRUCTION OF A 7160 SQUARE FOOT OFFICE BUILDING AT 6215 TRANSIT ROAD.

DISCUSSION:

Jim Callahan gave a brief review of the project which is located on the east side of Transit Road, north of Woodbridge Lane. It's consists of approximately 1 acre

in the Major Arterial zone. Master Plan identifies the area in a commercial classification. The applicant was referred by Town Board on February 23rd of this year. It did receive a variance for front yard setback reduction on May 10th. The applicant received a negative declaration under SEQR on May 25th. The applicant is seeking concept plan and development plan approval on the project as redesigned.

Rocco Del Grosso, Krislyn Co., thanked the Board for having made the recommendation to the ZBA in getting this done. He said he loves the new plan. We are looking for some help with the parking because we ran into some constraints. We ran into further, minimal, parking constraints when the Army Corps of Engineers asked that we move the retention pond from the rear, eastmost line and incorporate it with, in their opinion, an already wet area. I liked it because there are two huge trees that I wanted to save. One of them is 6 feet in girth, and we are able to leave it. But, in doing so, we got into bigger parking problems. The pond wraps around that little corner. On the brighter side, we were able to move it away from Mr. Meosky's house. We were then able to sheet-drain the parking lot, off the property and into the retention pond and subsequently, into Gott Creek. I respectfully ask the Board to be able to move, with some conditions, to Development Plan approval, just because of the time constraints that I have of designing and redesigning to make this work. The landscape plan was reviewed today by Mr. McCready and there were some concerns. I rushed off to Mr. Haas and he put together the key that you asked for. He also put together the foundation planting around the building. We intended to do it, but we were shoving the building all over the parking lot. There is no curbing on the project because we are sheet draining off into the lot and you need no curbs. We don't use dumpster locations because we pick up our own garbage with a private pickup. I feel it is a nicer way to do it since it is a residential area in the back. Dumpsters look OK for about the first two weeks until the big garbage trucks hit them. Mr. Lavocat in Engineering has some concerns that I would like to address so that this can be moved along. We did receive a letter of non-jurisdiction from the Army Corps, which was a pre-requisite that he had. Mr. Tom Moore, who is our biologist, wasn't able to get me the letter fast enough, but he did say that I am able to say publicly that we did get our letter of non-jurisdiction and it is forthwith. It should be here any day. The Department of

Environmental Conservation required a permit to drain the pipe. It is referred to as a Stream Disturbance Permit. Penny Dempsey, from the DEC, and I had a meeting this afternoon and she also said that the letter is forthwith and I am able to say publicly it is approved and is on its way. All the papers and documentation for the Erie County Sewer District have gone in. Mr. Larry Pfohl asked me to deliver it to the Rath Building, which I did. It's going to be approved and sent accordingly; of course, before the permit is issued. Mr. Steve D'Amico, Erie County Water, was kind enough to send me a letter saying he was happy with it and the permit is forthwith. I can leave that letter with you for your file. Lastly, Mr. Lavocat had a concern with regard to the easement, the pond and the owners of the property that granted me the easement. There is some language regarding egress and ingress. The Pfohl's, who own the property next door, were kind enough to give me a notarized letter. Mrs. Pfohl is here this evening and can speak to this. It says that, except for anything illegal, she doesn't care what I do in the easement. This should address all the issues, with the exception of landscape. I'm hoping Mr. McCready and Ms. Salvati can look at that this evening to accomplish what we need. Also, the engineering, which we've struggled to accomplish what we needed. Other than that, I have nothing else, except the discussions on the parking.

Pat Powers thanked Mr. Del Grosso for his checklist for concept plan approval. She said, "I know you will be presenting one of those at development plan as well. Unfortunately, you have everything you need, except the one item that we are required to have before we recommend development plan. We are not going to be able to deal with development plan this evening, and I know how difficult this is for you Mr. Del Grosso. We don't like having to say no, but we can't say yes without Town Engineer and Board of Health papers in our hands. But, we can move on concept approval this evening. Let's discuss the parking problem that you have and see what we can come up with." Pat Powers asked Mr. Haas if he had any suggestions. He said that there really isn't any more property to put parking on. He said that in order for them to make it work they need a certain amount of square footage in the building. With his calculations, he feels they are about 5 spaces short, not counting the handicapped spaces. Originally, they had some parking along the access road which they removed. Mr. Del Grosso said,

“given the size of the piece of property that’s left, by virtue of the easement, it starts to compromise the square footage and the economic value of this piece of property on behalf of the Pfohl’s, to continue to keep encroaching into this property. Counsel has advised them not to do that at this point. Hopefully, somewhere down the road, in the not too distant future, we would require this property if the Pfohl’s elected to do that. We would then be able to spread the parking out. At this point, in moving the building forward, the Board was aware that we were going to be four spaces short to begin with. Given everything we had to deal with, we’re only one space short overall.” Wendy Salvati asked what the total square footage of the building was. Mr. Del Grosso replied that it is 6,164 square feet. Jim Callahan said that the Planning Board has the ability to recommend a reduction in parking based upon the joint access with the adjoining property. There is a mechanism in place for recommendation. Ultimately, the Town Board would have to approve the reduced parking ratio. He said that is the solution to the question asked. Pat Powers said it could be recommended as a condition to the Town Board based on the green space. The back of the building has been moved forward. She said there ought to be some give and take. Wendy Salvati asked Mr. Del Grosso to confirm that the building could not be used for medical uses – only professional offices. Mr. Del Grosso confirmed that, saying it is based on the density.

ACTION:

Motion by Jeff Grenzebach, seconded by Roy McCready, to recommend concept approval with the condition that the four (4) parking spaces be waived.

On The Question:

David Donohue added that Chapter 2 in the Zoning Law, pg. 13, specifically states that, when there is shared access, there are certain approvals that are required by the Town Attorney.

Pat Powers asked Jeff Grenzebach to add, to his motion, the following conditions:

1. A checklist for development plan approval for a commercial project;
2. The building is to be restricted as a professional office building only;
3. Shared access with the business to the north;
4. Approved landscape plan;
5. No dumpsters included because there is private pick up;
6. The Planning Board recommends that four (4) parking spaces be waived.

| | |
|-----------------|-----|
| Philip Sgamma | AYE |
| George Van Nest | AYE |
| Tim Pazda | AYE |
| Jeff Grenzebach | AYE |
| Roy McCready | AYE |
| Wendy Salvati | AYE |
| Pat Powers | AYE |

MOTION CARRIED.

ITEM IV

Douglas Klotzbach
Agricultural / Rural Residential

REQUESTS DEVELOPMENT PLAN APPROVAL
FOR A THREE (3) LOT OPEN DEVELOPMENT
AREA ON 6.95 ACRES AT 10998 KELLER ROAD.

DISCUSSION:

Jim Callahan gave a brief review of the project which is located on the west side of Keller Road at the Newstead border. It consists of approximately 6.9 acres, zoned Ag/Rural Residential. The Master Plan identifies the area in an Ag/Rural Residential classification. The open development was originally introduced to the Town on February 11, 2004 and to the Planning Board on February 18, 2004. A Negative Declaration under SEQR was issued on March 24, 2004. Concept approval was granted on April 21, 2004. The applicant is seeking development plan approval under the open development area portion of the Subdivision Law, with all engineering approval in order. Doug Klotzbach indicated that the plan showing on the screen is an older plan which doesn't show the extent of roadway that was developed with Tim Lavocat and the Engineering Department. There is a turnaround and an area

will be paved as part of getting that first property sold. Pat Powers asked if that was done in response to traffic safety. Mr. Klotzbach said that it was done in response to the requirements of an open development. Jim Callahan indicated that the plan was in the file. He has a 16 foot driveway right now, and it had to be increased by 4 feet. He said he needed to relocate the whole entrance, and that's what he did. He put in a turnaround. Getting it to this level also increases the value of the property. Right now it's in a variance situation. The property has 96 linear feet of frontage. I got a variance for the 4 feet when I built my house. With this new open development, that variance would disappear. The open development only requires the 36 feet of the access onto the road. Wendy Salvati said, "wherever the new homes go, they would just run driveways off the paved surface?" Mr. Klotzbach responded yes, and said that when he sells it, there are some site lines that he's asking them to keep, but that would be a part of the deed. There are also deed restrictions that he's going to put on the site. Pat Powers stated that they have received a memo from the Town Assessor's office saying that the private driveway will have to be named. Mr. Klotzbach asked if it had to be done immediately. Pat Powers said that it "should be in the works."

ACTION:

Motion by Tim Pazda, seconded by Phil Sgamma, to recommend Development Plan approval for a three (3) lot open development area on 6.95 acres at 10998 Keller Road with the following conditions:

1. The private drive is to be named;
2. Subject to open space and recreation fees;
3. Subject to the conditions of the Town Engineer's letter of 5/26/05; and
4. Driveway is to be increased to 20 feet.

| | |
|-----------------|-----|
| Philip Sgamma | AYE |
| George Van Nest | AYE |
| Tim Pazda | AYE |
| Jeff Grenzebach | AYE |
| Roy McCready | AYE |
| Wendy Salvati | AYE |
| Pat Powers | AYE |

MOTION CARRIED.

ITEM V
Kathleen Fleming
Traditional Neighborhood

REQUESTS DEVELOPMENT PLAN APPROVAL
FOR CONSTRUCTION OF A NEW BANK AT
8411 MAIN STREET.

DISCUSSION:

Jim Callahan gave a brief review of the project which is located on the south side of Main Street, west of Harris Hill Road. The property consists of 1.6 acres in the Traditional Neighborhood District. It was initially introduced to the Town on February 23, 2005. The Planning Board recommended concept approval on April 6, 2005. A Negative Declaration under SEQR was issued by the Town Board on April 13, 2005. A Special Exception Use Permit was issued by the Town Board on May 25, 2005. The applicant is seeking recommendation on development plan approval.

Frank Wailand said that this afternoon they received approval from the Erie County Health Department on the septic system design. He said that the second well has been drilled for the injection drainage system, and the report will be in William Schutt's office tomorrow morning. He said they have much greater capacity than they did on the first well. He said it was looking very favorable. Pat Powers said, "that's good news." She also said that there are two letters to be read into the minutes. Tim Pazda read the first letter, from Councilman Kolber, into the minutes (see attached). Pat Powers read the second letter, from Kathleen Flemming to Jim Callahan, which was dated May 19, 2005 and received in Planning & Zoning on May 20, 2005 (see attached). Pat Powers added that Kathleen Flemming is President and CEO of Waterford Bank. She also added that Jim Callahan received a Negative Declaration; the Town Board granted a Special Exception Use Permit; and we have an approved landscape plan. Wendy Salvati thanked Frank Wailand for addressing the various concerns because she had some concerns after the last meeting, and was happy to see that a plan came back that showed changes to the clock tower and the drive-through. She said that this building is not exactly what we were seeking, but the design changes bring it more in character with the area. She said she was satisfied with the design. Phil Sgamma said that he was new to the Board and to this project and doesn't know all that went into it. He said he gets the sense from the other members that the applicant has fulfilled all of the requirements asked of them. He asked

the Board if they have all that they want. Tim Pazda said that it might not be perfect but it's a far cry from where it started. He said they have done everything we've asked, and he doesn't know how they could ask for anything more of them at this point.

ACTION:

Motion by Pat Powers, seconded by Wendy Salvati, to recommend development plan approval subject to the following conditions:

1. The commercial open space fee;
2. The conditions set forth in the Board of Health letter of June 1, 2005; and
3. The conditions listed in the Town Engineer's letter of May 19, 2005.

| | |
|-----------------|-----|
| Philip Sgamma | AYE |
| George Van Nest | AYE |
| Tim Pazda | AYE |
| Jeff Grenzebach | AYE |
| Roy McCready | AYE |
| Wendy Salvati | AYE |
| Pat Powers | AYE |

MOTION CARRIED.

Motion by Jeff Grenzebach, seconded by Wendy Salvati, to adjourn the meeting at 8:45 p.m.

Patricia Powers, Chairman

Kathleen E. Hallock
Supervisor

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Clarence, NY 14031
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(716) 741-8929
Ian R. McPherson
Scott A. Bylewski
Joseph N. Weiss
Bernard J. Kolber

Anne L. Case
Deputy Supervisor



May 31, 2005

Town of Clarence Planning Board
1 Town Place
Clarence, New York 14031

Re: Waterford Bank

Although I will try to be in attendance for tomorrow's meeting, I am requesting that the following comments be made and entered into the record in the event of my absence. Let me first state that I welcome both Waterford Bank and its founders to Clarence. I am happy that they have chosen our town for the location of their first office. What concerns me is the lack of congruence of the proposed architectural style to our master plan.

As a member of the Clarence Town Board, I am obligated and committed to maintaining the guidelines set forth in Clarence Master Plan 2015. As the Town Planning Board, you as members, are held to the same guidelines. The problem with the Waterford Bank as presently presented is that it is not in accordance with our Master Plan. If we wish to change items within Master Plan 2015, it can be modified, but for now we must hold to its parameters.

The proposed location of Waterford Bank lies in the Harris Hill Traditional Neighborhood District. The guidelines for commercial development along Main Street in this district strongly encourage a "federalist" style of architecture. Examples of Federalist architecture include The White House and Monticello. I am attaching copies of photographs of other "federalist" architecture. The problem with the Waterford Bank proposal is that it is "contemporary" or even "post modern". In no way can it be construed as being "federalist". Adding several additional minor features to the building might make it eclectic, but not "federalist".

Why is the architectural style so important? The architectural guidelines set the theme for the entire area. People often comment about the appearance and beauty of the villages of Orchard Park, East Aurora, and Williamsville. While not an incorporated village, Harris Hill is similar in character, and therefore the intent was to protect it by the traditional neighborhood overlay and its inherent guidelines, including architectural style.

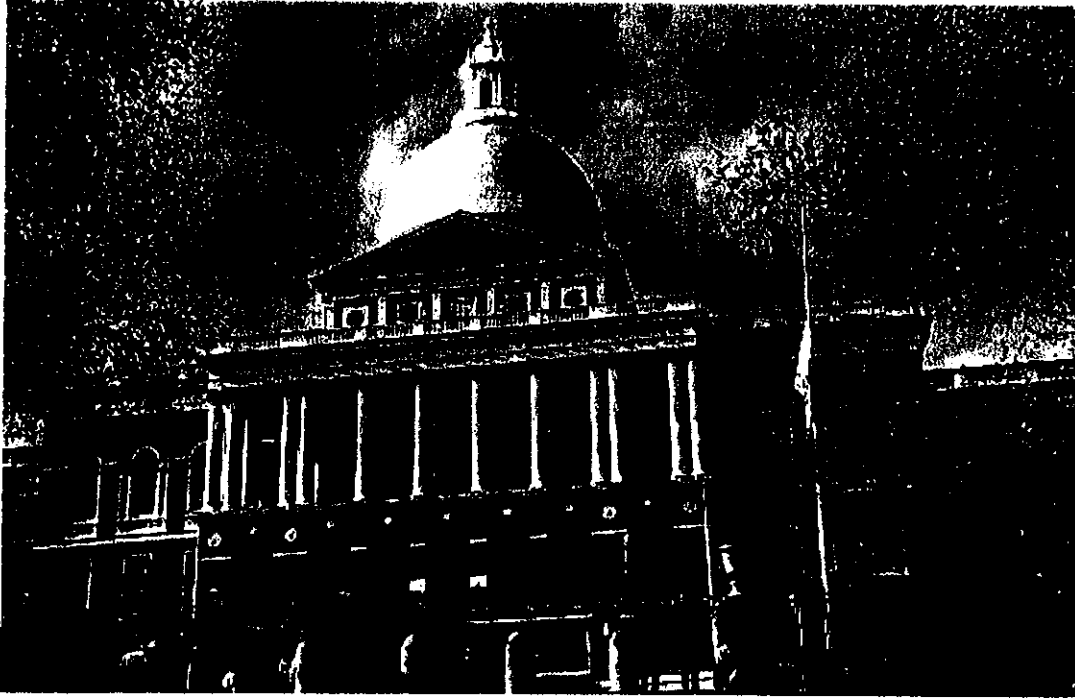
Decisions made today cannot be reversed. They will set the style, character, and ambiance that will be both our and our children's future. They will also set the precedent for future projects. While the proposed Waterford Bank would be a welcome addition on Main Street, its present architectural design does not fit. Perhaps "federalist" is too restrictive, I could get by with "colonial" or another more traditional architectural style, but to harmonize with the district it should be more traditional. The modernistic proposal just doesn't fit.

I am asking this Board to request that Waterford Bank come back with an exterior façade that is more fitting with the Harris Hill Traditional Neighborhood District. It is unfortunate that they have been taken this far into the process, but it is better to change the project now than to allow it to distort our Master Plan for Harris Hill

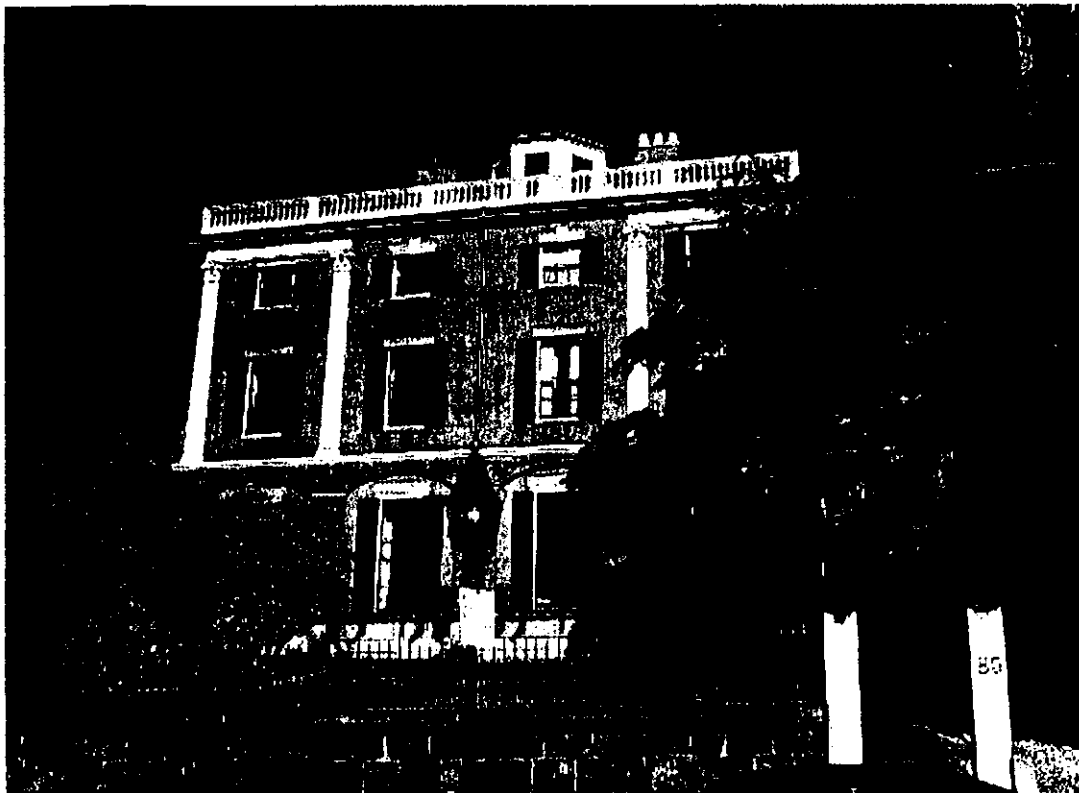
Very truly yours,

A handwritten signature in black ink, appearing to be 'B. Kolber', is written over a horizontal line.

Bernard J. Kolber
Councilman



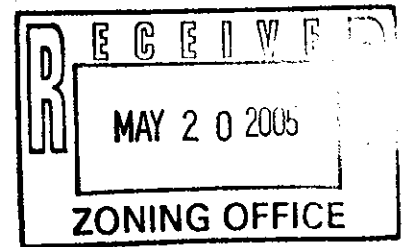




May 19, 2005

James Callahan
Town of Clarence
1 Town Place
Clarence NY 14031

Re: Waterford Village Bank
8411 Main Street



Dear Mr. Callahan:

I thought it would be helpful to summarize the efforts of Waterford Village Bank in anticipation of our public hearing which is to take place on Wednesday, May 25, 2005. During the past several months my team has met with various Town of Clarence Advisory Boards and we have taken the direction of these Boards and implemented their recommendations and suggestions into a plan that I believe will not only be aesthetically pleasing but also a great benefit to the Town of Clarence community.

In this process, I have retained the additional services of:

- 1) Silvestri Architects: Phil Silvestri will personally be the lead Architect to assist the original Architectural & Engineering Team to guide us in blending our original building concept plan with the recommendations of the various Advisory Boards of the Town of Clarence along with using their design experience to help in the selections and details of the final building.
- 2) Grimm Construction Corp. (Construction Manager): Ron Grimm, Jr. will be the lead individual who will assist our team in obtaining the necessary approvals, budgetary requirements and oversee the overall coordination of the project once a General Contractor has been selected. Mr. Grimm will also assist us with the temporary bank trailer and help to address any issues that may arise in regards to any Town issues.

At this time I would like to review the changes and alterations that Waterford Village Bank has incorporated during this process as follows:

- 1) A standing seam roof has been added at a significant cost along with a fascia detail as per the recommendation of the Planning Board so as to soften the exterior roof appearance.
- 2) Masonry brick quoins have been added at the recommendation of the Planning Board.
- 3) We will absorb the cost of installing full masonry brick up to the roof line of the clock tower and will install an upgraded back aluminated town clock.

- 4) Substitute the Lucabond panel system that we incorporated at our St. Louis, Missouri branch and have substituted a synthetic material (Dryvit) so as to blend into the natural environment and address and compliment the neighborhood designated Federalist design requirements.
- 5) We have eliminated the parking along the side of the building as per the recommendation of the Town.
- 6) We have eliminated one (1) entire drive through lane.
- 7) The accent limestone arched areas shall be reduced in size as per the recommendations of the Town.

On another note, The Waterford Village Bank has Leased on a temporary basis 2,000 square feet of office space for our backend office operations which now allows the Bank to delay the Bank Trailer till mid to late summer and this will cut down on the total time of the staging of the trailer on site.

Enclosed please find two (2) 8" x 10" photos of which I took last weekend when visiting friends in St. Louis, Missouri to show the interior of the bank and the high quality finishes of which will be duplicated at our building at 8411 Main Street.

In summary, I believe that our team has now addressed each and every item that the Town has recommended and has gone above and beyond a reasonable effort to complete all of the requirements so as to move forward with all Town approvals and the issuance of a Building Permit. Even though this process has been quite difficult we believe that we now have a better facility due to the Town's direction as we have tried to listen to each and every recommendation with an open mind. We also feel that with Silvestri Architects and Grimm Construction Corp. on our design team that we will have a wonderful project that will be an asset to our Community.

Thank you,

Waterford Village Bank

Kathleen K. Flemming
President/CEO

RAG/KKF/jc/12899/13998
Enclosure