

# Clarence Planning Board Minutes

Wednesday, July 5, 2006

## Work Session (6:30 PM)

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

## Agenda Items (7:30 PM)

### **Item 1**

Casilio Office Building  
Restricted Business

Requests Development Plan Approval for a 33,800 square foot office building at 8755 Sheridan Drive.

### **Item 2**

Dr. Bloom  
Commercial

Requests Concept Plan Review for a second (2<sup>nd</sup>) office building at 9095 Main Street.

### **Item 3**

Rick Teso  
Traditional Neighborhood District

Requests a Recommendation for a drive-thru at the existing pizzeria located at 10325 Main Street.

### **Item 4**

Jack Wilcox  
Traditional Neighborhood District

Requests Development Plan Approval for a 3-lot Open Development Area (2 new lots) at 10352 Main Street.

### **Item 5**

Parks and Recreation Master Plan

Review draft.

Patricia Powers, Chairperson, called the meeting to order at 7:30 PM. Councilman Scott Bylewski led the pledge to the flag.

### Planning Board Members Present:

Patricia Powers  
Richard Bigler  
Philip Sgamma  
Timothy Pazda

George Van Nest  
Jeffrey Grenzebach  
Gerald Drinkard

## Planning Board Members Absent:

Wendy Salvati

## Other Town Officials Present:

Councilman Scott Bylewski  
David Donohue, Town Attorney

## Other Interested Parties Present:

Rita Teso	Jim Cius
Donnette Cius	Janet Callahan
Jack Wilcox	Michael R. Bray
Paul J. Casilio, esq.	James Blum

Due to the absence of a Planning Board member, Richard Bigler will be participating in all discussions and voting on all agenda items.

Motion by Patricia Powers, seconded by Jeff Grenzebach, to approve the minutes of the meeting held on June 21, 2006, as presented.

Patricia Powers	Aye	George Van Nest	Abstain
Richard Bigler	Aye	Jeff Grenzebach	Aye
Phil Sgamma	Aye	Gerald Drinkard	Aye
Tim Pazda	Aye		

## MOTION CARRIED.

**Item 1**

Casilio Office Building  
Restricted Business

Requests Development Plan Approval for a  
33,800 square foot office building at 8755  
Sheridan Drive.

**DISCUSSION:**

The request has been corrected to read a **33,800** square foot office building. Patricia Powers provides the history on the project. The project was first presented to the Town Board on February 9, 2005 and was referred to the Planning Board. It was presented to the Planning Board on March 2, 2005 as a 53, 800 square foot office building and was tabled. On May 4, 2005 it was referred to the MRC (TEQR) Committee, Traffic Safety and Fire Advisory for further study. The project went before the MRC (TEQR) Committee on May 16, 2005. On November 21, 2005 the applicant received a Negative Declaration from the MRC (TEQR) Committee and was sent back to the Planning Board on December 14, 2005 where it was referred to the Town Board for consideration of a Special Exception Use Permit. On February 22, 2006 the Town Board granted a permit for a building not to exceed 35,000 square feet.

Peter Casilio, of PAT Construction Management, explains that Steve Carmina, the architect for the project could not attend this evening's meeting. Mr. Casilio advises that approvals from all

involved committees/departments have been received in order to meet the requirements of the Planning Board. He has also met with the Landscape Committee.

The site shows 169 parking spaces which is the requirement for the size of the building. The parking in the front yard setback has been removed. Patricia Powers asks who will be responsible for supervising the clearing of the lot prior to building. Mr. Casilio assures the Planning Board that the clearing will be supervised and explains that he would like to have a member of the Landscape Committee "ribbon" the trees and the areas before they start the project.

Mr. Casilio has a contract with the vendors that they will use specified travel routes during construction, they will not be traveling through the Boncrest neighborhood.

The mechanicals have not been designed yet. There is a flat roof area that is behind the pitched roof, it is a hidden roof area. If the mechanicals will be on the roof, they will be located on the flat roof area and will be screened.

The applicant is willing to put a fence on the full length of the property line. Mr. Casilio expects that if a fence is put up on the property line, that he would not be required to plant in the buffer area.

Gerald Drinkard asks if there is a final conclusion on an agreement between the neighbors and the Landscape Committee. Mr. Casilio advises there have been two (2) meetings with the Landscape Committee. Steve Carmina met with several of the neighbors and a member of the Landscape Committee to review the landscape design. Some of the results of this meeting have been submitted on the Landscape Plan. The Landscape Committee has approved this design. Jeff Grenzabach asks for clarification with regards to the fence and any plantings. Mr. Casilio advises that Evergreen trees have been planned to thicken places that are thin. The panel fencing has been planned in certain areas to cut down on the vehicle lights as they travel in and out of the parking lot. Between the added trees and the fencing the vehicle lights will be blocked as well as the back of the building.

The land slopes down towards Sheridan Drive. Mr. Casilio explains that the latest drawing shows the building will follow the contour of the land. He does not know the elevation difference from the back to the front of the property, however, he advises it is fairly significant and is at least a story; eight to twelve feet (8'-12').

Patricia Powers reads a letter addressed to Jim Hartz, from neighboring homeowners, dated May 24, 2006. The letter was received in the Planning and Zoning office on June 1, 2006, Patricia Powers received a copy of the letter on June 3, 2006. This is the first time the project has been before the Planning Board since the letter was received. The letter is as follows:

"Dear Jim, We asked for a meeting with the Landscape Committee on March 30, 2006 So they could get an idea of the lack of privacy we will be having once the Casilio project is under construction and after completion. We had hoped to express our ideas to them and as you know, nothing was settled at that time. The town accommodated the Casilio family in granting the special exemption permit-we feel the town should work hard to accommodate the immediate neighbors who live on Boncrest East and will suffer the most impact once this project starts. We, the neighbors, have agreed that there are several major concerns that we share: 1.) Safety, 2.) Privacy, 3.) Lighting and 4.) Property values. We believe that the best way to address these issue collectively and to try and salvage as much of the lifestyle that we have, is by maintaining the 50 feet of

greenspace (undisturbed) and to erect a continuous privacy fence that is 6 feet high mounted on a 2 foot continuous berm to reside on the Casilio side of the 50 foot buffer. The 50 foot buffer is to extend around the southeast corner perpendicular to the diagonal lot line (or further north) to afford the Eiden's privacy from the garbage bins and parking lot. We do not want any additional plantings on the undisturbed buffer at this time. (See attached diagram indicating fence and berm location) A fence installed on a berm as described would give us safety and privacy away from the public eye. This fence would also protect us from headlight sweeps from vehicles in the parking lot. All lighting should be below the line of sight from the residences adjacent to the project. Any lighting that has to be above the line of sight should be properly shielded. As you can see, a fence installed as we described will clearly take care of our concerns of safety, privacy, and most of the lighting installed. As far as property values are concerned, this would afford us the best opportunity to maintain what value we have. We want it clearly understood this is only the initial request by the neighbors and that we would like installation completed before the project begins to ensure our privacy. We consider this a "work in progress". Mr. Carmina suggested (at the March 30, 2006 meeting in our yards) that he would like to revisit and hear any further requests from us once the frame is up for additional plantings, etc. Sincerely, Irvin and Janet Roy of 4715 Boncrest Drive East, Mark and Rina Eiden of 4695 Boncrest Drive East, Janet Callahan of 4705 Boncrest Drive East and James and Donnette Cius of 4725 Boncrest Drive East. The Homeowners of Boncrest East."

A letter was sent by the Town Supervisor dated April 17, 2006 to the Homeowners of Boncrest East, Gerald Drinkard reads the letter:

"Dear Sirs/Madams: After an April 11, 2006 meeting with Mr. Cius, I inquired about the above property with regard to the Town of Clarence Landscape Committee. I was advised that the neighbors listed above previously met with the Landscape Committee but did not reach a consensus on landscaping goals. I understand that the participants were told by the Landscape Committee at that meeting to reach an agreement and put their concerns in writing to the Planning Department. As of this date, nothing has been received. The Landscape Committee desires to accommodate as many items as possible and has yet to sign off on the landscape plan because they are waiting for your communication. However, the Planning Board will be meeting on May 3, 2006 and if you wish to have your landscaping concerns addressed before final approval is given, it is necessary to receive those requests. I urge the neighbors to reach a consensus on landscaping concerns and forward same to the Planning Department, attention James Hartz. Otherwise, the project will advance without your input. Yours Truly, Kathleen Hallock." Copies to James Hartz and Patricia Powers.

Jim Cius, of Boncrest Drive, explains that the letter from the Boncrest Homeowners was received by the Town in a timely manner. The fence is the wish of the neighbors, Mr. Cius said that Mr. Carmina said he and his client are willing to do whatever is expected from the Planning Board, who will be reacting to the wishes of the residents. Mr. Cius asks that the Planning Board honor the wishes of the residents; the wishes are listed in the letter mentioned above and kept in the file. He believes the project will tremendously impact the community.

Tim Pazda asks that the Landscape Committee report be read into the minutes, he feels there is conflict in this area. Patricia Powers reads the Approved Landscape Committee report, it was approved on June 8, 2006 with the following conditions:

- Submit Detail for planting beds on north side of building (foundation bed treatment).
- Define type of material for headlight screen. Eliminate the 1" gap between panel boards.

Patricia Powers received an e-mail from Donnette Cius dated July 3, 2006 it reads as follows:  
 "We have not heard any feedback from the town regarding the letter we sent requesting a 6' continuous privacy fence on the Casilio side of the 50' buffer behind our homes. In case you did not receive a copy of our letter, I have attached one for you to view. We all feel that we are being reasonable with this request and would greatly appreciate it if you could please give it serious consideration as it is the only way we can maintain privacy in our backyards and the back of our homes. Thank-you very much, Boncrest East residents."

Patricia Powers also received an e-mail from Joe Farage on July 5, 2006, he is the president of the Boncrest Homeowners Association (BHA). The e-mail reads as follows:

"Before tonight's Town meeting, as representative of the whole BHA, I want to express our neighborhood's unity agreeing with the Home Owners of Boncrest East letter included below. As a neighborhood we are asking for your help to insure the following things happen. 1.) A fence that is 6 feet high, mounted on a 2 foot high CONTINUOUS berm to reside on the CASILIO SIDE of the 50 foot buffer. 2.) That the fence be solid and undivided in construction blocking light and view from every angle. 3.) We also ask that this be completed before the construction starts for a number of reasons. Thank you for your help to insure the value, privacy, and peace of our neighborhood. I can be reached at my cell phone number if you need to speak to me."

Tim Pazda clarifies that the residents are asking for a 6 foot privacy fence along the entire length of the property on top of a 2 foot berm at the parking lot line of the Casilio side. Mr. Pazda asks what area is required for the berm. Mr. Cius explains that the Town describes a berm as every 1 foot up, it is 3 feet wide. It appears that the Landscape Committee suggested it would be a 12 foot area. Mr. Pazda's concern is that of preserving as much of the natural vegetation as possible, if a 12 foot wide berm is put in, it seems to defeat the purpose of trying to preserve the vegetation. Mr. Cius said they would be perfectly happy with an 8 foot fence, instead of a 6 foot fence with a 2 foot berm, however, the cost of an 8 foot fence is astronomical.

Mr. Cius indicates that the elevation between the corner of the building straight out to the parking lot is 12 to 15 feet.

Patricia Powers voices her concern with regards to the fence being put up at the parking lot line, 50 feet inside Casilio's property line. She thinks it unreasonable to ask the applicant to turn over 50' of their property, they are still liable for any thing that happens on that 50 foot buffer because they own it. Mr. Cius was unaware of this.

Mark Eiden, of 4695 Boncrest Drive, explains the reason for the concern of the height of the fence. His home is at the top of the hill and when he sits on his back porch he will be looking at a dumpster. He is about eight feet above his neighbor and will be looking into the upper story of the proposed building. Mr. Eiden said if the fence is moved to the property line he will be looking over the top of the fence. Phil Sgamma refers to one of the first layout plans which indicate an approximate 2 foot drop from Mr. Eiden's property to the edge of the parking lot. Mr. Sgamma thinks it would be

just as beneficial for the fence to be right at the property line. The angle will be the same whether there is a 6' fence at the property line or an 8' fence at the parking lot line, due to the 2 foot drop.

Tim Pazda explains that the Planning Board is a **recommending** body and the neighbors will have another chance to voice their concerns once this project is recommended to the Town Board. Mr. Pazda asks why the neighbors do not want the option of a natural vegetation buffer as opposed to a fence. One neighbor said they wanted both.

George Van Nest explains that another concern is bulldozing the trees that are in the buffer zone. The question is how to preserve and maximize the buffer zone. Gerald Drinkard recalls many discussions with regards to focusing on preserving the buffer zone.

The Landscape Committee has received a copy of the letter from the neighbors and their report reflects their response to the letter.

Donnette Cius, of 4725 Boncrest East points out that on March 30, 2006 one of the Landscape Committee members suggested a continuous fence put on the Casilio side of the property for two reasons. The first reason is so the applicant would not start moving into the 50' buffer area for use as a picnic area. The second reason is so the public would not travel through the neighbor's yards.

Peter Casilio recalls a previous meeting where it was suggested the fence be put up 50' inside the property line. At that time Mr. Casilio advised he would not put a fence 50' inside the property line. To do so would affect the quality of title, it qualifies as adverse possession; it is cutting the owner and the tenants off from that property, visually. Mr. Casilio wants the buffer area to be aesthetically pleasing; he and the tenants have the right to look into this area.

Mr. Casilio refers to the dumpster issue. He is willing to walk the site with a Landscape Committee member and the neighbor to "spot" the trees so they can be planted to hide the dumpster from the neighbors view.

Patricia Powers refers to the minutes of the March 2, 2005 Planning Board meeting where Mr. Casilio informed the Planning Board that along with observing 50', a fence is being proposed along the property line along with some elevation of berm areas with pine trees.

#### **ACTION:**

Motion by Tim Pazda, seconded by Jeff Grenzebach, to **recommend** Development Plan Approval for a 33,800 square foot office building subject to the conditions listed below.

#### **ON THE QUESTION:**

The recommendation for approval is subject to the following conditions:

- the conditions listed in the Town Engineers letter dated May 31, 2006.
- the conditions listed in the NYSDOT letter dated August 8, 2005.
- the conditions listed on the approved Landscape plan of June 8, 2006.
- an access drive be provided for the parcel to the west.
- lighting to have vertical cut-offs which forces all light on to the parking lot.

- all vegetation that is to remain undisturbed is to be protected by yellow tape or orange snow fencing prior to and during construction. The same is to be said for all trees that are to be saved, they are to be clearly marked.
- commercial open space fees apply.
- construction is not to start before 7 a.m., no construction on Sundays or Holidays.
- the contract with the vendors shall state that no construction traffic will travel on Boncrest Drive.

For the record, Patricia Powers points out that Mr. Casilio still stands by his statement from the March 2, 2005 Planning Board meeting. He stated that a fence is proposed along the property line.

Patricia Powers	Aye	George Van Nest	Aye
Richard Bigler	Aye	Jeff Grenzebach	Aye
Phil Sgamma	Aye	Gerald Drinkard	Aye
Tim Pazda	Aye		

MOTION CARRIED.

**Item 2**

Dr. Bloom  
Commercial

Requests Concept Plan Review for a second (2<sup>nd</sup>) office building at 9095 Main Street.

**DISCUSSION:**

Phil Sgamma is recused.

Patricia Powers explains that this is the second such building proposed on this site. Sean Hopkins advised the Board that the design of this building will be as similar as possible to the first one. The proposed building is 3,750 square feet.

Sean Hopkins, of Garas, Hopkins and Sorgi LLC, is representing the applicant. Mr. Hopkins advises an updated plan was sent to the Planning and Zoning office today and he distributes the same to the Planning Board members. There is a significant change to the plan.

Mr. Hopkins explains that with the original plan it became apparent that two variances would be required in order to move forward. In order to provide for additional required parking at the site a setback variance would have been required, the project would still fall short of the required parking spaces according to the Zoning Code. Rather than proceed to the Zoning Board of Appeals, the applicant has entered into a contract to acquire additional property. The acquired property is shown on the plan that Mr. Hopkins has distributed at the meeting. Acquiring this property will allow the project to comply with the parking requirements and all relevant setbacks per the Zoning Code.

Mr. Hopkins explains that Mr. Bloom has a tenant in mind, this tenant is a vein specialist with low intensity use of the building.

The proposed building would have a brick façade and a residential style roof. The existing septic is located to the south.

Patricia Powers suggests tabling this project due to the last minute submittal of the revised plan.

Mr. Hopkins explains the two variances that would have been required with the original plan. The setbacks from adjacent residential parcels is forty-five feet (45'), the original plan would not have complied. The parking spaces reflected in the original plan would have only provided seventy-five (75) parking spaces, the requirement is ninety (90).

The new building/office would operate with the same hours as the existing building.

The green space on the new plan is almost forty percent (40%), this is nearly three (3) times what is required by code. The interior green space is between six and seven percent (6-7%).

The neighbor to the west is commercial use and sells satellite dishes. The neighboring property to the east is residential use. The lot that is under contract for acquisition is zoned commercial.

There is existing parking on the east side of the building. This parking was in conformance to the code when it was built. This area will be re-striped.

Dick Kellerman lives opposite the existing building. He assumes the new building will match the height of the existing building which is twenty-seven feet (27'). Mr. Kellerman is concerned with his backyard privacy. When the first building went up he was told there would be a ten foot (10') wide, three foot (3') high berm with pine trees planted on the berm. This is not the case, the berm is approximately three feet (3') wide and one foot (1') high, with Forsythia bushes planted on the berm. Mr. Kellerman said when he previously asked for a survey he was told a survey was not on file, he wonders if there is a survey available now. Mr. Hopkins advises there is a survey on file. There has always been a fence at the end of Mr. Kellerman's lot.

Councilman Scott Bylewski suggests the Landscape Committee review the plan that was previously approved to make sure it is and was in compliance. Councilman Bylewski said it looks like there may be more space for cross property vehicular access. Mr. Hopkins advises there will be no modification to the curb cut on Main Street.

Mr. Hopkins will submit a new Landscape Plan for the proposed building as soon as possible.

Patricia Powers points out that the short form of the EAF is on file. Mr. Hopkins said he will submit an updated EAF (short form) on July 7, 2006.

#### **ACTION:**

Motion by Jeff Grenzebach, seconded by Gerald Drinkard, to **table** agenda item #2, to allow the Planning Board members time to review the revised plan that was submitted this evening.

Patricia Powers	Aye	George Van Nest	Aye
Richard Bigler	Aye	Jeff Grenzebach	Aye
Phil Sgamma	Recuse	Gerald Drinkard	Aye
Tim Pazda	Aye		

**MOTION CARRIED.**



**Item 3**

Rick Teso  
Traditional Neighborhood District

Requests a Recommendation for a drive-thru at  
the existing pizzeria located at 10325 Main Street.

**DISCUSSION:**

Rita Teso is representing Rick Teso. Mr. Teso advised Rita Teso that the Town Engineer visited the site with regards to the proposed drive-thru, there should be a letter regarding his visit in the file. There should also be a form signed by the neighbor saying that he agrees with this proposed drive-thru and is aware that it abuts his property. Patricia Powers advises there is nothing in the file that addresses these issues; there has been nothing on the file since June 18, 2003. The documents in the file include the original plan as presented by Mr. Teso to the Planning Board on June 18, 2003, the minutes of that meeting and a short EAF dated June 4, 2003. The minutes reflect this proposal was tabled subject to referral to the Town Traffic Safety Board, referral to the Town Engineer, a landscape plan, the Town Attorneys opinion regarding an easement or a letter of approval from the neighbor and a protection plan from the gas company for the meter.

George Van Nest suggests that since three (3) years have passed circumstances may have changed and if a letter is to be submitted by the neighbor, it should be a current letter.

David Donohue refers to the Town Code, chapter 229-96 Additional parking requirements. The requirement is a five foot (5') setback for parking, there is simply not enough room at the site to accommodate this requirement, and thus a variance request may be necessary. Mr. Donohue explains there are other issues as well.

Tim Pazda suggests denying the request. It appears that the applicant will not be in compliance with the Town code if he proceeds as planned. Mr. Teso may want to go before the Zoning Board of Appeals to request a variance.

Patricia Powers explains that the Planning Board needs to see a copy of the letters from the Town Engineer and the neighbor, if, in fact, they were recently submitted. If the letters are from 2003, current letters would be required.

Patricia Powers refers to the June 18, 2003 minutes that suggest an easement may be required.

David Donohue points out that the minutes in the file are from 2003 and the Zoning Code has changed since then, he goes on to list a number of issues he has observed:

- Section 229-20 (B) (4)-Circulation areas shall be designed so that vehicles can proceed safely without posing a danger to pedestrians and without interfering with parking areas.
- Section 229-96-Additional Parking Requirements-this has been addressed above.
- Section 229-Driveways shall not be less than ten feet (10') for one way traffic.
- Section 229-113 (B) (1) (b)-Driveways must be constructed of concrete.
- Section 229-124-Drive-thru structures shall be set back a minimum of eighty feet (80') from any street or highway right-of-way line to allow adequate sight distance for exiting automobiles.
- How will this drive-thru effect the number of existing parking spaces?

George Van Nest points out another issue. The location of the site is in the Clarence Hollow Overlay. Under the new Zoning Code the proposal would also have to be reviewed by the Clarence Hollow Character Protection Board.

Gerald Drinkard addresses a safety issue. The patio tables are very close to where the runway would be for the drive-thru. Rita Teso advises fencing will go up at the end of the building.

Patricia Powers advises Rita Teso that the Planning Board needs to see a current survey and an updated version of the site plan. The survey needs to incorporate the neighboring buildings.

George Van Nest suggests Mr. Teso meet and discuss this project with an architect.

Rita Teso advises the paving already exists, this is where the exit will be.

Patricia Powers suggests Mr. Teso call the Planning and Zoning office for guidance in moving his proposal forward. She also asks that Mr. Teso consider the question, "How do you get a pizza box through a car window?"

**ACTION:**

Motion by Patricia Powers, seconded by Gerald Drinkard, to **table** agenda item #3, to allow the applicant time to prepare a site plan, an updated sketch and a survey.

Patricia Powers	Aye	George Van Nest	Aye
Richard Bigler	Aye	Jeff Grenzebach	Aye
Phil Sgamma	Aye	Gerald Drinkard	Aye
Tim Pazda	Aye		

MOTION CARRIED.

**Item 4**

Jack Wilcox  
Traditional Neighborhood District

Requests Development Plan Approval for a 3-lot  
Open Development Area (2 new lots) at 10352  
Main Street.

**DISCUSSION:**

Patricia Powers provides the history on the project. It was last before the Planning Board in August 2004. The project was first presented to the Town Board on May 26, 2004 where it was referred to the Planning Board. On June 16, 2004 the Planning Board referred the project to the TEQR Committee (previously the MRC), Traffic Safety Board and the Fire Advisory Board. On July 19, 2004 the TEQR Committee issued a Negative Declaration. There were issues regarding a connection to the sewer line and a connection to the Erie County water.

Jack Wilcox is the present. He lives in the existing house on the project site. The proposal is for each of the 3 lots to be a minimum of two (2) acres. The sewer line is now across the property with three (3) taps on it. Mr. Wilcox has submitted a detailed design of the water system, it calls for a hot box near Main Street on his property, and it also calls for eight inch (8") fire protection running into

the property and a two inch (2") drinking water loop. The plan also calls for improving the driveway in accordance with the Open Development requirements.

There are no further splits planned for this property. The total acreage is 9.8. The property is in two (2) pieces; the driveway to Main Street is a separate piece of property. There are easements on the driveway for the properties that are adjacent to it.

This project is in the Clarence Hollow Overlay district, however, since it is not a business, the Clarence Hollow Character Protection Board will probably not have to review it.

Mr. Wilcox will not develop the two (2) lots, he will sell them. He has a twenty-three (23) page access agreement that the land owners would have to agree to, it "runs" with the title of the property. The homes need to be a minimum of 3,500 square feet.

Phil Sgamma explains that there are guidelines for the design of homes in the Clarence Overlay District. At that point it may be appropriate for the project(s) to go before the Clarence Hollow Character Protection Board.

Patricia Powers refers to the Town Assessor's comment that is on file:

"10352 Main Street is owned by Jack & Tracy Wilcox, the 62' drive is owned by Jack Wilcox. These two properties will have to be deeded as one parcel with identical ownership. Private road should be named and addressing will be north/south numbers."

Patricia Powers indicates that the approval of the Town Engineer is reflected in a letter that is on file, the letter is dated June 19, 2006.

Patricia Powers asks Mr. Wilcox if he will have a Homeowners Agreement. Mr. Wilcox explains that it is actually called a Joint Venture Agreement. The reason for this type of agreement is because of his dealings with the water authority and their requirements. David Donohue advises this agreement will have to be reviewed by the Town Attorney's office as one of the conditions of the project.

Councilman Scott Bylewski suggests that as part of the approval of this project, make it contingent on the review and approval by the Clarence Hollow Character Protection Board as determined by the Town Attorney's office or by the Planning Board as to when the appropriate time would be.

Phil Sgamma points out that the landscaping in the Clarence Hollow Overlay District calls for paved walkways from existing public roads. George Van Nest indicates that this requirement is not clear as to whether it pertains to residential areas as opposed to business developments. Mr. Sgamma reads from the Zoning Law, Section 5.5 (B)(1)(a) Paved walkways from the existing public sidewalks in the Main Street right-of-way to the interior of the property are required. Currently, there are sidewalks in front of Mr. Wilcox parcel.

George Van Nest would like clarification from the Town Attorney's office as to whether the Overlay District requirements apply to this project.



ordinance in the Town of Clarence. The park is too small for little league football. There is no security for those cars that pull into the basketball courts with their speakers blasting the music.

Patricia Powers refers to page 1-6 where it indicates that the top request is for walking and running trails. Page 1-7 refers to no local skateboard parks in the Town, this is currently under consideration.

Tim Pazda would like to see some multi-purpose sports fields in the town.

Patricia Powers refers to page 1-8 and wonders “at whose expense” should the recreational resources be increased.

James Blum, of 5509 Martha’s Vineyard, voices his concerns with the Parks and Recreation Master Plan 2005 draft and has provided the Planning Board members with copies of his suggestions to enhance the plan.

Among other concerns, Mr. Blum would like to see more neighborhood parks. George Van Nest wonders how this would be handled in the Open Space Design.

Richard McNamara, treasurer of the Northern Erie SnowSeekers, would like to see more trails for snowmobiles in line with the bike paths and the Rails to Trails path system.

Patricia Powers asks the Planning Board members if they would like to review the draft and discuss it at the July 19, 2006 meeting. George Van Nest suggests that more time to review the draft would be beneficial. All members are in agreement.

Patricia Powers reminds the Planning Board members that they need to come to the July 19, 2006 meeting with their written comments for the agenda of the joint meeting for the land use boards to be held on August 30, 2006. From these comments an agenda can be compiled.

Meeting adjourned at 9:55 p.m.

Patricia Powers, Chairperson