

Clarence Planning Board Minutes

Wednesday, September 6, 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)

Item 1

Creekwood Meadows Subdivision
Residential Single-Family

Requests Concept Plan Approval on Open Space Design Subdivision at Roll Road and Newhouse Road.

Item 2

Russell Gullo
Traditional Neighborhood

Requests Concept Review of a proposed commercial nursery at 6825-6843 Transit Road.

Item 3

9435 Main Street Office Park
Commercial

Requests Concept Review of a proposed three (3) story office building at 9435 Main Street.

Item 4

Proposed Zoning Changes

Discussion.

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

Planning Board Members Present:

Patricia Powers
George Van Nest
Gerald Drinkard

Wendy Salvati
Jeff Grenzebach
Tim Pazda

Other Town Officials Present:

Councilman Scott Bylewski
James Callahan, Director of Community Development
James Hartz, Assistant Director of Community Development
Deputy Supervisor, Anne Case
David Donohue, Deputy Town Attorney

Other Interested Parties Present:

Paul Winzenried
 Jean Menichelli
 Cindie Clay
 Joan M. Matheis
 Garret Meal
 Jim Englert

Lori Winzenried
 Rich Clay
 Rob Pidanick
 Michael Hnat
 Jim Blum

Motion by Wendy Salvati, seconded by Jeff Grenzebach, to **approve** the minutes of the meeting held on July 19, 2006, as written.

Patricia Powers	Aye	Wendy Salvati	Aye
George Van Nest	Aye	Jeff Grenzebach	Aye
Gerald Drinkard	Aye	Tim Pazda	Aye

MOTION CARRIED.

Motion by Tim Pazda, seconded by Wendy Salvati, to **approve** the minutes of the meeting held on August 2, 2006, with the following adjustments:

-Page 169, third paragraph, the first sentence is amended to read, “and **therefore** sixty”.

-Page 169, third paragraph, the second sentence is amended to read, “The parking on the east side of the building will have to accommodate cars coming in and out **for both drive-thru and pick up or seating and**, looking at the forty...”

-Page 169, third paragraph, the fifth sentence is amended to read, “the **current** plan”

-Page 169, fifth paragraph, the first sentence is amended to read, “the **proposed** plan”

-Page 169, sixth paragraph, the sentence is amended to read, “siding **and** a brick wainscoting.”

-Page 169, seventh paragraph, the first sentence is amended to read, “shared access **to continue** even further”

-Page 169, the last paragraph is corrected to reflect the **Fuerst** property.

-Page 170, the last paragraph is amended to read, “needs to be submitted, **and then**, it will be forwarded”

-Page 171, paragraph seven, the last sentence is amended to read, “**It is planned that** businesses **in the industrial park** will generate taxes and **yet** demand very little in services.”

-Page 171, the following is added to the last paragraph, “**It was indicated that the Master Plan references this particular Roll Road location as preferred for Commercial and Clarence may want to consider the value to various prospective businesses to be on a public road with a Harris Hill address. There are legal questions to be answered.**”

Patricia Powers	Aye	Wendy Salvati	Aye
George Van Nest	Aye	Jeff Grenzebach	Aye
Gerald Drinkard	Aye	Tim Pazda	Aye

MOTION CARRIED.

Motion by Gerald Drinkard, seconded by Tim Pazda, to **approve** the minutes of the meeting held on August 16, 2006, with the following adjustments:

-Page 179, last paragraph, the second sentence is amended to read, “He questions the floodplain area and asks if it shouldn’t **include** the one-hundred foot (100’) buffer area, **as** subtractable land?”

Patricia Powers	Aye	Wendy Salvati	Aye
George Van Nest	Abstain	Jeff Grenzebach	Aye
Gerald Drinkard	Aye	Tim Pazda	Aye

MOTION CARRIED.

Item 1

Creekwood Meadows Subdivision Residential Single-Family	Requests Concept Plan on Open Space Design Subdivision at Roll Road and Newhouse Road.
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DISCUSSION:

Patricia Powers opened the meeting by thanking everyone coming out this evening and stated that the first item on the agenda is a request from Creekwood Meadows Subdivision and is requesting Concept Plan approval on Open-Space Design Subdivision at Roll Road and Newhouse Road and asked Jim Callahan to give the history.

Jim Callahan gave a brief history about the subdivision identifying the location as being on the north side of Roll Road and west of Newhouse Road, consisting of just over 21 acres, zoned Residential-Single Family. The Master Plan identifies the property within the Erie County Sewer District #5 and is classified as a Residential, Single-Family. It is proposed as a 47 lot Subdivision which was introduced to the Town Board on December 21, 2005 and to the Planning Board on February 15, 2006. Open-Space design density was identified at 26 lots. Referral to TEQR was made on April 19, 2006 and a Negative Declaration under SEQR was issued by the Town Board on August 23, 2006. The applicant is present for concept approval on an Open Space Design subdivision of 26 lots.

Sean Hopkins, of Hopkins, Garas & Sorgi PLLC, is present on behalf of the project sponsor Anthony Cimato. The project engineers Rob Pidanick and Leanne Voit of Greenman Pedersen Inc. (GPI) are present as well.

Sean Hopkins stated that for last couple of months they have been working with the Planning Board, the Town Board and the Town Environmental Quality Review Committee to address issues in connection with the proposed project, early in the subdivision approval process, the Town Board made it clear they preferred the open-space design as opposed to the incentive lots or the traditional RSF Subdivision. He indicates that what is being shown, this evening, is 26 lots on a parcel that is approximately 21.8 acres in size and is properly zoned as residential, single-family and the proposed use of the single-family homes is entirely consistent with the Master Plan 2015.

Sean Hopkins further stated that he believes the layout he is showing complies with the Town’s requirements intent on the open-spaced design. First and foremost they are preserving the frontage along Roll Road; the Executive Planning Board and the Planning Board have made clear time and time

again that they do want to preserve those scenic vistas. Additionally, the applicant has preserved the most environmentally sensitive portion of the project sight along Gott Creek, including the flood plain associated with Gott Creek. He then referred to the only environmental impact, that is outside of the ordinary, is a very small impact Federal Jurisdictional Wetland which will be less than one-tenth of an acre in size, meaning it does not even require a permit issued by the United States Army Corp of Engineers. Mr. Hopkins said they are not providing a cul-de-sac, but targeting patio homes on this project and think they have done a good job working with this Board and the other Municipal Boards in the Town of Clarence to come up with a project that is consistent with what you would like to see, given the zoning codes and the subdivision regulations.

Sean Hopkins then said if there were any questions about the project he and his associates would be more than happy to answer them. He explains that this is not the end of the process, if he is able to obtain Concept Plan Approval from the Town Board, GPI will then go back to the drawing board and actually prepare all of the engineered plans which will come back before the Planning Board for further review and comment.

Rob Pidanick of GPI added that the infrastructure for this development will be private roads and private sewers; private water lines that will be owned and maintained by a Home Owners Association. There are sanitary sewers available to us across from Roll Road and the Loch Lea Development. Again, private sewers, water, the Town of Clarence assumes no responsibility for the maintenance of the roads and that is what you get with a private development.

Sean Hopkins said in the fifty percent open space he envisions at this time will also be owned and maintained by the Home Owners Association (HOA). He envisions that what the Town Board will probably want at the end of the process is to record some kind type of conservation easement, the language of which we will work out with the Town Attorney's office prior to the recording at the Erie County Clerk's office. He is hoping to explore the appropriate legal mechanism to ensure that open space remains so in the future.

Rob Pidanick said the next step is to move on to Development Plan Approval where he would engineer the project and work with the Town Engineering Department and the involved reviewing agencies of the County and the DEC in connection with receiving permits for this and then ultimately coming back for Development Plan Approval.

Patricia Powers said the Planning Board will require a completed concept check list within the next week on this project; these forms are available in the Planning and Zoning office. Sean Hopkins said he thought the forms were already submitted. Patricia Powers replied she did not find them in the file. Mr. Hopkins said he will check on the submission of the forms. Patricia Powers said, likewise, at the appropriate time the Planning Board will be requiring the appropriate checklist for the Development Plan. Patricia Powers reads the recommendation(s) from the Traffic Safety Committee: show a traffic control plan, this one would probably be just two (2) stop signs. Line up the entrance with the opposite street on Roll Road or consider an entrance further east so conflict of offset doesn't exist. This report is dated May 1st, 2006. Patricia Powers reported that from the Fire Advisory Recommendations their concerns were: the number of hydrants and size of supply line; the maintenance plan for roads and hydrants; how wide is the road; is the water supply system looped or dead-end; and if the system is dead-end provide flow calculations for the furthest hydrant. Patricia Powers said these are all questions that the applicant is going to want to address in the Development Plans.

Tim Pazda asks how accurate the applicant thinks the detention pond is going to be in terms of what is actually shown on the plan this evening. He explains that the Planning Board has had a couple detention pond plans come in with the Concept Approval request and the Board saw one thing and when it came time for Development Plan Approval it was totally different.

Rob Pidanick replied he does not know if it will be totally different, it might be reshaped a little bit depending on how the contours lay out in that area but his intent is to put it where he has shown it on this plan.

Wendy Salvati voices her concern with regards to wiping out a lot of vegetation, however, she does not think that will be the case.

Sean Hopkins said the effort will be made to minimize wiping out vegetation, as this Board is well aware there are very stringent requirements the applicant has to satisfy not only for the Town of Clarence but the DEC, which is more strict. Wendy stated that a lot of the land in question is flood way and is going to be protected anyway. Rob Pidanick said he will be mindful of this issue when working out the detailed plans for the project.

Patricia Powers asked what the setback is from Roll Road. Sean Hopkins said he thought it was between 300 and 400 feet. Wendy Salvati said that this plan is not correct. Pat asked if they expected to leave the setback in a natural vegetative state. Sean Hopkins said he believed the Planning Board has previously expressed its preference that this is done, of course at least in very close proximity to the roadway entrance there will be some landscaping improvements and a nice decorative sign. Wendy Salvati said she saw a plan with trees to supplement it and asked if it were to become lawn or will it be mowed? Sean said he believed that Mr. Cimato during one of the Executive Committee meetings indicated he would like to have that tree lined, which would be a nice look.

Jeff Grenzebach asked if the path that is shown on the plan is a walking path for the residents. Rob Pidanick answered yes, that it is part of the common area with an access for all of the residents nearby to use. Tim Pazda asked what the path will be made of; will it be paved or gravel? Mr. Pidanick said he has not reached that detail in the plan yet, they will provide a specification to the Engineering Department, and it could possibly be cinder or gravel. They will work out the details, the width to be possibly four or five feet. Sean Hopkins said he didn't think they were envisioning a paved path, probably gravel. Tim Pazda referred to the northwest parcel of the project; he advises this may be a problem spot, a dumping ground and wonders if there is anything the applicant can do with it. Mr. Pidanick said it is open space that is just a buffer, they can't really use it and have included it as part of the open-space in the development, it doesn't work well in becoming one of the sublots but he didn't think it would be a dumping ground because it was not easy to get to.

Wendy Salvati asked what was on the other side; do the home lots for Highland Farms back up to it? Gerald Drinkard said it is a cul-de-sac. Mr. Pidanick said the parcel northwest is kind of a buffer for their development. George Van Nest said the lot is pretty isolated and even if it is preserved as open space, the Planning Board would like to have it preserved as such. Wendy Salvati asks if some of the home lots that were already there were completely cleared or was some of the vegetation left in tact. Mr. Hopkins thinks most of the vegetation is gone.

Gerald Drinkard explains that the Post Office encourages the Planning Board to encourage any developer to meet with a representative of the Post Office so the engineers can figure out how the mail is to be delivered. Sean Hopkins said that it makes sense and they certainly can do that.

Councilman Scott Bylewski asked that the Planning Board address three areas with the applicant:

1. A letter dated August 14, 2006 from Bob and Maureen Shattuck that should be in the file and just to make mention of it in the review process of the Planning Board's undergoing.
2. It was mentioned tonight regarding private sewers, and if the applicant can clarify if they will be going in to Loch Lea sewer system or if they are proposing a private sewage works corporation.
3. Is the applicant seeking condo status?

Patricia Powers stated she could not find the letter in the file, Councilman Bylewski provided a copy of the letter but did not have a copy of the attachment which had pictures or alluded to photographs, those were mailed to Mr. Callahan.

Patricia Powers identified the letter as dated August 14, 2006, sent to Mr. Callahan through the Town Hall regarding the Creekwood Subdivision and reads as follows:

Per your suggestion at both the meeting in your office earlier this year and in a telephone conversation last week, I am writing this letter to express my concern about continued development along Gott Creek in Clarence and, in particular, Cimato Enterprise's proposed Creekwood Meadows Subdivision under consideration near the northwest corner of Roll Road and Newhouse Road. My wife and I purchased our home at 5885 Bent Brook Court in August 1997 and Gott Creek runs through our backyard about 50 feet from the rear of the house. When we moved in our neighbors informed us that the creek would occasionally overflow after a heavy rain and we could expect a minor flood every couple of years or so. They were correct, but since that time the flooding has become more and more common as new developments are being built close to or along the creek upstream from our home. The most noticeable change has been since about the year 2000 as Ryan Homes, Highland Farm subdivision was built directly up the street. Since that time the flooding now occurs every time there is an average snow melt or any rain lasting for more than a couple of hours. Of more concern is the fact that the waters are much deeper now than ever and more and more damage is being sustained in the area. The cause is obviously from a change in ground absorption and run-off as a result of new homes being built in the area and maybe even from direct discharge of drain pipes into the creek. The latest development is the 16 lot subdivision on Fieldbrook Drive now being built by Essex Home and my concern is that the proposed Creekwood Meadows Subdivision will only add to the problem. I have attached a few pictures of our back yard showing the creek at normal levels in both summer and winter and a picture of what the yard looks like after a period of rain. The flood picture is not what it looks like at its worst but the damage to our bridge is evidence to the height and verocity that the water rises to. My wife and I are asking you to strongly reconsider any further development in the Town of Clarence that will affect the amount of water that ultimately drains into Gott Creek and specifically ask that an approval not be granted for the proposed Creekwood Meadows subdivision.

Paul Winzenried, of 8270 Roll Road, which is the lot to the left of the entrance, would like to know what is going on with the private sewers and wants to know if he can get a sewer tap. Jim Callahan replied he thinks Mr. Winzenried is in Sewer District #5, therefore he would have to contact the Sewer District Authority to authorize a connection. Mr. Callahan is not sure of the technical process and the Sewer Authority can provide guidance.

Wendy Salvati said there are a couple of things the applicant needs to address. She refers to Councilman Bylewski's questions regarding the private sewer, the question referring to condominium status and flooding issues.

Mr. Pidanick explained that the sanitary sewer that is proposed is private and is planned to tie into the sanitary sewer across the street in Loch Lea. Councilman Scott Bylewski asked what is meant by private. Sean Hopkins replied it will be owned, operated and maintained by the Condominium Association or Homeowners Association, there will not be any need for a sewage works corporation. Mr. Pidanick said with regard to the creek and the drainage, Clarence's requirements are similar to other communities in that the present condition for drainage is evaluated verses the developed condition; this is stated for the benefit of the public and the Board, we are required to limit, after we have evaluated what the present condition is discharging, the post development condition; we are not allowed to run any more water off that sight as a result of the development, we have to detain that water and limit the out flow from that sight to what the present condition is currently discharging. So we have to look at both pre and post development and limit that to what is being discharged out of that sight.

Sean Hopkins said the final question was whether or not we envision this will be a condominium form of ownership. He continued saying Mr. Cimato is not a homebuilder as you know and that what he envisions will be done in terms of this project will probably be built by an individual homeowner, as he is not going to make lots for sale as in a traditional residential subdivision and given the fact that what we see is all private infrastructure and patio home type community, he would not be surprised if ultimately the homeowner stopped condominium status. He added he could discuss that with Mr. Cimato in greater detail but he did not think it would be surprising and that decision will ultimately not be made by him.

Patricia Powers makes sure that the applicant is aware that the Town Board is considering legislature regulating condominium status. Sean Hopkins replied he has not looked at the proposed legislation but obviously the legislation is passed and will have to be reviewed by whoever the homebuilder is.

George Van Nest asked for a follow-up question on the sewer works corporation issue, addressing Sean Hopkins saying he did not recall the specifics on the corporation law and why this particular entity would not be covered by this. Sean Hopkins explained that how John Finster from the Erie County Health Department looks at these looks at these type of patio communities where there are Home Owner Association or Condominium Associations he views those as being a single user because obviously the sewer expenses will be metered and then billed out to the individual homeowners and as such neither he nor the DEC requires the formation of a sewage works corporation.

Mr. Pidanick said it will be necessary to have the Homeowners Association to guarantee that the residents are going to be protected, and that Homeowner Association has to have all the specifics as another vehicle for protecting the purchasers that there will not be an issue of maintenance of the sewers once the sewers are built.

Sean Hopkins stated that the Erie Count Health Department will not actually grant final plat approval until they actually seen those sections of the HOA or Condo documentation, they have very specific requirements that need to be included within that documentation such as covenants and restrictions and obviously we are too early in the process to do that yet. He continued that at some point you will need to receive a letter from the Erie County Health Department indicating they have

reviewed the Association documentation and they believe the documentation adequately addresses ownership and maintenance concerns relative to the private infrastructure, not only the sewer lines but also the water lines.

Councilman Bylewski said the concern the Town Board has mentioned before regarding private corporations specifically of the sewage works public transportation corporations is that the Town is ultimately on the hook for such a corporation (at least that is opinion we have been given) if the corporation is not able to keep proper maintenance of the sewers, etc. He continued that he just wants to find out further regarding the Home Owners Association if there would be some sort of a guarantee that Erie County would be looking for from the Town if the Association fails to keep up its end of the private sewers or is this considered one ultimate end users and the individuals who make up the Homeowners Association will ultimately be held accountable if there is a problem with the sewers.

Mr. Pidanick said when they do set up the Home Owners Association part of what they establish is a budget for the ongoing, and projected into the future for the replacements of the streets and any of those utilities. The Sewage Works Corporation happened to be sanctioned by the Town Board. So, it does put the Town on the hook and that is why the applicant has this other vehicle to use the Home Owners Association approved by the State which doesn't put the Town Board on the hook, but makes this Association responsible. Usually the developer will be the sponsor for a year until the Association board is established, and then they elect their own board of managers to take it over.

Wendy Salvati asks if, somewhere down the line, the HOA fails to continue to maintain the site, then what happens. Mr. Pidanick is unaware of any HOA, to date, that has failed to continue maintenance. Mr. Hopkins said that if this happens, the Erie County Health Department would have a cause of action against the HOA or the individual property owner. The Town would probably also have the ability to intervene at that point. However, there have not been any cases where the HOA has failed to maintain a site in Western New York; it is a very remote possibility.

Gerald Drinkard asks for an explanation on why the applicant has chosen these options. Mr. Hopkins explains that in a sewage works corporation, the Town is actually a party to the corporation and as a result, if there is a problem, the Town potentially could be on the hook. The applicant has chosen to go with an association because it is easier with regards to paperwork, and because it will be entirely in the hands of the HOA or the Condominium Association. They will have exclusive responsibility for ownership and maintenance of the infrastructure to be installed.

David Donohue clarifies the question: is there an opportunity to hook into Erie County Sewer District #5 as opposed to private sewers? Mr. Pidanick explains that, ultimately, the project will be tributary to Erie County Sewer District #5. Mr. Hopkins said you will not see a public sewer on a private roadway. The Town needs to make this choice, do they want private or public infrastructure, there can not be a mix of both. Gerald Drinkard asks how the billing will work for this issue. Mr. Hopkins explains that there will be a meter; there will be one bill and the Association divvies the bill between the individual property owners, there may be some administrative costs as well.

Jim Englert, of 8370 Roll Road, explains that sewers, currently, come up Roll Road to approximately Kippen, why can't the sewers be extended from here and give everyone on Roll Road the benefit to hook into the sewers. Mr. Englert pays a sewer tax and wonders how this project will pay its sewer taxes. Mr. Hopkins explains, again, that it will be treated as one bill and will be divvied up between the individual property owners. Mr. Englert's concern is that he does not want to be paying for sewers for this development or adding to District #5, which is over loaded already. He also

asks why the applicant is keeping this project private, why can't they run a six (6) or (8) inch line down Roll Road and all the people from Kippen to the proposed street could hook into it, this would be better for the homeowners, the Town and the environment. Mr. Pidanick explains that he does not know if, physically, there is enough grade to run up that far without coming out of the ground, a sewage pump station would be needed. The sewer on the proposed project can go across the street to Loch Lea by gravity. Mr. Englert asks how deep the lake is going to be. Mr. Pidanick said that determination has not been made yet, normally they are around eight feet (8'). Mr. Hopkins explains that the DEC has very strict requirements concerning ponds.

Gerald Drinkard clarifies that whatever homeowners agreement is drawn up, it will have to be approved by the Town Attorney and the Attorney General's Office.

ACTION:

Motion by Jeff Grenzebach, seconded by Wendy Salvati, to **recommend** Concept Plan Approval on an Open Space Design Subdivision consisting of 26 units at Roll Road and Newhouse Road subject to the following conditions:

- The entire Gott Creek corridor is to be preserved.
- The trees on the creek corridor are to be preserved.
- No fencing is to be installed in this Open Space Design.
- A private road built to Town specifications.
- There will be private sewer, water and road.
- The proposed Homeowners Association agreement will be reviewed by the Town Attorney's Office and the Attorney General's Office.
- The Homeowners Association agreement is to specifically address the private sewer issue.
- There will be 50% Open Space maintained.
- The setback from Roll Road is approximately 400' and is to be left in its current natural vegetative state.

ON THE QUESTION:

Tim Pazda wonders if clarification should be made regarding the buffer along Roll Road. George Van Nest suggests obtaining approval from the Landscape Review Committee; this is an added condition to the above action. Another condition is added: during the construction of the detention facility the applicant will seek to preserve as many trees as possible.

Patricia Powers	Aye	Wendy Salvati	Aye
George Van Nest	Aye	Jeff Grenzebach	Aye
Gerald Drinkard	Aye	Tim Pazda	Aye

MOTION CARRIED.

Mr. Hopkins asks for clarification on one condition. He explains that the current Concept Plan shows lot one (1) directly next to lot two (2) and it's probably not quite 400', which is what the condition states. Wendy Salvati states it is 406'.

Item 2

Russell Gullo
Traditional Neighborhood

Requests Concept Review of a proposed
commercial nursery at 6825-6843 Transit Road.

DISCUSSION:

Jim Callahan provides the history on the project. It is located on the east side of Transit Road, north of County Road. It is located in the Swormville Traditional Neighborhood District and consists of approximately three and a half (3.5) acres. The retail landscape business was introduced to the Town Board on August 23, 2006 where it was referred to the Planning Board to continue the review process.

Russell Gullo is present.

Patricia Powers asks what the proposed height is for the greenhouses. Mr. Gullo said the height would be 22' to the peak. The side walls are approximately 12'. The building will be made of concrete and brick, similar to Walgreen's and the church. The two (2) proposed buildings, in conjunction, are 6,460 square feet. The building to the left is a glass greenhouse; the other building would be a brick structure with a glass back. Gerald Drinkard asks about the 10' required setback. Mr. Gullo has backed the building up 17' due to the recommendation by the Town Board; this was done with regards to the anticipation of the future widening of Transit Road.

Gerald Drinkard asks for an explanation of the display area. Mr. Gullo explains the area will consist of overflow of perennial tables and some shrubs. The display area is shown here because of the restrictions on the floodway area; this is also the reason for the parking in the front.

The service road, which is an existing driveway, lines up with Dodge Road. Mr. Gullo points out the floodplain and explains it will not be disturbed. The previous owner has already cut much of the vegetation down in another area of the parcel and needs to be cleaned up.

Gerald Drinkard asks what is envisioned for landscaping the setback from Transit Road, in the front of the building. Mr. Gullo will landscape the entire front of the garden center; this will not be a display area. There will be a sidewalk.

Patricia Powers reads from the August 23, 2006 Town Board meeting minutes:

“Councilman Kolber said there was concern of an historical nature of the old Schworm house. He added that it does not appear to have much historical value left. Mr. Gullo said he would be happy to donate it to the Town if they would like to move it. It is in very bad shape. The property has been on the market for 7 years and no one was interested. The foundation is starting to decay. Councilman Bylewski said maybe there is some way to capture the history with a marker or something. Mr. Gullo said what he would like to see is a sign or marker welcoming you to the hamlet of Swormville. He would landscape it and keep it looking nice.”

Patricia Powers asks if this is still part of the applicant's plan. Mr. Gullo said, “Yes.”

Wendy Salvati said there was discussion as to whether or not there should be two entrances and perhaps there should be parking behind the building. She asks if it is possible to move the buildings so they are more centrally located, this would provide an option for a second entrance and a shared access

for the property to the north. The displays could be placed on the sides, back and front of the building. Mr. Gullo prefers not to have any displays in the front of the building, he thinks this may cause traffic problems along Transit Road, he has also experienced thievery of items that are placed too close to the road. Mr. Gullo said he and his sister have been discussing this project for some time, it will be a retail shop, hopefully, in the near future there will be a florist shop on site, this will not be a commercial site. No part of the operation across the street will be brought to this site. The greenhouse will be used strictly for retail and display purposes, no growing will be done in the greenhouse.

Wendy Salvati is not in favor of having all the parking on the side of the building, she prefers to see some of the parking go behind the building. The applicant needs 44 parking spaces, he will need more than what is shown on the current plan. Tim Pazda agrees and reads from the Town Code Section 229-67 Design Standards (B) Parking lots (2) If the parking is located in the side yard, it must be partially screened from the road by low walls, fences or hedges as approved by the Town's Landscape Review Committee. Mr. Gullo said this is not a problem; he can construct a nice wall and a monument sign.

Tim Pazda explains that if the parking is wrapped around the building this will allow cross access to the neighbor to the north. George Van Nest thinks there is a way to landscape the parking up front and to still allow him to have an area to preserve his product. Parking directly behind the greenhouse is allowed. Mr. Gullo thinks he can add parking to the back; however, his concern is if he expands his greenhouse in the future where will the parking go?

Wendy Salvati explains that since the project is considered retail the parking ratio is 1 to 150', however, the Planning Board thinks the ration of 1 to 200' is more appropriate, this will require 44 parking spaces.

Tim Pazda asks about the sidewalk. Wendy Salvati said the Planning Board wants a sidewalk, perhaps it could connect to Walgreen's.

Mr. Gullo said he plans on retaining Mike Metzger as engineer on the project.

ACTION:

Motion by Patricia Powers, seconded by Jeff Grenzebach, to **table** agenda Item 2 to allow the applicant the opportunity to discuss the project with his engineer and have him come up with a drawing that addresses the issues that were discussed this evening:

- The Planning Board would like to see a plan showing the sidewalk connecting to the Transit Road sidewalk.
- Show the parking in the rear as much as was discussed this evening.
- Show the possible shared access to the parcel to the north of the property.
- The new plan should show where the historical marker will be located.
- Possible landscaping around the parking area to shield the parking from Transit Road.
- The design engineer needs to refer to the Traditional Neighborhood Design regulations in the Town Code, he is also welcome to obtain minutes from this meeting so he has a better understanding of what was discussed.

Patricia Powers	Aye	Wendy Salvati	Aye
George Van Nest	Aye	Jeff Grenzebach	Aye
Gerald Drinkard	Aye	Tim Pazda	Aye

MOTION CARRIED.

Wendy Salvati asks the applicant to ask the engineer to show the curb cuts on the opposite side of the street. Mr. Gullo agrees.

Tim Pazda asks what the lighting needs are on the project. Mr. Gullo said the nursery business will not be opened during the dark; the lighting will be very minimal. There will be lighting for security reasons, to avoid thievery.

Item 3

9435 Main Street Office Park
Commercial

Requests Concept Review of a proposed three (3)
story office building at 9435 Main Street.

DISCUSSION:

Jim Callahan provides the history on the project. It is located on the south side of Main Street, west of Goodrich Road. It consists of approximately 21 acres, the front portion is zoned Commercial. The project was originally introduced to the Town Board on December 7, 2005 where it was referred to the Planning Board for further review. Several redesigns have been reviewed with several questions as to design and utilities. The applicant is present to present a redesigned Concept Plan for consideration by the full Planning Board.

Garret Meal of Urban Engineers is representing the applicant. The current proposal is for a 21,000 square foot office building, there are no longer any residential components, there are additional commercial buildings shown on site. The entrance has been moved to the west end of the site. They are proposing to maintain the road where it was originally planned as emergency access, there will be a hydrant in this area. The plan shows a 10,000 square foot building, however this is not necessarily what it will be, he knows this will require a future site plan review, this will be the maximum fit for the property. They are also showing a 5,000 square foot building on the frontage of the parcel. The septic system will be installed in accordance with DOH and DEC standards behind the building. Stormwater will be handled through the use of dry swales; however, they have not been laid out at this point. Water detention will be handled by underground storage, most likely underneath the parking lot. They are designing the stormwater facilities to allow the future build out of the front and side buildings.

Wendy Salvati asks if there will be three (3) individual septic systems. At this point the septic system for the building will be designed to handle only that building. Wendy Salvati asks where the other septic systems would go. Mr. Meal said one septic system would likely go on one side or the other of the next building; parking would be located behind the building connecting to the roadway. The other septic system would likely be behind the third building with parking looping around the sides of the building.

Wendy Salvati explains that this site requires 185 parking spaces.

The applicant has provided a tree survey, as asked by the Executive Planning Board. Wendy Salvati said the Planning Board would like to see the trees to the north preserved. The applicant plans on a hefty landscape plan to maintain the natural look of the site.

Jim Callahan explains that the applicant has done the “reverse calculation” to see what size building can be put at the site along with parking requirements to meet the Town’s Code.

Mr. Meal said the westbound portion of the property is within an easement for NYS DOT, this is an existing water treatment system, an open swale that is going to be maintained in its natural state, so this portion will be permanently green space. They have added greenspace around the building.

Tim Pazda asks why the applicant wants to keep the second driveway. Mr. Meal explains it is for fire protection, if a building is constructed it would be more advantageous to have a hydrant at this location and have access for the fire company to take care of this building. It also provides the possibility for a right turn on to Transit Road. It is uncertain as to whether it would be a gravel driveway or not. Mr. Pazda said an office park usually has one entrance, but this plan appears to have the potential of two (2) or three (3) entrances. The Planning Board prefers one curb cut. Patricia Powers asks if there have been any discussions with the DOT regarding the number of curb cuts for the project. Mr. Meal said there have been no discussions at this point.

Tim Pazda asks if the applicant is willing to address shared access with the parcel to the west of the project. Mr. Meal is willing to work with them in anyway possible; the parcels are separated by a DOT easement so crossing the easement poses a problem. Patricia Powers asks about shared access to the east of the project. Mr. Meal is open to discussions regarding shared access with the property to the east.

Tim Pazda asks if the proposed parking meets the Town Code. The plan shows 105 parking spots; Wendy Salvati said 105 spots meets the requirements.

Wendy Salvati explains that this project will have to be referred out for SEQR review and the review will have to be done on the whole project, therefore she would appreciate seeing a plan showing where the other parking areas will be. Mr. Meal will submit this plan.

Mr. Meal believes that the traffic study that was submitted took into consideration the traffic flow for all buildings.

Henry Jurek, one of the owners of the proposed building, wants to reiterate that he wants to build an exclusive building and a unique entry way. He envisions this project to ultimately be an office park. It is undecided as to the nature of the building that is located to the front of the property. Wendy Salvati explains if it is an office it will require less parking.

ACTION:

Motion by Jeff Grenzebach, seconded by George Van Nest, to **refer** agenda Item 3 to the TEQR Committee, the Traffic Safety Board and the Fire Advisory Board with a new Concept Plan addressing the issues discussed this evening.

ON THE QUESTION:

Jeff Grenzebach asks the applicant to draw the plan without the safety road. Mr. Meal agrees.

Gerald Drinkard said it is unknown what the DOT will recommend relative to Orazio’s Restaurant. They may recommend moving the curb cut east.

Wendy Salvati points out that the traffic study should take into consideration both the Wilson Farms Store and the proposed Dunkin’ Donuts that are across the street. The coffee shop on the corner was taken into consideration when the traffic study was done.

The new Concept Plan must address the following issues:

- It will address the curb cuts with DOT.
- It will show the shared access to the property to the east, as well as the possibility of shared access to Orazio’s property to the west.
- It will consider the elimination of the eastern driveway. This will be under TEQR review.
- All parking and septic locations are to be shown.
- Preserve the existing trees wherever possible.

Patricia Powers	Aye	Wendy Salvati	Aye
George Van Nest	Aye	Jeff Grenzebach	Aye
Gerald Drinkard	Aye	Tim Pazda	Aye

MOTION CARRIED.

Item 4

Proposed Zoning Changes

Discussion

DISCUSSION:

Copies of the most recent updated proposed Zoning Law changes have been distributed. The updated copy reflects previous discussions of the Planning Board Members. Jim Callahan will change Section 2.2 (e) to reflect “driveway” as opposed to “drive”. The 6” caliper of trees will be made consistent throughout the Zoning Law. The drawings in the law have been changed to reflect the accurate setbacks. The word “public” will be eliminated from page 3 of Section 4.3 (B) (6) (iv). Section 4.3 (B) (6) (iii) shall read “protect and **preserve**”. The word “designated” shall be removed from Section 4.3 (B) (6) (ii). The Woodland definition will be changed to be consistent with the Tree Ordinance. The Wetlands definition should be consistent with the Landscape Law; George Van Nest will look into an acceptable definition.

ACTION:

Motion by Wendy Salvati, seconded by Gerald Drinkard, to **table** agenda Item 4 to allow George Van Nest time to research an acceptable definition for Wetlands.

Patricia Powers Aye
George Van Nest Aye
Gerald Drinkard Aye

Wendy Salvati Aye
Jeff Grenzebach Aye
Tim Pazda Aye

MOTION CARRIED.

Meeting adjourned at 9:42 p. m.

Patricia Powers, Chairperson