

PLANNING BOARD MINUTES

Wednesday November 10, 2004

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

**Sandra Baker
Commercial**

**REQUESTS CHANGE IN USE FROM RESIDENTIAL
TO BEAUTY SALON AT 6215 GOODRICH ROAD.**

ITEM II

**Forbes Capretto Homes
Agricultural**

**REQUESTS AN OFF-PREMISES REAL ESTATE
SIGN LOCATED AT 8241 SHERIDAN DRIVE.**

ITEM III

**Mike Helbringer
PURD**

**REQUESTS AMENDMENT TO EXISTING PURD
TO CREATE A SINGLE FAMILY RESIDENTIAL
LOT ON CLARENCE CENTER ROAD EAST OF
NEWHOUSE ROAD.**

ITEM IV

**Frank Chinicci
PURD**

**REQUESTS SITE PLAN APPROVAL FOR THE
DEVELOPMENT OF A 47 UNIT PATIO HOME
PROJECT LOCATED AT 5831 TRANSIT ROAD.
(BEHIND TRANSIT VALLEY PLAZA)**

ITEM V

**Lauer Manguso Architects
Major Arterial**

**REQUESTS CONCEPT PLAN APPROVAL FOR THE
CONSTRUCTION OF A 15,467 SQUARE FOOT
DRUG STORE (WALGREEN'S) AT 6785 TRANSIT
ROAD.**

ITEM VI

REVIEW OF SUBDIVISION LAW.

ATTENDING: Patricia Powers
Christine Schneegold
Wendy Salvato
Joseph Floss
Jeff Grenzebach
Tim Pazda
George Van Nest
Roy McCready

INTERESTED
PERSONS: Sandra Baker
Bob Baker
Michael Helbringer
Jim Manguso
Andrew Hunt
Mary Jo Parker
Gerald Parker
Al Weir
Paul Snyder
Jim Bllum
Curtis Robbins
Linda Wiese
Councilman Bylewski
James Hartz
James Callahan
Kathryn Tiffany

MINUTES

Motion by Tim Pazda, seconded by Christine Schneegold
to approve the minutes of the meeting held on October 20,
2004 as written.

ALL VOTING AYE. MOTION CARRIED.

ITEM I
Sandra Baker
Commercial

REQUESTS CHANGE IN USE FROM RESIDENTIAL
TO BEAUTY SALON AT 6215 GOODRICH ROAD.

DISCUSSION:

Jim Callahan said the property is located on the east side of Goodrich Road, south of the access to the Building and Engineering Department. It consists of approximately .27 acres in the Commercial zoning classification, and the Master plan identifies the area in a Commercial classification. The Town Board has referred the proposed change in use to the Planning Board for review and comment. The concern identified is parking in the front area. Joseph Floss asked Sandra Baker if Dave Metzger the Commercial Building inspector has looked at the building for any compliance issues - specifically any ADA codes. Sandra Baker said she has spoken to David Metzger and he said due to the fact that she is developing the salon in the existing building, he wouldn't be visiting me at all. Tim Pazda asked if that wasn't a requirement? Joe said he thought it was a requirement with a change in use. Joe told Sandra Baker "I just wanted you to be aware that it may be an issue." Wendy Salvati asked how many chairs she planned on having in the salon. Sandra Baker said two chairs. Wendy said the dwelling unit has two units? Sandra Baker said "Right." Jeff Grenzebach asked how many parking spaces would be needed to accommodate the tenants and the customers from the beauty salon. Sandra Baker said it would really depend on how many cars her tenants have. Downstairs there will be an efficiency apartment, and upstairs a full apartment. They are not rented right now. Jeff said there would probably be a minimum of six cars there. Sandra Baker said she has parking all the way down the side of the building for the salon, and she has tenant parking out in front. Jeff asked the approximate depth of the parking area in front. Sandra Baker said about thirty five (35) feet. Wendy Salvati said "We were looking at your survey, and between your enclosed porch and your property line, you have fifteen feet. You are not allowed to have parking in a public right of way. So, within that fifteen feet, you don't really have enough space for a parking space which is supposed to

be 19 feet in length. You don't really have the area that you need in front of your building to put parking out there.

Bob Baker asked how much space do you need out there? Wendy Salvati said "You need nineteen (19') feet, the parking space is supposed to measure 19 feet long by nine (9') feet wide. We measured your survey, and you have fifteen feet (15'). You paved out into the right of way area, but you are not allowed to park cars in that area, so you really can't have cars out in front of the structure." Sandra Baker said "Well, I have room on the south side in my driveway, and I am sure it will be adequate parking, if you care to look at it." Jeff Grenzebach asked if the customers would be coming in the side or the front of the building to go to the salon. Sandra Baker said "They will be coming in the front side." Christine Schneegold said "At one of the work sessions, you indicated to us that you had some plans to add on to this building." Sandra Baker said "If I am going to be adding on, I mentioned to you before that the downstairs apartment, there is some dead space underneath it, that I am not really happy with." Christine said "Will there be any livable space in that garage. Do you have plans for that, or will it just remain a garage?" Sandra Baker said "A garage." Christine said "If you add on to the building, it will be the back of the building?" Sandra Baker said "Yes." Pat Powers said "Is that one of the reasons you don't want to move the parking to the rear of the building, in the event you want to add on to the building in the future?" Sandra Baker said "One of the biggest reasons I can't move my parking into the back is that there are so many problems with drainage back there. The Town has built all around me, and they brought in so much fill. There is no way I can bring in that much fill, and make it cost effective to build that up. With all that, I would probably wind up with parking for two cars if you are going by the code. The other fact is, my clientele consists of some ladies I have been doing for thirty five years. I would say the ladies are between 75 and 95 years old. For them to try and have to steer back there, and try and get in and out of there is a safety issue. I feel it is out of the question." Christine Schneegold read a letter into the record from the next door neighbor.

November 10, 2004

To: Planning Board

Re: Request for change in use from residential to beauty salon at 6210 Goodrich Road

Gentlemen:

I wish to express my concerns regarding request for change in use of said property with regard to the safety of the building and surrounding environs.

Does the building and property meet the codes and regulations of the town for:

1. Parking area?
2. Current applicable electrical codes for the proposed commercial business?
3. Is it handicapped accessible?
4. Meet health codes and standards of Erie County for this type of business?

Thank you for your consideration of this matter.

Elaine Rowley
6205 Goodrich Road
Clarence Center, NY 14032

Sandra Baker said "May I make a comment on Ms Rowley? Her daughter was living in the downstairs. We bought the building with the condition that she would be leaving the downstairs. She refused to leave the downstairs. My son and his wife were going to move into the downstairs. As it ended up, I had to get an attorney, and have her daughter evicted. She had tried to buy the house and couldn't. So consequently there has been a little bit of a bad situation since then. That was like six years ago. When I was here for the Town Board meeting, she also said that she couldn't see backing out. I brought you some pictures today, and she has got a fence in the corner of her lot that is blocking more than any of my cars or anything there that would be blocking. I don't see what the problem is with the Highway Department on the left of her, it certainly has to be more aggravating, and not as nice looking as my property on the right of her. I talked to Dave Metzger, and he has told me there is no problem. I talked to Mr.

Callahan, he has told me there is no problem. So, I have done really everything that I feel I can do to make use of the property that I made an investment in for commercial zoning.” Christine Schneegold said “Today I noticed that there is no curbing there. What is happening is your people, your clients or tenants are parking in front, and just pulling in right over the grass that is there now, which is in the town right of way.” Sandra Baker said “Well, if that is a problem.” Christine Schneegold said “That is a problem.” Sandra Baker said “Well, then I can put curbing there.” Christine Schneegold said “If you put curbing, then you are still not going to have enough room for the cars to park perpendicular to the house. It appears to me the parking is going to have to be in the driveway.” Wendy Salvati said “I just have a concern for parking six to eight cars in the driveway. Bob Baker said the driveway is twenty two feet (22') wide. You will have to have the parking spaces diagonal. And then you would have room for cars to back out and drive in, but if anyone is coming in at the same time that someone is coming out, you are going to have a problem because you don't have enough area for more than one travel lane. In order to get out they are going to have to go to the back, and turn around to get back out of your driveway.” Sandra Baker said “No. No. No. I did this myself today. I took a whole bunch of pictures today, and unfortunately none of them came out. I parked my cars there, I pulled in purposely to see how it would work, and it works.” Wendy Salvati said “It has to be designed in accordance to our codes, and if our codes say that you have to have so much space for parking lanes, travel lanes, whatever, that is how it has to be. So you have to demonstrate to us that you have that. I understand now, you are parking cars behind cars, whatever, and it is working. But if you are going to run a commercial business, you have to have the parking in accordance with the code, and you have to have the right amount of space to do that.” Roy McCready asked “When they pull out, do they have to back all the way out to Goodrich Road, or is there a turnaround?” Bob Baker said “There is a turnaround in the front.” Wendy Salvati said “But you can't use that.” Bob Baker said “You said fifteen feet, and we have twenty six feet across the front. You are saying we don't have enough in front. You drive down Goodrich Road, and you look at some of these other places, all they have is on street parking. We went to the Town Engineer, we went to the County Engineer, we went everywhere we were supposed to go. We invested a lot of money in that, because we were told that it was sufficient and it met the code.” Wendy Salvati said “I don't know who told you that.” Bob Baker said “Now you are telling me what I have and what I don't have.” Roy McCready said

“The question was if a car is leaving the area, do they have to back all the way out on to Goodrich Road, or do you have a turnaround?” Sandra Baker said “No, I’ve got a turnaround right in front of my house.” Roy McCreedy said “That means you have to pave that.” Pat Powers said “That is the area that is already paved.” Sandra Baker said “I don’t have anything paved. My gravel parking lot - if you want me to do a turnaround, a paved turnaround there, I can do that.” Pat Powers said “Well, that is the very thing we are trying to dispel, is what you are calling a gravel turnaround, that is presently being used for parking.” Christine Schneegold said “I think what he was trying to say is the farthest parking in the driveway back close to that garage, the car that is furthest back has to back out of the driveway.” Sandra Baker said “It can back down the driveway into my turnaround, and drive out.” Christine said “With our climate here, we get quite a bit of snow, you can’t pile it on the property so how would you plow, if there are cars in that driveway?” Sandra Baker said “Before I start my customers in the morning, I would have everybody, my tenants, moved out of there, and it would be plowed just like at the coffee shop and every other building. So, I don’t see that as a problem.” Pat Powers asked if anyone in the audience had any comments or questions. Sandra Baker said “Could I ask a question?” Pat Powers said “Certainly.” Sandra Baker said “What about the parking in front of the funeral home? It is striped and lined right out to the road. I feel like I am being discriminated against here.” Tim Pazda said “Is that lined for parking or is it lined so people don’t park there?” Sandra Baker said “It is parking spots right out in front of the funereal home, right next to the road. People are parked there all the time.” Wendy Salvati said “I don’t know the specifics of that site, if that is the case, they might not be doing it legally.” Sandra Baker said “But they are doing it. It is lined, and it is right out in front of the funeral home, there are about six parking places.” Wendy Salvati said “Then it is something we have to look at.” Sandra Baker said “And then we have the new restaurant - that parking is all the way up the street, and then we have the day care center, that has no parking whatsoever. So when people pull in and they double park for their kids, I had to wait there today. What about that? Pat Powers said “I am not familiar with the parking at the funeral home, but we will look into it. Right now, we are confronted with the situation being presented to us, and if there are no questions or comments from the audience, I would ask the pleasure of this board. This is a request for a change in use.” Sandra Baker said “And also, would you take into consideration my son is going to be running the salon? I work on Fridays, only on Fridays. My son will be working full

time. So it is not like this is a Cappello's." Pat Powers said "What is the pleasure of the board?" Joe Floss asked if Traffic Safety has looked at this, it is not typical. Roy McCready said "I agree, I think they should look at this." Joe Floss said "It is truly the biggest concern we have here tonight, the safety. The owner has pointed it out, especially the ninety year olds that may be backing out." Wendy Salvati said "It is the code compliance and the traffic safety." Joe Floss said "Madame Chair, I would motion to table this item, until we can get a few of these items addressed, and forward this on to the Traffic Safety Committee of the Town of Clarence, for their review and recommendation of the appropriate curbing, and whether it is functional the way the applicant has proposed it." Pat Powers said "That is in the form of a motion?" Joe Floss said "It is."

ACTION: Motion by Joseph Floss, seconded by Jeff Grenzebach to forward this to the Town of Clarence Safety Committee for their review and recommendation.

On the Question? Councilman Bylewski said "Would it be necessary, given the small nature and scope of it, for Fire Advisory to also take a look at it?"

Wendy Salvati and Pat Powers both said "Yes."

Joe Floss amended his motion to send this to Traffic Safety Committee and also to send it to Fire Advisory for comment and review."

Joe Floss explained to the applicant there is a one page form giving recommendations which assist us in making the appropriate decisions regarding functionality.

ALL VOTING AYE. MOTION CARRIED.

ITEM II
Forbes Capretto Homes
Agricultural

**REQUESTS AN OFF-PREMISE REAL ESTATE SIGN
LOCATED AT 8241 SHERIDAN DRIVE.**

This item was removed from the agenda at the applicants request.

ITEM III
Michael Helbringer
PURD

REQUESTS AMENDMENT TO EXISTING PURD TO CREATE
A SINGLE FAMILY RESIDENTIAL LOT ON CLARENCE
CENTER ROAD EAST OF NEWHOUSE ROAD.

DISCUSSION:

Jim Callahan said the property is located on the south side of Clarence Center Road, east of Newhouse Road, and consists of approximately 16.1 acres currently, and is zoned PURD. The Master plan identifies the area in a residential classification. The applicant is seeking to split one single family lot from the existing campus, which requires an amendment to the PURD zoning, and must be approved by the Planning Board and the Town Board. Mr. Helbringer said the acreage is just over 19 acres. He said there were five residential lots originally along the frontage on Clarence Center Road. He is proposing to re-institute one residential lot to the east. Chairman Powers asked Joseph Floss to read a letter from a resident into the record.

November 10, 2004

Regarding the Item III on the Agenda List

The following is a request for clarification on the proposed Amendment to the existing PURD located on Clarence Center Road.

The residence at 8499 Clarence Center Road was purchased this summer. At that time it was understood that the Bristol Development had purchased 5 lots and was granted the ability to build the current residence only. At the time of purchase we understood that Bristol Homes would not be able to develop a structure next to 8499 Clarence Center Road. It also was told to us that it could not because of concerns over Water drainage, Green space, Electric underground lines and the proximity to the Detention Pond. Furthermore that a Bike Path and Nature Walk was planned for that area. This was confirmed by the documentation at the Town. Finally after careful review an offer was made and accepted to purchase 8499 Clarence Center. Only a week ago did we learn of the proposed change on the Bristol property. At this time any change for us to back out of this purchase would result in the loss of our deposit and fees totaling \$12,000.

So our concerns would be as follow:

- Water shed towards our house and effect on pond
- Placement of proposed house would impact

- A) Detention Pond
- B) Bike and Nature Walk
- C) Electric Lines Underground

Future Use of the proposed residence: as the Bristol Homes Has a Right of First Purchase and can this be used as a business.

Setback of 10 feet would be from the front of 8499 Clarence Center Garage.

Frontage as of December 1, 2004 going up to 150 feet. At this size the lot would encroach on the detention pond.

Please understand this is not an attempt to take away the right to build.

This is to clarify the impact of building and to understand the effects on our house and our community.

Thank you,

Donald and Christine Skowronski

Tim Pazda asked the lot size. The lot size is currently 142 feet on the frontage on Clarence Center Road, and the rear lot line would be 120 feet, and it is 214 feet deep. Mr. Helbringer said "I would like to address some of the issues in the letter. Number one, it was never suggested there would be 150 feet of frontage. A lot of that information in that letter came directly from me. There was talk about the detention pond, the detention pond that would be directly adjacent. I should also note, that I was the person who did all the development for Bristol Village, so I am very familiar with the layout. The detention pond is three times as large as it needed to be. Even with the excessive rain this year, that pond did not reach the top, and if you drive by there right now, it looks practically empty. I don't believe the drainage would ever be an issue. I am in the process of getting an Engineers drainage plan, but if you look at the lot and the way it is graded, everything slopes toward that detention pond. The property line as it is now with this survey does not encroach on the detention pond. I am not quite sure where that is coming from. The land is currently owned by Bristol Village, they want the first right of refusal if I ever sell that property. The property would never be used for anything but a single family home, if I was to leave the organization they would seek to purchase that from me. They would use that as accommodation for my replacement. I am on twenty four hour call seven days a week, 365

days a year. Tim Pazda asked if he was going to make the pond smaller. Mr. Helbringer said if he had to do it all over again, it wouldn't be as large as it is, but the pond would not be touched. Tim asked how close he would be to the pond. Mr. Helbringer said there is a tree line, and he is guessing he would be 30 to 40 feet away from the pond. He didn't actually measure it though. Tim Pazda asked "What about the bike path?" Mr. Helbringer said "I am well aware that was an agreement that we made when we purchased Bristol Village, and we never foresaw that as a problem, and I still don't. I guess my question would be where was the bike path going to go when we had five (5) residential lots in there and there were no breaks? Obviously, I would not want the bike path going up the driveway, but I have several hundred feet of frontage that I am more than willing to work something out to include the bike path on Bristol Village. I also can represent Bristol Village here, I am authorized to do that. There is no problem with the bike path going on to that property which was always the plan." Wendy Salvati said "Right now it is proposed to be twenty feet off the eastern property line from north to south." Mike Helbringer said "I guess I am curious as to what would have been done if the five residential lots were developed. Those five residential lots started at the east property line, and in very similar size." Jim Hartz said at the time it was actually proposed to go up an old railroad right of way to the east, but that plan fell through because of another subdivision that went in. (Ranchview Subdivision) Mike Helbringer said "We have an excessive amount of open space on the west side of the property. It would entail obviously, some type of transition from where it would start now, and I don't know if it starts directly across the street. But, the other side of the property is wide open, and there still is potential too, because I am willing to look at keeping that in mind, as well as some other issues decreasing the amount of frontage, and allowing that opportunity to exist where it is." Wendy Salvati said "You have room to put this twenty foot easement in." After much discussion Jim Callahan said "It was very wide open, it was just identified in the final approval that there would be a twenty foot easement for a bike path because we didn't know where it is going. If you head further south, we are not sure where the connections are. It did make sense to lock it in, if we didn't know where it was going north or south from there." Roy McCready said "Don't you think the Planning Board should get together and look at the plans from Bristol Village and make a determination as to where we think it should go?" Jim Callahan said. That was always the intent, it is still in place." Wendy Salvati said "We still have proposed bike trail path maps that show it going along the

eastern property line. Jim Callahan said "Proposed again, without any ability to extend it beyond this property. It is premature to say we want it along the east, because we don't know if it is going to go further west." Joe Floss said "The further west we go, the more the cost per linear foot along the right of way." Jim Callahan said "Well, you may not have the ability to do it." Joe Floss said "We may have to request it there, and re-negotiate in the future." Mike Helbringer said "I would answer that proposal, I don't know how conducive it is, and if I am understanding it correctly, it would be a bike path between two residential properties. I would be willing to lose the frontage on the other side. I know you are talking excess cost with 140 linear feet, but, decreasing that to 120 but moving it that way so it is not between the properties, and the bike path could go in on the other side." Chairman Powers asked if anyone in the audience had any questions or comments. Timothy Skowronski is the son of the owner of the adjacent property on 8499 Clarence Center Road. He is concerned about the bike paths possible location, possible relocation of the electric pole, and possibility of a zoning change. After more discussion Joseph Floss made a motion.

ACTION:

Motion by Joseph Floss, seconded by Wendy Salvati to request the amendment to the existing PURD to create a single family residential lot at Clarence Center Road east of Newhouse Road with the provision that the applicant orient his building to grant an easement for a twenty foot easement to run the entire length of his western property line rather than the east. With the understanding that in the future should the bike path, the Town and the applicant desire to negotiate that easement away for another preferable location on Bristol Village property, that we are receptive to that. The home is never to be used for anything except a single family home.

ALL VOTING AYE. MOTION CARRIED.

ITEM IV
Frank Chinnicci
PURD

REQUESTS SITE PLAN APPROVAL FOR THE DEVELOPMENT OF A 47 UNIT PATIO HOME PROJECT LOCATED AT 5831 TRANSIT ROAD.

Motion by Joseph Floss, seconded by Jeff Grenzebach to table this item until the applicant is present and we have appropriate approvals from our departments.

On the Question?

Chairman Powers asked if there were any residents who came out this evening to speak on this agenda item. No one responded.

ALL VOTING AYE. MOTION CARRIED.

ITEM V
Lauer Manguso Architects
Major Arterial

REQUESTS CONCEPT PLAN APPROVAL FOR CONSTRUCTION OF A 15,467 SQUARE FOOT DRUG STORE (WALGREENS) AT 6785 TRANSIT ROAD.

DISCUSSION:

Jim Callahan said the property is located on the north east corner of Transit and County Roads. It consists of approximately 3.3 acres. It is zoned Major Arterial and Residential B to the rear of the property. The Master plan identifies the area in the Swormville Traditional Neighborhood District, and tonight represents the initial introduction of the project to the Planning Board. Jim Manguso introduced Andrew Hunt as the developer-owner of the project. They have been involved in numerous Walgreen's projects in the Western New York area. They are here tonight with a new improved version of the building design. The building would have brick all the way around. Joe Floss asked Jim Callahan if a flat roof is what he envisions for keeping within the Master plans Traditional Neighborhood design. Jim Callahan said "I believe that in the traditional neighborhood what we are trying to do is keep more in the character that is Swormville, and some of the examples of traditional architecture there may be the Swormville Fire Hall, St. Mary's Church, the Swormville Station, that type of thing." Joe Floss said "This is not what I envision for

that neighborhood.” Mr. Manguso said “The Town Board had similar comments when they were before them. We are very willing, and fortunately we have a tenant that is willing to compromise where they can. They want to be good neighbors. How do we come back with something that is more agreeable to this board?” Pat Powers said to make an appointment to come back on a Tuesday morning and meet with the Executive Committee and present their ideas. It was suggested that the applicant pick up a copy of the design guidelines for the traditional neighborhood from the zoning office. Joe Floss said “There are some neighbors here tonight, just so they know that there are no approvals here tonight. However, it would be appropriate to consider sending this project to the Municipal Review Committee, Fire Advisory, and Traffic Safety Committee to allow other committees within the town to begin their process while the applicant is meeting with the executive board to start talking architectural design. Then the applicant will come back here requesting the same thing he is requesting tonight. It allows us to gather more information to make an educated decision on the project.” Roy McCready said “I would like to see a building similar to what the Bank of Akron has on Goodrich Road. It is more of a Federalist style with a peaked roof and columns. At least look at that idea.” Pat Powers asked if anyone in the audience might like to speak. Paul Snyder of 6843 Transit Road asked where the driveway is in regard to Ransom Creek. It is at least 100 feet to the creek. He was concerned about the guard rail. If it had to be moved the applicant would have to petition the Department of Transportation.

ACTION:

Motion by Jeff Grenzebach, seconded by Roy McCready to send it to the Municipal Review Committee, Fire Advisory, and Traffic Safety Committee for review and comment.

On the Question?

Joe Floss said for the record sending this forward is no indication whatsoever of an upcoming approval on the

design or architectural design that was presented tonight. Pat Powers said the Engineering Department has looked at the concept plan, and advises that the property is within the regulatory flood way and the 100 year flood plain. All improvements will have to comply with the L.L. #3 -2000 Flood Damage Prevention Law. The board will be looking for a concept plan approval checklist for a commercial project when the applicant returns.

Tim Pazda said the board is excited about the project, and equally excited that they are willing to take a long hard look at the architectural design, and work with the executive committee so we all can get something we will be very proud of.

ALL VOTING AYE. MOTION CARRIED.

ITEM VI

REVIEW OF SUBDIVISION LAW

This item will be heard at the end of the agenda.

ITEM VII
Mary Jo Parker
Commercial

REQUESTS A BUILDING PERMIT FOR THE
CONSTRUCTION OF A POLE BARN IN THE
COMMERCIAL ZONE LOCATED AT 8160
WEHRLE DRIVE.

DISCUSSION:

Jim Callahan said the property is located on the north side of Wehrle Drive east of Transit Road. It consists of approximately 1.27 acres and is zoned Commercial. The Master plan identifies the area in a commercial classification, and the applicant is seeking to construct a pole barn as described. Christine Schneegold asked what the Parkers intended to store there. Gerald Parker said he works on street rods, and custom cars for a hobby. He also has items from his house that he would like to store there. It is a hobby - not a business. Pat Powers asked Mr. Parker how many vehicles he might have on site at one time. Mr. Parker said no more than one or two. His intent is to keep everything

contained. Pat Powers asked what type of noise would be generated to work on these cars? Mr. Parker said there would not be any noise you could hear outside of the building. He would not be seeking a sign. Pat asked if the neighbors were aware of the request. He does not have a neighbor on the one side. The neighbor in the back is Coventry Green apartments. The neighbor on the other side also works on cars and won't have a problem with it. There would be absolutely no storage outside. Mary Jo is a nutrition therapist at the house, and it is important to her that it is neat and tidy. There is an existing shed that they will remove when the new one is built. The square footage is 2520 square feet and it will be 22 feet high. The color will be ivory with red wainscoting. Tim Pazda said it is very large in relation to the house, it is a pretty big structure. Mr. Parker said "It is nothing compared to the golf dome." Tim asked if they would consider dressing up the structure a little bit. Roy McCready suggested embellishing the area with some trees and shrubs that the deer will not eat. The Parker's do not live here, this is business property. Pat Powers suggested re-configuring the building. Mary Jo Parker said the septic system would be in the way. Joe Floss said he was concerned about the large size, and the possibility of renting out the space to others, and also if they sold this property what would it become? A new owner would have to come back for a change in use. Mary Jo said they live in an area where they cannot have an additional structure, and they wanted an area where Mr. Parker could store all his equipment. Mary Jo wants her garage back. Maria ?? said she was here to represent Ron Fitzpatrick of Coventry Green apartments. They had a couple of concerns. The size of the pole barn is one. It is difficult enough to lease those apartments even with the small shed there. They don't want the barn to take away from the beauty of the apartments. Will this board be making the final decision? Pat Powers explained that this is a recommending board and the final decision is made by the Town Board. Maria said she would like the applicant to put some trees and shrubs around the north

side facing Coventry Green apartments for aesthetic reasons. Mr. Parker said the residents of Coventry Green have no problem using his land to play football. Mary Jo Parker said they were there before Coventry Green, and there were trees back there, but they chose to take them down and clear the land. Patricia Powers said this will go to Town Board for a decision, and there will be another opportunity to speak. Joe Floss said he would like to make a motion.

ACTION:

Motion by Joseph Floss, seconded by Christine Schneegold to recommend approval of a building permit for the construction of a pole barn in the Commercial zone located at 8160 Wehrle Drive with the understanding that:

- 1) The building is to be used solely for personal use and it is not to be rented for commercial use or income.
- 2) An approved landscape plan including species, spacing and size prior to Town Board approval.
- 3) No outside storage.

Tim Pazda	NAY
Jeff Grenzebach	AYE
Christine Schneegold	AYE
Wendy Salvati	AYE
Roy McCready	AYE
Joseph Floss	AYE
Patricia Powers	AYE

MOTION CARRIED.

ITEM VIII
Al Weir
Major Arterial

REQUESTS A SPECIAL EXCEPTION USE PERMIT FOR OUTSIDE DISPLAY OF PRODUCTS FOR NIAGARA IMPLEMENT AT 8655 TRANSIT ROAD.

DISCUSSION:

Jim Callahan said this property is located on the northeast corner of Transit and Tonawanda Creek Road. The property consists of approximately 3.1 acres and is zoned Major Arterial. The Master plan identifies the area in a Commercial classification. The

applicant is seeking approval for an outside display of products that he will describe. Mr. Weir said he sells outdoor power equipment - tractors with snow blowers. It would be displayed on the existing concrete pad, and would be a year round display. He would like to display between 12 and 14 items. He will not add to the existing lighting, there is already a pole with a spotlight. Joe Floss asked what the size of the area is for display. The actual size of that empty lot is 120 to 150 feet wide by 100 to 120 feet. Then there is a fenced in area too. Mr. Weir said the display will be on the existing concrete pad, no closer to the road than the setback of the existing building. Roy McCready asked if he had considered an ornamental fence to secure the items. Mr. Weir said he has considered it, but there are ways to anchor items to the ground so they don't get stolen. Chairman Powers asked if anyone in the audience cared to speak regarding this item. No one responded.

ACTION:

Motion by Jeffrey Grenzebach, seconded by Tim Pazda to recommend approval of the request for an outside display of equipment for Niagara Implement at 8655 Transit Road to the Town Board with the following conditions:

- 1) No item is to be displayed in the right of way on Transit Road or on Tonawanda Creek Road.
- 2) Vehicles must line up with the exterior of the front wall of the building.
- 3) The size of the outside display area be contained within the concrete pad that exists.
- 4) Any landscaping that might be considered essential to the appearance of the business will be considered in the future. (See conversation below)

On the Question?

Mr. Weir showed pictures of his existing business in Lockport to show what a neat operation they run. Mr. Weir said this will be an additional location for them. Mr. Weir said they can't do everything at once, they are going to change a window.

On the Question?

Joe Floss said he felt it was onerous to put the

condition of landscaping on the applicant because he is a tenant in the building. It is always nice to see, but I don't know how we can request it as part of the motion. We would only ask that they would consider it, if that is acceptable to you Roy. Roy said we require it.

On the Question?

George Van Nest asked the applicant if he is responsible in the lease for repairs and maintenance? Mr. Weir said yes he is responsible for the property he is using.

Pat Powers said "So you would want it to look nice as well."

Joe Floss said "George is establishing that we could if we wanted to, make that a requirement."

Pat Powers said "We have a landscape committee that would be willing to work with you, if you want to come in and present a landscape plan. It may not be something you can do right away, but maybe six months down the road or so. This won't hold you back from Town Board. The landscaping plan can be submitted and considered for the future, as an understanding not a condition."

ALL VOTING AYE. MOTION CARRIED.

ITEM VI

SUBDIVISION LAW

Patricia Powers said the second draft of the Subdivision Law is presently in the works and might possibly be available at the end of November.

If so, it will be mailed out to you as soon as possible. If not it will be presented at our meeting on December 8, 2004.

Motion by Wendy Salvati, seconded by Christine Schneegold to adjourn the meeting..

ALL VOTING AYE. MOTION CARRIED

Meeting adjourned at 9:15 p.m.
Patricia Powers, Chairman