

PLANNING BOARD MINUTES

**Roll call
Minutes
Sign review
Update on pending items**

**Miscellaneous
Agenda items
Communications**

NOVEMBER 13, 2002

AGENDA 8:00 P.M.

**ITEM I
Luther Townsend
Agricultural**

**REQUESTS CONCEPT PLAN APPROVAL
FOR A THREE LOT OPEN DEVELOPMENT
AREA NORTH OF 5485 SALT ROAD.**

**ITEM II
Lakeshore Savings Bank
Commercial**

**REQUESTS CONCEPT PLAN APPROVAL
FOR CONSTRUCTION OF A 5500 SQUARE
FOOT BANK BRANCH AT 5741 TRANSIT RD**

**ITEM III
David Glian
Commercial**

**REQUESTS CHANGE IN USE FROM
RESIDENTIAL ACCESSORY BUILDING TO
COMMERCIAL OFFICE BUILDING AT 10080
MAIN STREET.**

**ITEM IV
Orazio-s Restaurant
Commercial**

**REQUESTS CONCEPT PLAN APPROVAL
FOR A 3067 SQUARE FOOT ADDITION TO
THE EXISTING RESTAURANT LOCATED
AT 9415 MAIN STREET.**

**ITEM V
Sunoco
Commercial**

**REQUESTS CONCEPT PLAN APPROVAL
FOR A NEW 3200 SQUARE FOOT
CONVENIENCE STORE/GAS STATION AT
8000 MAIN STREET.**

**ITEM VI
Thomas Graziani**

**REQUESTS AMENDMENT TO THE LOCH
LEA PURD CREATING AN ADDITIONAL
PURD LOT AT 5470 CENTER PINE LANE.**

**ITEM VII
Lawrence Moyer
Agricultural**

**REQUESTS CONCEPT PLAN APPROVAL
FOR AN EIGHT (8) LOT SUBDIVISION
AT 7955 NORTHFIELD ROAD.**

ATTENDING:

**Harold Frey
Joseph Floss
Michael Metzger
Patricia Powers
Roy McCready
Frank Raquet
Reas Graber**

**INTERESTED
PERSONS:**

**Scott Bylewski
Luther Townsend
Jeff Zariczny
Christine Schneegold
James Geiger
James Sevchik
Rich LeMaster
Paul Herendeen
Thomas Graziani
Richard Brox
James Callahan
James Hartz
Kathryn Tiffany**

ITEM I
Luther Townsend
Agricultural

REQUESTS CONCEPT PLAN APPROVAL FOR
A THREE LOT OPEN DEVELOPMENT AREA
NORTH OF 5485 SALT ROAD.

DISCUSSION:

Mr. Townsend is the son in law of Vito Pace, the owner of the land. He now lives in Florida, and Mr. Townsend is representing this project for him. Mr. Pace doesn't want to stand the expenses of putting the road in, bringing the utilities back in, bringing the water in. Basically, he wants to be able to tell someone who purchases it, they have the ability to put in one to three houses back there. If it doesn't satisfy open development requirements, then he would tell them they could only put one house back there. One possibility is to combine Luther Townsends driveway with the driveway for the open development. One problem is that the neighbor to the north has a driveway that is less than one hundred feet away from the driveway for the open development. The only possibility for an open development is to combine all three driveways into one access road. The only other alternative is to build one home in the rear. However, it would require two variances. One would be for the setback of the home, and one for the frontage. Town law requires one hundred feet of frontage, and the applicant only has 40 feet of frontage. Mike Metzger told Mr. Townsend that Mr. Pace will have to decide which way he wants to go - open development or one home. Open development would be the Planning Board, the one home would require going to the Zoning Board of Appeals for the substandard lot. Joe Floss said the open development cannot be approved, because it doesn't conform to the law with the neighbors driveway within one hundred feet. He suggested trying the Board of Appeals to build one home.

ACTION:

Motion by Patricia Powers, seconded by Reas Graber to table this item.

ALL VOTING AYE. MOTION CARRIED.

ITEM II
Lakeshore Savings Bank
Commercial

REQUESTS CONCEPT PLAN APPROVAL FOR
CONSTRUCTION OF A 5500 SQUARE FOOT
BANK BRANCH AT 5741 TRANSIT ROAD.

DISCUSSION:

Chairman Frey said last night the Board of Appeals approved a setback variance for this project. Rich LeMaster is the adjacent neighbor, he is in favor of the new plan as well as the other neighbors in attendance. The residents were sent the agenda and a diagram of the newest plan. Mr. LeMaster said he would like to see a deed restriction put on the property to keep any building from being built closer than seventy five feet (75') of the east lot line. Mr. Zariczny said he would talk to his client about it, but he doesn't see it as a problem. There will be an access road for their neighbor to the south (Shane Khanjani) in the front of the property.

ACTION:

Motion by Roy McCready, seconded by Reas Graber. The Planning Board recommends concept plan approval to the Town Board for the construction of a 5500 square foot bank branch at 5741 Transit Road.

ALL VOTING AYE. MOTION CARRIED.

ITEM III
David Glian
Commercial

REQUESTS CHANGE IN USE FROM
RESIDENTIAL ACCESSORY BUILDING TO
COMMERCIAL OFFICE BUILDING AT 10080
MAIN STREET.

DISCUSSION:

Architect Paul Herendeen represented Mr. Glian, who is out of town at the present time. Mr. Herendeen showed photographs of the three buildings on the property. One will remain a residential rental home, the home at 10070 will become an office or retail business, and a barn that will be for office or retail space. There will be two curb cuts - one on Main Street which will service the residential rental property, and the residence that will be converted to office or retail space. The curb cut on Pineledge Drive will service the barn on

Pineledge Drive. The office or retail at 10070 Main Street has eight parking spaces, and the barn (office or retail) would have six parking spaces. There is a chance that Mr. Glian may relocate the septic field and put it behind the house. Frank said he would like to see the parking in the back. The building is approximately 80 feet from the front property line. Joe said everyone would like to see that property spruced up. Mike Metzger said if he does relocate the septic system, he would like to see all the parking go to the back. His other concern is with the barn building. It is 1152 square feet, and there are only six parking spaces. If it is retail, that will not be enough, he would not like to see cars parked in the road. Harold said he would like to see some tree planting, or a berm and planting, in the back to screen the neighbors in the back to the north. A neighbor said he will be looking out his front window into this lot on to the barn and the structure.

ACTION:

Motion by Joe Floss, seconded by Pat Powers to recommend a change in use to the Town Board with the following conditions:

An approved landscape plan showing substantial plantings and a berm - before this goes to the Town Board for approval.

Due to the number of parking spots, there may be less store floor area, and more storage area to meet the parking requirements.

Designate an area to the west for future parking if needed.

No parking will be allowed on Pineledge Drive.

Joe Floss told Mr. Herendeen to inform his client before this goes any further with his plans, that more space may have to be designated to storage, and less space designated store floor area. Mike Metzger said it never occurred to him before this meeting. We are giving him permission to use

a barn that close to the road right of way. This would not be allowed for a new build. All the problems are focusing on this barn. Maybe it is an aspect of this project that should not occur. There was a discussion about seeing this neglected property get cleaned up, and the fact that the applicant could demolish everything there, and build something really significant. What does the planning board want to see happen?

ACTION:

Motion by Joe Floss, seconded by Pat Powers to rescind the previous motion in light of the new information. Joe Floss restated a new motion to include the building (house at 10070) to the west, but the barn is a separate issue, and not included in the change of use. The driveways for 10070 and 10080 will have a consolidated driveway. Floor area will be calculated to meet parking requirement. A landscape plan must be approved before this goes to the Town Board for approval.

Mike Metzger	AYE
Reas Graber	AYE
Roy McCready	AYE
Harold Frey	AYE
Joe Floss	AYE
Frank Raquet	NAY
Patricia Powers	AYE

MOTION CARRIED.

ACTION:

Motion by Joseph Floss, seconded by Patricia Powers to table the barn use.

ALL VOTING AYE. MOTION CARRIED.

ITEM IV
Orazio's Restaurant
Commercial

Requests concept plan approval for a 3067 square foot addition to the existing restaurant located at 9415 Main Street.

DISCUSSION:

Chairman Frey asked Orazio if he has talked to the Health Department. Orazio said he has talked to an architect and the health department, but he wanted to see what the planning board decided before he spent thousands of dollars, if it wasn't going to happen. There was a discussion about the parking. He has an agreement with Al Nemmer's Ceiling Drywall Company for 45 additional parking spaces. Sixty two parking spots will be required, they are showing 78 on the plan.

ACTION:

Motion by Joe Floss, seconded by Reas Graber to recommend a negative declaration to the Town Board for the SEQR process, to send the project to Traffic Safety, Fire Advisory, and to the County Health Department for review and comment.

A landscape plan will have to be approved in the future, and the Planning Board requires 25% green space.

On the Question:

Mike Metzger suggested that Orazio get something affirmative from the Health Department stating that he can in fact put some type of a system in there. Mike suggested having an engineer that does septic systems, and have him communicate with the Health Department. There may be some preliminary design needed to get something from them, but we want to see something positive from them that they will approve something there. Mike said there has to be enough land for the absorption field. Mike also told Orazio that he would need to get a SPEDES permit for that amount of water. Mike said in the past, a Burger King proposal across the street, did not move forward because they didn't want to spend that kind of money to put in a sand filter, and everything else in it. This was right across the street, and the conditions are similar.

ALL VOTING AYE. MOTION CARRIED

ITEM V
Sunoco
Commercial

Requests concept plan approval for a new 3200 square foot convenience store/gas station at 8000 Main Street.

This item was removed from the agenda.

ITEM VI
Thomas Graziani
PURD

Requests amendment to the Loch Lea creating an additional lot at 5470 Center Pine Lane.

DISCUSSION:

Chairman Frey said Mr. Graziani would like to split the lot into two parcels of 150' x 170'. Splitting the lot would require a curb cut on Center Pine Lane as well as a curb cut on Harris Hill Road. Mr. Graziani would like to sell one of the lots, and have one lot for his use. Pat Powers had some concerns because in the PURD that lot was designed to be that size. You are asking to amend this plat, and I am uncomfortable with that. Mr. Graziani said by density he believes that lot could be split three times. Chairman Frey said that information is incorrect. Three units per acre is on the overall design. All corner lots have to be bigger. Mr. Graziani purchased it thinking he would split it, and keep part of it for himself. The lot across the street is the same size as these lots would be after the split, it does meet the corner requirements. Mike Metzger said PURD zoning itself is a process where the plan effectively becomes the zoning map. Those lots all become platted. It is a give and take process. Some lots are smaller and some lots are larger, they have to be looked at in its entirety. The Hollows at Loch Lea are part of this PURD as well as a small commercial area on Harris Hill Road. It is all blended together at the time it is approved, and the lines are set. It is not like a piece of property you might have in a Residential A zoning, where if you meet the requirements, you can split it. Mr. Graziani cited other lots in the area that were not large. Joe Floss said from a practical matter, it might very well work. As well, I wouldn't be in favor of splitting it because it will require a curb cut on Harris Hill Road so close to Center Pine Lane.

The curb cut was designed to be on Center Pine Lane. They would not be permitted to put a curb cut on Harris Hill. The plan was approved the way it was approved. Mr. Graziani said he has tried to sell the piece of property, but it is too big.

ACTION:

Motion by Joseph Floss, seconded by Patricia Powers. The Planning Board recommends denying this request to subdivide the lot at 5470 Center Pine Lane.

ALL VOTING AYE. MOTION CARRIED.

ITEM VII
Lawrence Moyer
Agricultural

Requests concept plan approval for an eight (8) lot Subdivision at 7955 Northfield Road.

DISCUSSION:

Richard Brox is a registered landscape architect representing the Moyers. This property has been in their family for generations. They asked Mr. Brox to investigate the possibility of a subdivision. They have enough room for 8 lots 100 feet wide and 409 feet deep. There is one lot a little larger 1.2 acres with the brine line easement running through the south side of the property. The property fronts on Northfield Road. They would be allowed to sell four lots every three years. He is in no hurry to sell more than that. The existing area is zoned Agricultural. The flood zone boundary would have to be accurately determined at some point. Chairman Frey said the board has some questions as well as some problems. The maps that you have drawn with the flood zone on them, do not coincide with our maps. There is a possibility of some wetlands on that property. Mr. Brox said there may be federal wetlands. If the land comes under the flood zone rules, you would only be able to develop two lots of 304 feet. You need to speak with the Town Engineer Joseph Latona, he is the flood plain Administrator for the Town. We are at a standstill until there is more information available from you. This has to be submitted to the Town Engineer. When you have this, we will put you

back on the agenda. Mr. Brox said he had no problem with that.

ACTION:

Motion by Frank Raquet, seconded by Patricia Powers to table this item, until there is more information.

ALL VOTING AYE. MOTION CARRIED.

Motion by Patricia Powers to adjourn the meeting.

Meeting adjourned at 10:05 p.m.
Harold K. Frey, Chairman