

PLANNING BOARD MINUTES

Wednesday March 19, 2003

AGENDA 7:30 P.M.

ITEM I

Jerry Ritch  
Major Arterial/Agricultural

REQUESTS CONCEPT PLAN APPROVAL AND  
RE-ZONING FROM AGRICULTURAL TO  
RESTRICTED BUSINESS FOR  
CONSTRUCTION OF 4 PATIO HOMES AT 6449  
TRANSIT ROAD.

ITEM II

Dennis James  
Commercial

REQUESTS DEVELOPMENT PLAN  
APPROVAL FOR RESTAURANT / ICE CREAM  
PARLOR AT 5840 GOODRICH ROAD.

ITEM III

Lawrence Moyer  
Agricultural

REQUESTS APPROVAL OF AN EIGHT (8) LOT  
SUBDIVISION ON EXISTING ROAD  
FRONTAGE AT 7955 NORTHFIELD ROAD.

ITEM IV

Erie Niagara Insurance  
Commercial

REQUESTS CONCEPT PLAN APPROVAL FOR  
10,964 SQUARE FOOT ADDITION & PARKING  
LOT EXPANSION AT 8800 SHERIDAN DRIVE.

ITEM V

Tim Krantz  
Agricultural

REQUESTS A FOUR (4) LOT OPEN  
DEVELOPMENT AREA ON 60 + ACRES IN  
AGRICULTURAL ZONE AT 9086 LAPP ROAD.

WORK SESSION 6:30 P.M.

Roll call      Miscellaneous  
Minutes      Agenda items  
Sign review    Communications  
Updates of pending items  
Committee reports

ATTENDING: Joseph Floss  
Patricia Powers  
Frank Raquet  
Reas Graber  
Henry Bourg  
Roy McCready  
ABSENT: Christine Schneegold

INTERESTED  
PERSONS: Councilman Scott Bylewski  
Marsha Ritch  
Jerry Ritch  
Dennis James  
Richard Brox  
Joe Lombardo  
Dolores Verruso  
John Verruso

MINUTES Motion by Patricia Powers, seconded by Roy  
McCready to approve the minutes of the meeting  
held on March 5, 2003 as written.

ALL VOTING AYE. MOTION CARRIED.

ITEM I  
Jerry Ritch  
Major Arterial/Agricultural

REQUESTS CONCEPT PLAN APPROVAL  
AND RE-ZONING FROM AGRICULTURAL TO  
RESTRICTED BUSINESS FOR  
CONSTRUCTION OF 4 PATIO HOMES AT  
6449 TRANSIT ROAD.

DISCUSSION:

Jim Callahan gave a description of the property. The property is located on the east side of Transit Road just north of Old Post Road. He stated the current zoning on the property is major arterial along the Transit Road frontage back 300 feet from center line. To the rear is all agricultural. In terms of the Master Plan 2015, the Master Plan does recommend the commercial classification along the frontage could be extended to match the depth of commercial zoning on the joining parcels. The frontage has an existing home and an existing garage that have been approved for conversion to a retail, craft shop or antique shop use, and the proposal in front of the board is for the rear 300 feet of commercial zoning requested for consideration of patio home development.

Jerry Ritch stated the last time he presented, he did not have a formal site plan. He said he now has one and has presented it and left it with Jim Callahan. It's an aerial view of the proposal. The one floor ranch style homes would be around 1900 square feet. Jerry Ritch stated that Henry Bourg had suggested extending the width another 50 feet to give us about a 30 foot buffer in between the

homes,

this way the houses aren't too close together, for aesthetic look and value for the home owner. We made modifications to the site to look very professional and very aesthetic.

Patricia Powers asked Jerry Ritch what the width of the driveway for the access road was? Jerry Ritch replied he was unsure, but he knew it was to code. He then asked Jim Callahan if he remembered? Jim replied, he didn't recall. Jerry Ritch said he believes it is 21 feet. He said he knows they scaled it to New York State code. He added that he knows there's also a buffer. Jim Callahan stated he had referred to the Open Development Law, which required the 20 foot paved surface with 8 feet shoulders. Jerry Ritch agreed. He then pointed out where it was 21 feet and 8 feet shoulders.

Patricia Powers asked Jerry Ritch if he was in a sewer district or are they going to be on septic tanks? Jerry Ritch replied "That's a sewer district".

Roy McCreary questioned what the length of the driveway from the street to the garage was? Jerry Ritch answered, "Approximately 25 feet". Roy then questioned if it's going to be long enough for a car to park in the driveway without their bumpers sticking out? Jerry Ritch responded "Yes, absolutely".

Frank Raquet asked Jerry Ritch if according to the site plan, is there 25 feet of property line? Frank asked if that was just for patio homes? Jerry replied that he has 25 feet on his property and Wolter's Plaza has 75 feet, making that a total of 100 feet buffer.

Reas Graber stated that the board requests that Jerry Ritch install a "turn around" or cul de sac. Jerry Ritch agreed.

Roy McCreary asked Jerry Ritch if the houses

could

be put on a curve since the street is going to be curved. Jerry Ritch said it is possible and agreed it was a good idea. When asked by Roy McCreary if the homes are going to be brick, Jerry Ritch replied, "Brick facade".

ACTION:

Motioned by Patricia Powers, second by Roy McCreedy to refer this out to the municipal review committee, traffic safety and fire advisory and seek the information needed to grant concept plan approval and the possible re-zoning from agricultural to restricted business for construction of 4 patio homes at 6449 Transit Road.

ALL VOTING AYE. MOTION CARRIED.

ITEM II  
Dennis James  
Commercial

REQUESTS DEVELOPMENT PLAN  
APPROVAL FOR RESTAURANT / ICE CREAM  
PARLOR AT 5840 GOODRICH ROAD.

DISCUSSION:

Jim Callahan describes the location plan being on the west side of Goodrich Road and south of Brookside Drive, almost opposite of Lantana Drive, north of Boxwood and Martha's Vineyard. Current zoning is commercial under the Town Zoning Code, the Master Plan recommends this area to be in a traditional neighborhood classification, which would allow flexibility in uses, which would also include service type business. In terms of the history of this project, it has received its concept approval. We do have recommendations from Traffic Safety and Fire Advisory. The Landscape Plan has been submitted and reviewed by the Landscape Committee. Project has been reviewed by the Engineering Department and forwarded recommendations with some conditions. The project is here for consideration of development and plan approval of recommendation to the Town Board.

Dennis James stated he planned increasing pines trees along the south side, for landscaping coverage.

ACTION:

Motion by Henry Bourg, seconded by Reas Graber to grant a Development Plan Approval for a restaurant / ice cream parlor at 5840 Goodrich Rd, with the following conditions:

1. Should the proposed parking lot grades

adversely

impact drainage on the property to the north, the

applicant will be required to install additional drainage facilities prior to issuance of a Certificate of Occupancy.

2. Site construction details for pavement section, concrete curbing sidewalks and concrete ramps must be submitted to and reviewed and approved by the Engineering Department. All site details must be shown on the construction drawings.
3. Private improvement permits are required prior to performing any site work on the subject property. Construction cost estimates for the pavement including stone base, storm drainage facilities and concrete curbing must be submitted to the Engineer Department as part of the PIP application.
4. All required site details noted in item #2 above must be shown on the construction drawing submitted with the PIP applications.
5. Please be advised the construction of the proposed parking lot may significantly damage the root structures of the existing pine trees

along

the north property line. The parking area is shown 5 feet off the north property line and the existing trees are immediately adjacent to the proposed lot.

6. Approval is required from the Erie County Dept. of Environment and Planning for the proposed changes in use pertaining to the sanitary sewer discharge prior to issuance of a building permit.
7. A permit from the Erie County Department of Public Works Division of Highways is required prior to any construction, that includes a curb cut, drainage connection, utilities connection, etc. within the Goodrich Road right-of-way.

On the Question:

Patricia Powers noted that a separate permits will be required for outside seasonal seating for 20 people and for a sign.

ALL VOTING AYE. MOTION CARRIED

ITEM III  
Lawrence Moyer  
Agricultural

REQUESTS APPROVAL OF AN EIGHT (8) LOT  
SUBDIVISION ON EXISTING ROAD  
FRONTAGE AT 7955 NORTHFIELD ROAD.

DISCUSSION:

Jim Callahan states 7955 Northfield Road is located on the east side of Northfield Road, north of Wolcott Road and south of Sesh Road. Zoning is agricultural. The Master Plan recommends this area remains in a agricultural classification. It is located within the density flood zone. The applicant is here to request a subdivision of that property.

Mr. Brox is representing Mr. Moyer. Mr. Brox explains from a map that it is a 8(eight) lot subdivision consisting of lots that are 102.23 feet

across

the frontage and 447.48 feet deep. Each

subdivision

lot is .972 acres, excluding the highway. Mr Brox stated that the Moyers are an elderly couple who have owned this property for several years. Mr. Brox states the Moyers would like the opportunity to sell lots on a limited basis, as their income needs implementing. Mr. Brox state the Moyers have no intention of selling all 8(eight) lots in one or two years. They are willing to stretch it out over a period of time, as they need money, they can put lots on the market. Mr. Brox said he had spoke to the Moyers in regards to a separate frontage roadway, but they were not in favor of it.

Henry Bourg stated the board-s concern was the narrowness of these particular lots. He stated that the average width of lots on Northfield Road was approximately 160 feet. Henry said he feels the character of the area would change. Henry also added that the Master Plan calls for 150 feet frontage.

Joe Floss clarified to any concerned persons in the audience that this particular area is not in the Density Flood Way. The lots identified are east/west lots and the requirements are as wide as 340

feet. They are specifically identified in the study. Joe Floss stated that these lots are not subject to the Density Flood Way, they are in the Flood Plain. Joe Floss continued to say our current zoning law allows 100 feet frontage. The adopted Master Plan requires 150 feet frontage. We can be subjected on what fits the character of that neighborhood. The Subdivision Law allows us to take into account the Master Plan, so we can have the ability to go from 100 foot of frontage to 150 foot. Joe Floss stated a compromise is possible.

Patricia Powers questioned Mr. Brox whether the lots are septic or sewer district. Mr. Brox replied they are septic.

Mr. Brox asked if it would be acceptable if the Moyers would decrease the lots from 8(eight) to 6 (six), lots then being approximately 134 foot frontage with the brine line being taken into consideration. Joe Floss said to better help the board with their decision, he would first like to hear from any concerned parties with their

questions

or concerns.

Joe Lombardo stated he lives across the street from the Moyers. Joe Lombardo states he owns 51 acres of land and is concerned about the green space in Clarence. He feels this would be a massive development and it is totally out of character with the rest of the housing and any agricultural zoning. He stated he is not in favor of his view being obstructed by six or eight homes. He also questioned why when he inquired about property next door to him, he was told by the Town Engineer it was 300 foot frontage requirements. Joe Lombardo questioned how that was determined. Joe Floss explained that a couple of years ago,

when

the Floodway Density Study was done, it was done by a computer generated program that identified specific lots without the owners knowledge or



human intervention. Joe told Mr. Lombardo he was in that study, which is public, that he is going to range in frontage requirements. Town Civil Engineer, Tim Lavocat told Joe Lombardo he would gladly discuss the study with him. Joe Lombardo accepted his offer.

Jason Reitmeier stated he feels 6 houses side by side will not look right. He feels 200 foot frontage minimum would look correct and proportionate.

He

stated he also incurred the same problem as Joe Lombardo when he looked into property to build. He said Joe Latona told him that he needs 340 foot frontage to build.

Joe Floss clarified again that with the Zoning Law vs. Master Plan, the most stringent requirement the Board can recommend is what's in the Master Plan, which is 150 foot frontage, if the lots are not identified in the Density Floodway and subject to a greater frontage.

Joe Floss offered to Mr. Brox to either table the project, giving him a chance to go back to the Moyers and discuss it with them or ask for a motion to send this onto MRC Traffic Safety and Fire Advisory. Mr. Brox asked if he needs to be present at the MRC meeting and he also asked if it's a short form. Patricia Powers informed Mr. Brox that this would be a full SEQRA review of the piece of property in question. Jim Callahan added that they would prefer the applicant present.

Mr. Brox requested the project be tabled because he would be unable to attend the meeting on March 24, 2003, because he would be out of town on business. Joe Floss suggested to Mr. Brox that he get a copy of minutes from meeting and present it to his clients. Joe Floss added that the Boards concern is that of the residents complaints.

**ACTION:** Motion by Henry Bourg, seconded by Reas Graber to table the item, but provide a strong recommendation to the Moyers that they consider 150 foot frontage lots.

ALL VOTING AYE. MOTION CARRIED.

**ITEM IV**  
Erie Niagara Insurance  
Commercial

REQUESTS CONCEPT PLAN APPROVAL FOR  
10,964 SQUARE FOOT ADDITION & PARKING  
LOT EXPANSION AT 8800 SHERIDAN DRIVE.

**DISCUSSION:** Jim Callahan stated location property is located on the north side of Sheridan Drive between Shimerville Road and the Wenner intersection. The property also fronts along Wenner road. The current zoning on the property, the frontage along Sheridan Drive is commercial, the rear fronting on Wenner Road is restricted business and the frontage along Shimerville Road is agricultural. The Master Plan recommends this area remain in commercial type classification. The applicant has been referred from the Town Board. To update, in 2001, the Board approved a section of parking lot. The applicant is requesting an addition and expansion of parking, as well as an access road drive to Shimerville Road.

Chris Wood said the addition they are proposing is a 10,964 square feet, 2 story addition to the existing building which is approximately 19,000 square feet. It would be built to match the character of the existing building. We are also asking for 22 parking spaces to accommodate that. The addition would be partially document storage and partially more office space.

Joe Floss asked if the plans anticipate a driveway going out to Shimerville Road as recommended by Patricia Powers in 1997. Chris Wood replied

that yes it does.

Patricia Powers questioned if 22 parking spaces is going to be enough to accommodate their needs. Chris Wood replied that in 1993 they had 48 employees and sixty some parking spaces for employees and guests. Chris Wood stated that they are currently employing 60 people and have 92 parking spaces since the parking lot addition last year. With projecting out with the new building, our employee count would be up around 90 people, so the parking certainly would take them well into what is needed for employees and any visitors. Patricia Powers asked if the line of shrubs, north of the parking lot would remain. Chris Wood replied that yes it would. He added that several years ago they had re-zoned for a Aforever green buffer@.

Roy McCready stated that he normally is not in favor of access points out on highways because of the conflicts, but in this particular case he feels it's safer to go out onto Shimerville Road and use the light at Sheridan Road rather than come out directly onto Sheridan Road.

Frank Raquet asked if the access road would be lighted. Chris Woods replied AYes it would@. Frank then questioned what the normal hours of operation would be. Chris Woods replied that normal business hours would be from 7:00am to 6:00pm. Frank then asked what the tentative lighting at night would be. Chris Wood responded stating that they were concerned about the security in the back area. He said their concerns were for vandalism or parking. He added that they would like to prevent this as much as possible. Bob Lowe stated the lights that are on the existing sight are very low and decorative. Frank then added he has no problem with it and thinks it's a good addition.

Reas Graber stated he welcomes the idea.

Henry Bourg questioned who owned the property on the corner of Shimerville and Sheridan. It was answered that it is owned by the Harris Hill Fire Dept. Henry Bourg added that he felt it was a good addition. Joseph Floss concurred.

**ACTION:**

Motion by Joseph Floss Seconded by Roy McCready to refer this petition to the municipal review committee, traffic safety and fire advisory and seek the information needed to grant concept plan approval for 10,964 square foot addition and parking lot expansion at 8800 Sheridan Drive..

ALL VOTING AYE. MOTION CARRIED.

ITEM V  
Tim Krantz  
Agricultural

REQUESTS A FOUR (4) LOT OPEN DEVELOPMENT AREA ON 60 + ACRES IN AGRICULTURAL ZONE AT 9086 LAPP ROAD.

**DISCUSSION:**

is

Jim Callahan stated that the location of the property is located on the north side of Lapp Road, opposite Heise Road. The current zoning on the property

Agricultural. The Master Plan identifies a split on the property related to the flood zone on the north side of the property identifying the classification as agricultural/ rural residential. The applicant currently has a single family house with a long driveway and a variance previously granted for the setback of the house at this location. He is now proposing to upgrade the driveway to meet the standards of an open development and create 3 additional lots.

Henry Bourg questions where the houses would be located. Tim Krantz replied that they haven't yet determined where the houses would be located, he

feels that the land is massive enough where the people could choose the length of their driveway off of the cul-de-sac, anticipating that his house would be the fourth, and the other three (3) would be substantial in sized acreage lots, and a large type of house substantial in square feet. Frank Raquet questions if any houses would be in the flood plain, or could the flood plain be developed in the future. Tim Krantz replied that no houses would be in the flood plain but that the back section of the property has approximately 155 acres of Federal protected wetland and he reserves the right to sell off that section of the property and the home owners would be guaranteed that it could not be developed.

questioned  
Krantz replied

Patricia Powers questioned what the size of the lots are. Jim Hartz replied that the lot size varies. All being over 20 acres. Patricia Powers also if they are in the sewer district. Tim no.

Roy McCready questioned if the 3 lots would incorporate the 150 acre wetlands, who owns the wetlands and who would manage it. Tim Krantz replied that he owns the wetlands and they are off limits except for recreational use. Jim Callahan clarified that there is a conservation easement on the property and that puts limitations on the use of that property. Jim Krantz states that the prospective homeowners will own a part of the wetlands but that you cannot build a house on that section of the wetland property but you can still own it and use it for your own private use. Pat powers questioned how would the deed restriction be dealt with in respect to the three (3) prospective owners owning a part of the wetlands. Jim Callahan states that the wetlands have a conservation easement and can transfer in title, however the conservation easement carries to the new owner with the same restrictions.

Roy McCready questioned if Tim Krantz is aware that he will need to put a fire hydrant in front of the property. Tim Krantz replied, yes.

could

Frank Raquet questioned if any further parcels

be sub-divided by the new owners. Jim Callahan stated that the subdivision law under this request is an open development and allows a maximum of four (4) lots beyond that without any additional road frontage there can be no additional lots. Frank Raquet questioned that if some day this becomes a town road and it is not a private road would one of these parcels have enough land to become an open development within it. Joseph Floss states that our current law would not allow it, that it would have to be a dedicated road so it would not be two (2) open area developments within one (1) driveway. Jim Callahan stated the presence of the flood zone would severely limit the lot size and number of lots, limiting the return to cover the cost of putting in a public road.

Joseph Floss stated the only thing that can be done tonight is to refer them to the municipal review committee, traffic safety and fire advisory. Also that Tim Krantz should have modified plans that show delineation of the conservation easement, delineation of the wetlands and building footprints, or an envelope of where the buildings and out buildings might be. Joseph Floss stated that the driveway will have to be built to the standards set forth in the new Open Area Development Law. Tim Krantz replied that he would.

Joseph Floss stated that any residents present can come forward and ask any questions or state their concerns about the proposal and to please state their name for the record. John Verruso who resides at 9096 Lapp Road stated that he was told when he purchased his property that the property behind him could not be developed because it is a wetland. He feels that another group of people

are

purchasing land behind him and being told pretty much the same thing. Also he is concerned about the question that was already brought up, can it be further sub-divided. Dolores Verruso raises concerns that the driveway will now be a road. Joseph Floss clarified that this will be a private roadway. Dolores Verruso questions how the utilities will be brought in and John Verruso said they are concerned how this is going to look because it will be right behind their property, how it is going to effect them. Joseph Floss stated that if this is something that meets with the law then we would send it out for further study, meaning we would want the fire company to comment, traffic safety committee and the municipal review committee to do an environmental impact review. Dolores Verruso asked what kind of impact the construction trucks going past her house will have and for how long. John Verruso asked if the road will have to be expanded to accommodate the truck traffic. Joseph Floss stated the right-of-way width requirement is 36 feet, and that what Tim Krantz is requesting is well within the law here.

Joseph Floss asked the board if anyone has any thoughts on the items he mentioned earlier that he would like added to the petition. Pat Powers stated that she would like to see the development be mindful of their neighbors and that they consider the utility lines be underground. Tim Krantz agreed. Joseph Floss states that a landscaping plan has been asked in the past to soften the look, and may be addressed after their reviews.

**ACTION:**

Motion by Frank Raquet, seconded by Roy McCready to refer this out to the municipal review committee, traffic safety and fire advisory.

**On the Question:**

Joseph Floss states that he would like to see a footprint of where the buildings will be located, a delineation of the wetlands, a delineation of easement, and delineation of the flood plain.

**ALL VOTING AYE. MOTION CARRIED**

Motion by Frank Raquet, seconded by Henry Bourg  
to adjourn the meeting.

Meeting adjourned at 8:40p.m.  
Joseph Floss, Chairman