

PLANNING BOARD MINUTES

Wednesday July 16, 2003

WORK SESSION 6:30 P.M.  
Roll call      Miscellaneous  
Minutes      Agenda items  
Sign review    Communications  
Update on pending items  
Committee reports

AGENDA 7:30 P.M.

ITEM I

ZONING LAW DRAFT UPDATE.

ITEM II

GREEN PRINT UPDATE.

ITEM III

SEWER UPDATE BY COUNCILMAN  
McPHERSON.

ITEM IV

ARBORETUM UPDATE.

ITEM V

Robert Lowe  
Commercial

REQUESTS DEVELOPMENT PLAN  
APPROVAL FOR ADDITION TO ERIE  
NIAGARA INSURANCE COMPANY LOCATED  
AT 8800 SHERIDAN DRIVE.

ITEM VI

Dominic Piestrak  
Residential A

REQUESTS DEVELOPMENT PLAN  
APPROVAL FOR STONECREEK SUBDIVISION  
FOR 19 RESIDENTIAL A LOTS.

ITEM VII

Jerry Gradl  
Major Arterial

REQUESTS CLARIFICATION ON  
PREVIOUSLY  
ISSUED SPECIAL EXCEPTION USE PERMIT  
FOR AUTOMOTIVE SALES/RENTALS AT 6755  
TRANSIT ROAD.

ATTENDING

Joseph Floss  
Patricia Powers  
Christine Schneegold  
Reas Graber  
Roy McCready  
Frank Raquet  
Henry Bourg  
Jeff Grenzebach

INTERESTED  
PERSONS:

Councilman Scott Bylewski  
Supervisor Kathleen Hallock  
Councilman Ian McPherson  
Bob Lowe

Dominic Piestrak  
Jerry Gradl  
Richard McNamara  
James Callahan  
James Hartz  
Kathryn Tiffany

MINUTES

Motion by Henry Bourg, seconded by Patricia Powers to approve the minutes of the meeting held on June 18, 2003 with one correction to page 2003-182. It should read 15,000 not 1,500.

ALL VOTING AYE. MOTION CARRIED.

ITEM I

ZONING LAW DRAFT UPDATE

DISCUSSION:

James Callahan said "As you know, we have completed the second draft of the proposed zoning law. Our finalizing comments received from the Planning Board, the Town Board and from other municipal bodies that have reviewed the document.

At this point we are finalizing those comments, and we hope to have a third draft by the end of the month. We are still working on the sections dealing with incentives for residential lot size reductions, and revamping of the PDD based on comments we have received after a number of meetings with the Planning Board. I think at this point we are ready at least to initiate the environmental review portion to refer this to the Municipal Review Committee to review this as a Type I action, with the conditions that those incentives that I discussed in the PDD section, be finalized before they send it out for a coordinated review. That is a brief update of where we stand with the proposed law. Chairman Floss asked the Planning Board if they had any additional questions. Henry Bourg asked if there were any comments from the public. Jim Callahan said there have been a few written comments from citizens. Councilman Bylewski did have a meeting of his task force, and there were some comments forwarded from that session from some citizens as well.

ACTION:

Motion by Patricia Powers, seconded by Roy McCready to refer the second draft of the Zoning Law to the Municipal Review Committee for review contingent upon the appropriate incentives being included with that document.

ALL VOTING AYE. MOTION CARRIED.

ITEM II

## DISCUSSION:

Jim Callahan said as you know we have been working on a greenprint to be utilized in identifying valuable lands to be preserved long term. Ken Koehler of the Erie County Environmental Management Council has been spearheading development of our Greenprint as well as two interns who prepared overlays to our GIS as well as a narrative document. We have been working with the University of Buffalo, and Buffalo State and their GIS and Planning Departments. Two examples of the overlay are on the screen, the map on the left identifies valuable woodlands, and the map on the right identifies water bodies in the Town. These are overlays that would be put on. Map number three identifies prime agricultural lands, and map number four shows the wild life and natural heritage map. They are all utilized in identifying lands that are valuable to the community. The Town has also contracted with the WNY Land Conservancy to aid in the administration of this project. administration of this project. With us tonight is Amy Holt of the WNY Land Conservancy and she will give us a brief update of their involvement. Amy said they sent out letters to about 550 landowners that have parcels of ten or more acres, and 50 have responded. They took names out of the equation, and have assigned each one a project number. They will contact all the landowners to run through the specifics about their project. Some of the landowners have indicated that they might not preserve the entire parcel. They will be ranking the parcels, and with the ranking they will be able to break it into a 4 phase/4 year schedule. They would like to integrate the Recreation Advisory Council in the process. At a certain point members of the council will make site visits with us - a little further along in the process. We also want to coordinate all our efforts, so we are not doing anything that might block say, a bike path for example. If all goes well, we hope to have a couple of projects closed by the end of the year. We will be ordering appraisals on the Phase I projects, and working with the Recreational Advisory Council and the Town Board on figuring out how we are going to handle the negotiation process. Any offers to the landowners will be based on the appraised values, contingent to Town Board approval and a Phase I environmental audit of the properties. Chairman Floss

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asked if landowners who did not respond will be eliminated. Amy Holt said no that does not eliminate them,

they hope more people will submit application. At this point they are just going with those who have come to them, at the present time. The WNY Land Conservancy does have a public relations volunteer who will entice other landowners to sign up and consider putting their land into conservancy. Joe said he thought it was a great idea to present 4 phase schedule to the Town Board/Recreational Advisory Council/Planning Board for approval. We want to be in concert when we are asking for land in subdivisions. Frank Raquet asked if any consideration has been given to smaller parcels, say 5 or 6 acres that might be just in a very visible spot, or strategic to the Town. That will be considered when we try to link green spaces. We started with ten acres or more because it was manageable , but that will be considered when we try to link green space and see how far the funds will go. Henry Bourg asked what some of the criteria is that goes into the ranking system. Amy said we are looking at - Are they buffers to water bodies and wetlands? We are also looking at different development pressures - Are they in a sewer district or aren't they? Scenic value - vistas are important to the quality of life for the people in the community. Slopes, flood plains, woodlands, trees, agricultural ranking of soils, prime farmlands etc. Henry said "The higher the number the higher the priority?" Amy Holt said "Yes." Chairman Floss thanked Amy for giving the Planning Board an update, and we look forward to meeting with you again.

### ITEM III

#### SEWER UPDATE BY COUNCILMAN McPHERSON.

Councilman McPherson said "I understand there has been a little confusion regarding the sewer plan, and I am very pleased to be able to give you my views on it. It is somewhat fortuitous- there was an article in the Clarence Bee today, which contained some of the things that I think would be questions about the Master sewer plan, so perhaps we can clear up some of these issues tonight. The Master sewer plan is part of our Master plan 2015, and on page 18 of our Master plan it opens up and it says, "The extension of sewer lines and access to the existing capacity of the Amherst Sewer Treatment Plant will be critical to the long

term environmental health of the Town of Clarence. The

ultimate goal is to provide public sewers to residents within all subdivisions and areas of high density in the Town, to eliminate known pollution sources and to provide sewer access in the most cost effective means appropriate. Then it goes on to define what the various sewer districts are, including proposed extensions, and additional districts when this document was prepared. The focus of the Master sewer plan is to eliminate environmental pollution in existing areas, consider infrastructure placement wherever possible, and to follow through with our agreement with the Town of Amherst who receives all of our flow. I have been the liaison to the sewer, master sewer plan, sewers, and all and anything connected with it for six years. We have been able to put together a good working relationship with Erie County sewer district # 5. We are working on improving our relationship with the Town of Amherst in terms of capacity. There have been some questions regarding capacity recently, and I think that is a part of what this body is trying to address. The Town of Amherst ran out of capacity prior to conducting a stress test on their sewage treatment plant. Their stress test has been completed, and they are now ready to increase capacity, and are asking for increased capacity. Concurrently Erie County sewer district # 5 is looking to increase its capacity both in the Towns of Amherst and the Town of Clarence. They are looking to redirect some of their existing flows to open up capacities in Dodge Road, Klein Road etc. I will just review with you some of the things that Erie County sewer district # 5 is requesting, and it will get us into this capacity issue and referrals etc. They are asking to amend the agreement with the Town of Amherst to allow sewer district # 5 to service Fox Trace East along with our concurrence from the Town of Clarence. In the Master sewer plan, Fox Trace East is referred to as going into an extension of Clarence sewer district # 7. Erie County sewer district # 5 would like very much to reorganize all these districts under a unilateral County sewer district. That is one of the reasons why they are asking for this. These are not necessarily in any particular order, these are just requests that are coming down. Pursuant to a 1999 & 2000 study conducted by Erie County, Erie County # 5 is proposing to add Spaulding Lake and Clarence Research Park to the capacity of the Peanut Line. There is still a ray of hope that at least a

eliminate those three areas of potential pollution. The Spaulding Lake sewage treatment plant is on its last legs, and the maintenance costs are going up every month. So the plan is to convert the Spaulding Lake sewage treatment plant into a pump station, and put the flow and the effluent into lines once there is re-direction of other flows. So this whole thing is designed to gather existing areas of pollution and get them into a pipe sooner rather than later. They also as part of the Clarence Hollow Pollution Abatement project, County sewer # 5 who maintains the Sisters of St. Joseph sewage treatment plant - which is also full of band aids, they would like to add the Sisters of St. Joseph plant to the Hollow Pollution Abatement project. We are in negotiations with the County now to run a line down Hillcrest Drive which would connect to the lateral on Greiner Road, and would pick up the Sisters of St. Joseph, and it would also allow us to increase some of the hook ups by doing Hillcrest at the same time. Sewer district # 5 is also asking the Towns of Amherst and Clarence to collaborate with them on the installation of a parallel sewer in Amherst and Clarence. Now, in past years that would have shot up a red flag in terms of unbridled development. What enables us to consider this now, is that we have areas of need, existing areas of pollution that we may be able to get to, and also we have a growth cap of 240 homes per year, which nails down the maximum amount of growth that is allowable under our Master plan. So that would enable us to be a little less hesitant to go ahead with considering a parallel sewer for increasing capacity. One of the things that was mentioned, are areas, or why are we doing the Master sewer plan? I am going to try and give you a little history of how it came. The first part of the Master sewer plan was the Peanut Line which went roughly from Transit to Heise. There were 400 units that were attached with that private-public partnership. That is outlined in the Master plan and it says it services up to 400 homes in this vicinity, and the second phase of that is to run to the Hollow. This line here which takes us from Heise and the route of travel may change slightly, but it is pretty much where I am pointing will take us cross country all the way to the Clarence Hollow area. That is the line that is under construction at the present time, and that will coordinate to Clarence Hollow Pollution Abatement project

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which is under way as well. Part of the agreement calls for 1000 sewer taps as payment for the Sewage Works

Corporations placement of that trunk sewer line. It is the only feasible, economical way that we could get the effluent from the Clarence Hollow area out of that area to a pipe that would take it to Amherst. This is one of the areas where those taps are being utilized - that is the Waterford Village area, and this is a generic area which was just kind of put in there. The rest of the taps have not been spoken for, and when they are they will be subject to a full environmental, just as any other project would be. One of the things that was brought up is Fox Trace East which is shown right here on the Master plan. It should be pointed out that when large developments are proposed, they are just not proposed to the Town of Clarence in our case.

They go to the County Dept of Environmental Planning and they say this is what we are looking to do, is there sewer capacity? That is how County sewer gets involved, because they see the project almost as we do. Fox Trace East has been on our Master sewer plan ever since West was proposed and largely because we feel that if this project is going to become a reality in some form, we are going to include Meadowbrook Road which is already signified in blue as being part of the sewer project. That will be included in whatever Fox Trace East ends up being.

That is the reason why, and because these things are also referred to the County. It is not disadvantageous to refer projects that are not absolutely in a sewer district where capacity already exists, because there is contemplation of the placement of capacity. When you look at the projects that are proposed, and where the County sort of looks to put capacity in addition to sewer existing areas, they are fueled by the potential of a project that coincides with the abatement of pollution from existing units. So, often times it is advantageous to look at these things concurrently, sewer capacity, and the merits or demerits of a project. So that should answer some of the questions about why projects should be referred. It goes without saying that a project of any size is not going to be passed unless there is sewer capacity to handle it, and that is part of our plan as well. So when an applicant comes in and wants to develop the concept of capacity, not only with the Town of Clarence, but with the County of Erie, and Amherst who would be the ultimate recipient. That is all part of the

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process. Any questions? Joe Floss said "That has been the process in the past. I guess the confusion was caused by some letters from Paul Bowers from the Town of Amherst,



which led us into wondering whether or not there is a capacity issue in the long run or not. So we do appreciate you clarifying that." Councilman McPherson said "They sent letters while they were going through the stress test, which said there is no capacity other than that which is in the Peanut Line, which covers only the Hollow, everything along the way, and the up to 500 sewer taps for this particular project here. As soon as the stress test was completed, and they did the evaluation, they determined there was additional capacity, and since capacity to them is money, they immediately put out the feelers to say ro everybody come on, we want to increase capacity, to which the County replied well so do we, and the County began making these requests for us to consider these various things. In the middle of all of this, it should be stated that we still have an ongoing dispute regarding some of our invoicing between the Town of Amherst and the Town of Clarence, and the Town of Amherst and the County of Erie.

We are working now on a solution that we feel will be imminent and we can get those resolved so that all these issues can be put on the table, and the benefits to our community can be discussed and implemented, as we see fit." Chairman Floss asked "Is this illustration in the Master plan?" Councilman McPherson said "Yes. I don't know if the exact map is, the description is, but I believe that map itself was omitted." Chairman Floss said "Okay. Figure 4.1 after page 18 is a little different, just for clarification." Jim Hartz said "It is Appendix C in the Master plan. I just want to clarify. We did incorporate the sewer plan, and then part of that map, in that chapter but it is an appendix of the Master plan." Councilman Bylewski said "Mr. Chairman, it is not in the bound copy, but there is a copy of the Master sewer plan available in the Planning Department." Henry Bourg asked "What did the stress test show that convinced them there was more capacity there?" Councilman McPherson said "It gave them the details of what they had to do to increase capacity - additional lines, additional equipment etc. In so doing they evaluated whether this would be a winner for them, if they built to the existing capacity, would the capacity exist? That once again is where sewer district # 5 comes in, because sewer

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district # 5 is looking to, in a perfect world, they would be able to sewer all these existing areas, the Harris Hill area, and to continue to make everything that is existing blue. Now, future plans in the master sewer plan - this is a 15"

line which we hope eventually we can run down and grab Harris Hill. If you notice its proximity to Fox Trace East, it is a direct route. It also passes right through the Gypsum plant, which has long been in need of having something done with it. It would enable us to do make some commercial/light industrial shovel ready sites ready for business development, if we decided that was appropriate. Other areas along here, we put that in blue, that is the Industrial area where Casilio Parkway is. Eventually it would be wonderful to come straight down Main Street, if we ever get the technology that enables us to go through rock economically. I think you will see some public-private projects proposed that might enable us to clean up Main Street. We also included the area in blue here, that is along County Road, where we have an area of businesses placed now. All of these things are part of a futuristic look, which is a combination of things that were proposed during the compilation of the plan, and also things that looked like they might make sense for the future. Every one of these blue areas would have to go through the same exact process as a brand new project before it would be approved. So, contrary to what has been said a little bit, just because they are on the Master sewer plan, doesn't mean they are going to be a reality. They have all that work to go through as well. Frank Raquet said "At some point here, we are going to build up, will the Amherst plan be able to accommodate all the effluent we can send them?" Councilman McPherson said "They are telling us that they will." Frank Raquet said "It is my understanding that the plant is only running at 60% of its capacity, is that correct?" Councilman McPherson said "Correct. They are telling us, based on this recent evaluation, that they were going to be able to handle all of our needs in the future. I think initially, and I am just guessing at this, but I can see where the Amherst Sewage Treatment plant at some point will become a County treatment plant. It just makes sense for it to happen, because County # 5 in both Amherst and Clarence is becoming the prevalent flow handler, and it only stands to reason that the Amherst plant become more of a regional plant than just a local." Frank Raquet said

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"It is not taking anything from the Niagara County side, correct?" Councilman McPherson said "Not to my knowledge Frank, I don't think they are." Pat Powers said "Councilman McPherson in the past couple of weeks I have heard you mention a relief sewer, is the relief sewer the

same as the parallel sewer that you mentioned this evening - are they one in the same? Councilman McPherson said "In some ways. The relief sewer is a line that is being done strictly in Amherst to relieve the Dodge Road which has a lot of wet weather infiltration, and they have some capacity issues that they need to straighten out. That is why they are trying to barter all of these different capacity changes within our Town, because we run a lot to the Dodge Road and also the Klein Road. They have a couple of projects in the Town of Amherst that are burdening both of those lines.

So, the relief sewer by definition is a part of that other sewer, but it is only the portion in Amherst. Pat Powers said "The parallel sewer - who would pay for this, pay for that portion of it?" Councilman McPherson said "We have said if that ever comes to reality, we will control it in the Town of Clarence, and we will not pay for it." Pat Powers said "You make my heart sing when you talk about sewers in Harris Hill, I know you are talking futuristically, and I think I have a few good years left, but am I going to see this in my lifetime?" Councilman McPherson said "The answer to that goes back to the private public partnership that was established to do the Hollow. This is a long line, its nowhere near as long as the Hollow, but that is a lot of pipe. There has to be an offset, because the Town of Clarence - first of all you cannot charge anyone for sewer costs other than those who are in the particular district. That was one of the problems when the people said why can't the Town pay for this line? It is against the law. So, we have maybe, the same issue here, but on a much smaller scale in terms of an offset. I would hope that something in the Gypsum plant might be able to offset running that line, in addition to picking up the Meadowbrook area, and when and if Fox Trace East becomes a reality. So, I don't think it is tens of years away. I think if the right attitudes and right approaches are implemented, I think these things can happen if we plan for them, and if we do our homework properly, I think we can do this within five or six years. Pat Powers said "The biggest industry in Harris Hill these days is replacing the failing septic tanks." Councilman

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McPherson said "Absolutely." Pat Powers said "They go on a practically daily basis." Councilman McPherson said "I also might want to point out to this body, that it is almost a race to btry and sewer these existing areas of pollution because right behind us is coming the storm water legislation. And part of the storm water legislation,

whether that becomes a reality, is that they will no longer permit the run off from sand filter systems to go into storm water. Now that would turn the entire septic area of the Town of Clarence upside down. So, the more we can get sewerred in existing areas, the better off we are going to be when this legislation hits. They keep threatening that it is coming down in the next year or two. My sense is that being such an unfunded mandate as it is, it is going to be more than that, before it comes. But, we are already doing our homework and learning what we are going to be faced with when it does arrive. Chairman Floss asked if there were any more questions or comments from the Planning Board members or from anyone in the audience.

Supervisor Kathleen Hallock said "I have a question about the Master sewer plan. Is it just a map or is it a document?"

Councilman McPherson said "It is part of the Master plan."

Supervisor Hallock said "Is there another, you know when we ask for the sewer plan, a master sewer plan, is it just in the master plan? Councilman McPherson said "Yes, it starts on Page18." Joe Floss said "It does say in the

adopted Master plan the ultimate goal is to provide public sewers to residents within all subdivisions and areas of high density in the Town, to eliminate known pollution sources and to provide sewer access in the most cost effective means appropriate etc. Are there any other questions?" Councilman McPherson said "I could just give you one example. If a project comes in, and it has been stated there is no sewer, no sewer district etc. If it is referred and somehow among the County and the Town of Clarence, there is an existing need to be filled, and this could be a catalyst to fill that need, it is at least worth the review process. If there isn't capacity today, it is still worth taking a look at in terms of futuristic solutions to the problems that are specified. Chairman Floss said "For example Fox Trace East. There have been questionable capacity issues, with the stress test, but that have been apparently resolved. But by sending that out to, or if we send that out to the MRC for review, knowing whether or not there is going to be

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capacity, in your view, that is the appropriate process?"

Councilman McPherson said "Well, yes. Because everything is predicated on the fact that the sewer capacity will be there. If not, there is no project." Joe Floss said "Absolutely. It won't work on septic." Councilman McPherson said "But you can still do all the pick and

shovel work, while you are awaiting the decision on whether or not the capacity will be there. After all, the applicant is paying all the bills, and the costs to us to get ahead of the game are minimal. It is a proactive way of evaluating what you are going to be doing if these capacity issues can be resolved., and it looks as though there are steps underway to resolve them.” Chairman Floss said “We appreciate you coming out and enlightening us a little bit about the Master Sewer plan.”

ITEM IV

ARBORETUM UPDATE

This item was removed from the agenda, and has been re-scheduled for July 30, 2003.

ITEM V

Robert Lowe  
Commercial

REQUESTS DEVELOPMENT PLAN APPROVAL FOR  
ADDITION TO THE ERIE NIAGARA INSURANCE CO.  
LOCATED AT 8800 SHERIDAN DRIVE.

DISCUSSION>

Jim Callahan gave a brief history of the project. The property is located on the north side of Sheridan Drive between the intersection of Wenner and Shimerville. The zoning on the property on the Sheridan Drive frontage is Commercial, the rear portion is Restricted Business. The Shimerville frontage is Agricultural. The Master plan identifies that this area can remain in a Commercial use classification. The project was first presented to the Town Board on March 2003, and referred to the Planning Board. On March 24, 2003 the MRC recommended a Negative Declaration to the Town Board. In April the Town Board issued a negative declaration on this project as designed. On April 16, 2003 the Planning Board recommended concept plan approval, and the project is here tonight for development plan approval, and recommendation to the Town Board. Steve Carmina of Carmina and Wood is the architect for the project. Bob Lowe from Erie Niagara Insurance and Peter Casilio of P.A.T. Construction were both present to answer any questions. They have all their

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approvals from the County for the curb cut as well as approval from the Town Engineer. We are prepared to move ahead, and have made a preliminary submission to the Building Department for a building review, and we are ready to break ground if you are ready to allow us to do that. Chairman Floss said we have a landscape plan, County Highway has signed off, Traffic Safety has signed

off, as well as the Dept of Health, and the Town Engineering Department with some conditions that we will read into the record. It appears as if this is ready to go. Chairman Floss asked if there were any questions from the board or the audience?

ACTION: Motion by Henry Bourg, seconded by Reas Graber to grant development plan approval for this project.

On the Question? Patricia Powers said "I would like to include in the motion that the recommendations of the Engineering Department are included

1. The proposed storm drainage wells must be constructed, inflow tested, certified to the Engineering Department and an EPA Injection Well Inventory Application completed and submitted to EPA before commencing with site work.
2. Provide documentation from the NYSDEC stating that the General Permit for Construction Activity (GP-02-01) has been obtained for the subject project. General Permit coverage is required prior to issuance of Private Improvement permits.
3. A permit from Erie County Department of Public Works Division of Highways (ECDPW) is required prior to any construction with the Shimerville Road (Erie County) right of way.
4. Private Improvement Permits from the Engineering Department are required prior to construction.
5. Subject to open space fees.

ALL VOTING AYE. MOTION CARRIED.

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ITEM VI  
Dominic Piestrak  
Residential A

REQUESTS DEVELOPMENT PLAN APPROVAL FOR  
STONECREEK SUBDIVISION FOR 19 RESIDENTIAL  
LOTS IN PHASE V.

DISCUSSION: Jim Callahan gave a brief history of the project. It is located on the west side of Heise Road and north of Clarence Center Road. It is a continuation of Stonecreek

Subdivision, and is zoned Residential A. The Master plan identifies this as an area that can accommodate residential development. Stonecreek Subdivision Phase V, which is formerly known as Stonecreek Phase II, part II, and formerly known as Stonecreek Phase III.. In August 2002 the Town Board issued a negative declaration on Stonecreek Subdivision Phase III for 51 Residential A lots which included what is now being identified as Stonecreek Phase V. In January 2001 the Planning Board recommended concept approval and re-zoning for Stonecreek Phase III for 51 residential A lots which includes those now that are in Phase V. One stipulation in that approval is that any development farther to the north will require an additional access to be developed. In May of 2001 the Town Board re-zoned Stonecreek Phase II, part II which is now identified as Stonecreek V, from Agricultural to Residential A. In October of 2002, the Town Board did grant out of district status in Erie County Sewer District # 5 to Stonecreek Subdivision Phase V, formerly Phase II, part II, and formerly Phase III. Phase V is here tonight for development plan approval. This will be the last phase of this subdivision. Mr. Piestrak said he will install a T at the end of the road for a turnaround and if the road is ever continued in the future. The T will require approval by the Town Highway Superintendent. Chairman Floss said he wanted to point out that there are some different setbacks of 35' and also 45' on the lots. Walkouts must be identified on the plan. Rather than a wood barrier the board would prefer to see a berm instead with evergreens would be more aesthetically pleasing.

**ACTION:**

Motion by Patricia Powers, seconded by Roy McCready to recommend development plan approval to the Town Board for Stonecreek Subdivision Phase V, for 19 Residential A lots with the following conditions from the Town Engineering Department:

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1. The grading plan is to be re-engineered and submitted to the Engineering Department for review. No building permits will be issued until the grading plan is reviewed and approved by the Engineering Department. Should the grading plan not comply with the Town of Clarence Code for grade, application must be made to the Zoning Board of Appeals for a grade variance for the entire development.
2. The plat map must delineate which lots will contain traditional, daylight or walkout basements and must be

reviewed and approved by the Engineering Department prior to final plat approval.

3. Turnaround must be approved by Town of Clarence Highway Superintendent Ron Witnauer.

4. A satisfactory barrier will be installed on Landstone Drive subject to the approval of the Landscape Committee.

5. Subject to Recreation fee of \$450.00 per lot and Open Space fees of \$250,00 per lot.

ALL VOTING AYE. MOTION CARRIED.

ITEM VII  
Jerry Gradl

REQUESTS CLARIFICATION ON PREVIOUSLY ISSUED SPECIAL EXCEPTION USE PERMIT FOR AUTOMOTIVE SALES/RENTALS AT 6755 TRANSIT ROAD.

DISCUSSION:

Jim Callahan gave a brief description of the project. The project is located on the corner of Transit and County Road. It is the former Mobil Gas Station and is zoned Major Arterial. The Master plan does recommend that this area be a traditional neighborhood design portion of the Swormville Hamlet area. The project was introduced to the Town Board on January 22, 2003. The Planning Board recommended a Negative Declaration to the Town Board which was subsequently issued by the Town Board. After a public hearing the Town Board issued a Special Exception Use permit with the condition of 50 cars maximum. On June 11, 2003 the Town Board referred to the Planning Board a detailed site plan related to a proposed addition. The referral to the Planning Board was for clarification of the permit conditions. The applicant is here tonight for clarification identifying that no additional area for parking is identified. The Planning Board Executive Committee has reviewed the request and made some additions to that

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plan. Mr. Gradl said they have revised their plan, taken out one parking space. Chairman Floss would like Mr. Gradl to stripe the entire parcel as you have presented on this plan, and keep all cars that are to be on this parcel within the striped areas. A violation would be cars stacked in the aisles that are to be dedicated for fire safety and the flow of traffic. Joe said he has been looking at various Enterprise facilities and they do a good job of keeping them neat and clean. There will be architectural approvals coming, because this is in the Traditional Neighborhood District.



What we have done collectively with the Executive Committee is to ask for the parcel to be striped appropriately minus lot # 20 and lot # 28 in addition to the one space you have voluntarily eliminated. They seem to be hanging out there a little too far, for flow of a pumper or other fire apparatus to make a turn. We have the plan marked up a bit - the storage area appears to be able to accommodate 29, if it is 30 or 32 that is fine as long as it is within the lines are drawn, and the lines are drawn the same as what is on this plan minus those three parking spaces. We laid that out, we color coded our copy, and we would simply ask that you sign that. I am not sure everyone is going to agree with what we did yesterday, so I am going to pass it around at this point for comments and questions from the board. Roy McCready asked "What is going to go in the three spaces that are being eliminated, will it be green space?" Chairman Floss said "That will be blacktop. It will just allow a better flow." Frank Raquet asked if there is going to be a used car and a rental car business there. Mr. Gradl said Enterprise is now selling their own cars after they rent them. This is a new concept for Enterprise, they want to dispose of their own cars. The cars for sale will be in front of the building Frank asked if there would be fencing. Will there be fencing now with Enterprise. Mr. Gradl said nothing has changed. There will not be additional lighting, just what is on the plan. The lighting at night will be minimal for overnight security. They will have regular business hours, 7:30 a.m. until 6 p.m. Monday through Friday, and 9 a.m. until 12 o'clock noon on Saturdays. Frank asked if people will be dropping cars off at midnight. Philip Snyder of Enterprise said there will be an opportunity for customers to drop the cars off and leave the keys in a drop box. Enterprise will be held to the same conditions as Mr. Gradl, their intentions are the same. Pat

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Powers asked if Mr. Gradl had spoken to the next door neighbors since the change with Enterprise. No, he hasn't lately. Jim Callahan said the Webers were notified of this meeting. Their major concern is looking at a sea of cars. The landscaping plan should take care of that. Joe Floss asked Mr. Gradl to sign the plan where the areas for storage, customer parking, and vehicle display are identified. If they want to have it in a different area, we are not going to object to that. We asked Mr. Gradl to identify storage, customer parking and vehicle display areas, and if

the numbers are not changing drastically, if your overall number of parked cars are not changing, we aren't concerned. We just hoped to identify that, so if you want to cross that part out, and say to be determined where the areas are that is fine. We ultimately want a plan from Enterprise once you have your operation. Overall, there won't be any more than the number of parking spaces. If you want to trade the parcels that is fine, as long as you don't increase the spaces. There will be no more than 90 spaces, and the layout will be the same. Pat Powers said signage will be a separate issue. When you come back for the building addition an open space fee will be in order. Chairman Floss said Patricia Powers asked for a motion to amend the prior approval. The building approval will go directly to the Town Board, they have the authority and the ability to issue the addition as well as architectural approval

**ACTION:**

Motion by Frank Raquet, seconded by Reas Graber to recommend to the Town Board the changes to the Special Exception Use permit previously granted be amended to identify the spaces as approved by the Planning Board in the design of July 16, 2003.

Christine Schneegold AYE  
Reas Graber AYE  
Roy McCready AYE  
Joseph Floss AYE  
Patricia Powers NAY  
Frank Raquet AYE  
Henry Bourg AYE.  
MOTION CARRIED.

Meeting adjourned at 9:00 p.m.  
Joseph Floss, Chairman