

PLANNING BOARD MINUTES

Wednesday July 7, 2004

WORK SESSION 6:30 P.M.

Roll call Miscellaneous
Minutes Agenda items
Sign review Communications
Update on pending items
Committee reports
Zoning law

AGENDA ITEMS 7:30 P.M.

ITEM I

Marty Bronisz
Agricultural

REQUESTS A TEMPORARY CONDITIONAL PERMIT FOR A LUMBER CUTTING BUSINESS LOCATED AT 4611 SHISLER ROAD.

ITEM II

Angelo Natale
Commercial

REQUESTS AMENDED CONCEPT PLAN AND DEVELOPMENT PLAN APPROVAL FOR CONSTRUCTION OF A 4500 SQUARE FOOT OFFICE BUILDING AT 9276 MAIN STREET.

ITEM III

Angelo Natale
Agricultural

REQUESTS CONCEPT PLAN APPROVAL FOR THE DEVELOPMENT OF A FOUR (4) LOT OPEN DEVELOPMENT AREA NORTH OF 5795 THOMPSON ROAD.

ITEM IV

Roy Jordan
Agricultural

REQUESTS DEVELOPMENT PLAN APPROVAL FOR CONSTRUCTION OF A FOUR (4) LOT OPEN DEVELOPMENT AREA WITH 3 FRONTAGE LOTS LOCATED AT 8587 COUNTY ROAD.

ITEM V

ZONING CODE REVIEW AND UPDATE.

ATTENDING: Patricia Powers
Wendy Salvati
Christine Schneegold
Joseph Floss
Tim Pazda
Jeff Grenzebach

INTERESTED
PERSONS: Jim Blum
Councilman Scott Bylewski
Marty Bronisz
Roy Jordan
Angelo Natale
Bill Schutt
Frank Kennedy

MINUTES Motion by Christine Schneegold, seconded by Jeff
Grenzebach to approve the minutes of the meeting held on
June 16, 2004 as written.

ALL VOTING AYE. MOTION CARRIED.

Chairman Patricia Powers told the Planning Board members that she was informed by Reas Graber that he was resigning from the Planning Board. He has sent a formal letter of resignation to Supervisor Hallock. Reas has been a member of the Planning Board since January of 2000. With his background in the transportation industry, he quite often brought a unique insight to many of our agenda items. We appreciate his service to the Planning Board and to the Town of Clarence. I know all of you will join me in wishing Reas every success.

ITEM I
Marty Bronisz
Agricultural

REQUESTS A TEMPORARY CONDITIONAL PERMIT
FOR A LUMBER CUTTING BUSINESS LOCATED AT
4611 SHISLER ROAD.

DISCUSSION:

Jim Callahan gave a brief history of the project which is located on the east side of Shisler Road, south of Main Street. It contains approximately 1.6 acres in the Agricultural zone. The Master Plan identifies the area in a residential classification. This was introduced to the Town Board on June 9th, and they referred the item to the Planning Board for review and recommendation. Mr. Bronisz said both he and his wife have full time jobs. He built a pole barn a few years ago, it is about 350 feet from the road, because he has a hobby of woodworking. Their house is a work in progress, and being a wood worker he wanted to install wood floors. With the cost of lumber, he bought himself a portable sawmill reclaiming logs that would otherwise wind up in a land fill. Several people showed an interest in what he was doing, and asked him to cut some lumber for them. He would like to do this as a part time business. So far this year, he has cut six times. All of his equipment is stored inside his building. The sawmill is on a trailer and is portable with his pick up truck. Some of the work would be off site at other peoples property. It has a four cylinder gas engine on it, it is a brand new saw - state of the art. It is a band saw, and can cut a tree 3 feet in diameter and 21 feet long. What he is cutting is basically high end grade wood that you use for furniture - your hardwoods, oak, black walnut, beech etc. He has been doing this for two years now, all his neighbors are aware of it. In fact, they are intrigued by it. He will not require any signs - at this point anyhow. Joe Floss asked about noise emissions from the building. Mr. Bronisz said all the cutting is done outside, and the machine is equivalent to a 4 cylinder diesel for cutting hay or something. The closest neighbor is his brothers property. The north side is all vacant land. At the present time, he is actually cutting lumber for a stockade fence for his property. The fence will be installed along the east property line and all the way up the south property line. The fence on the east line will be four feet high and then six feet high where he will store the lumber. There is a paved driveway going back and if you look at the south side, that is where he is storing the trees. There will be an area 100 feet by 50 feet. He will keep it well groomed, because he will

have to look at it. Joe Floss asked the applicant if 100 feet by 50 feet south of the pole barn would give him adequate room for storage. Mr. Bronisz said that would be fine. Jim Callahan said notices were sent to the neighbors, and the only response was an e-mail this afternoon from a neighbor who was in favor of this request.

ACTION:

Motion by Tim Pazda, seconded by Wendy Salvati to recommend a Temporary Conditional permit for a lumber cutting business at 4611 Shisler Road with the following conditions:

1. Cutting to be done in the daylight hours only.
2. Storage of the raw material is to be south of the pole barn, measure approximately 50 feet by 100 feet.
3. No signage.
4. Equipment to be stored in the building.

ALL VOTING AYE. MOTION CARRIED.

ITEM II
Angelo Natale
Commercial

REQUESTS AMENDED CONCEPT PLAN AND DEVELOPMENT PLAN APPROVAL FOR THE CONSTRUCTION OF A 4500 SQUARE FOOT BUILDING AT 9276 MAIN STREET.

DISCUSSION:

Jim Callahan gave a brief description of the proposed project which is located on the north side of Main Street east of Thompson Road. It contains approximately 1.72 acres and is zoned Commercial. The Master Plan identifies the area in a commercial classification. A negative declaration was issued by the Town Board on March 20, 2002 for re-zoning to Commercial and for the concept as presented at that time. Development plan approval for the existing office building was granted on October 23, 2002 with a storage building to the rear. The applicant presented an amendment to the Town Board to change the storage building to a 4500 square foot office building on June 9th 2004, and was referred to the Planning Board for review and comment. Mr. Natale said they have a potential tenant to occupy the new building if it is approved. It will have the same exterior detail as the front office building. The potential tenant will occupy the entire building. Mr. Natale said all the utilities have been

accommodated for with the first building. The sand filter system will also accommodate this building, this was engineered and we are ready to go. Chairman Powers asked if the 50 foot buffer to the north will be maintained. Yes, it will have more than fifty feet because the storage building was going to be back further than the office building will be.

The deer will not lose their homes. Pat asked about the lighting. Mr. Natale said that the lighting they have now has both up lights and down lights. Councilman Bylewski asked if a concept plan checklist or a development plan checklist were submitted. Pat Powers said this is the first time this portion of the project has come before the Planning Board, so we didn't have an opportunity to ask him for one. One of the things we were going to ask for is a development plan approval checklist. He does have to come back to us for development plan approval. Councilman Bylewski said he would ask that a concept plan approval checklist be completed before Town Board. You should have received a checklist when you submitted your application for you commercial project - both concept and development plan approval checklists. Mr. Natale said "More so, than we originally submitted on the original?" Jim Callahan said this is why I put it on for development plan approval because he did have a complete submittal in there. We did not request the checklist be completed, but we had a fully engineered drawing submitted. It was referred to engineering, but we do not have comments back from them. It was engineered previously for a storage building, and this takes up a similar amount of space. Jim asked Mr. Natale if the Health Department approval of the septic system is designed to accept both buildings. Mr. Natale said it was designed for both buildings. Joseph Floss said "Why couldn't we recommend both approvals with both check lists being submitted prior to the Town Board level approval?" Christine Schneegold said an approved landscape plan will be needed for review. Jim Callahan said it is submitted, it just needs to be reviewed by the landscape committee.

ACTION:

Motion by Patricia Powers, seconded by Jeff Grenzebach to recommend amended concept and development plan approval for construction of a 4500 square foot office building at 9276 Main Street with the following conditions:
1) A concept plan and development plan commercial checklist is completed and submitted.

- 2) An approved landscape plan.
- 3) Documentation from Erie County Health Department.
- 4) Engineering approval.
- 5) Subject to the commercial open space fee.

ALL VOTING AYE. MOTION CARRIED.

ITEM III
Angelo Natale
Agricultural

REQUESTS CONCEPT PLAN APPROVAL FOR THE
DEVELOPMENT OF A FOUR (4) LOT OPEN
DEVELOPMENT AREA NORTH OF 5795 THOMPSON
ROAD.

DISCUSSION:

The property is located on the east side of Thompson Road, north of Roll Road. It consists of approximately 10.88 acres, and is zoned Agricultural. The Master Plan identifies the area in a residential classification. The application was introduced to the Town Board on December 3, 2003, and to the Planning Board on December 10, 2003. A Negative Declaration under SEQR was issued on June 23, 2004. The applicant is here seeking concept plan approval for a four lot open development area. Bill Schutt said looking at the concept plan, you can see we have tried to concentrate the majority of the buildings on the western two thirds of the site leaving a substantial buffer to the rear or the east which is west of Martha's Vineyard. That buffer is almost 400 feet. We also have a generous buffer area in all directions. With respect to 5855 Thompson which is the existing house to the north, we have about a 130 foot buffer. To 5795 Thompson which is the house to the south, we have about 250 feet, and we are about 170 feet back from Thompson Road itself. The four lots sizes are roughly - the largest is 3.7 and the smallest is 2 acres. Mr. Natale said "I spoke with Mr. Jim Blum and we had a chance to talk about deed restricting some property, so he could maintain a buffer, and I am willing to do that. The back part of the parcel is heavily wooded, and I don't want to destroy any trees if I can help it. I am willing to negotiate a buffer with the neighbors over there. I will be maintaining the trees on the north side if not planting more, and we are also planting more trees on the south side to buffer Mr. Binner from the street. Tim Pazda said "Do you have any concept in mind for what you are allowing for a buffer? Are you talking twenty feet or a hundred feet? Mr. Natale said "I would say you are looking at a minimum of 50

feet for a buffer. I physically need to get out there, and walk it myself. I plan on doing that in the next month. Joe Floss said a berm and more trees would help mitigate the headlights on the south side. Jeff Grenzebach asked the difference between the wetlands and the house there. Mr. Schutt said the rough distance from the back of the house to the wetlands is 75 feet. Joe Floss said the orientation of that home was of concern as well that it be facing the road to be compatible with the neighbors. Mr. Schutt said that is correct. It was a recommendation of the Municipal Review Committee, and we don't have any objection to that. We didn't want to change this plan because this was the one that was previously submitted. Wendy Salvati said "Jim Callahan had raised an issue earlier with regard to public sewers. The question is whether you are required, seeing as you are located in a sewer district, to hook up to the sewer district. It is our understanding that the Town Engineer is requiring that for another proposed open development area off of Shimerville Road. If that is the case, if that is indeed a County policy, or a Town regulation, would that same policy or regulation apply here? Mr. Schutt said "Well, there are no public sewers currently available near the frontage of this property. Several hundred feet away. Wendy Salvati said "But isn't that the same situation for the property on Shimerville as well? Jim Callahan said "Correct." Mr. Schutt said "I don't believe that is the case in respect to the Shimerville one, there is an existing sewer right at that north property line that goes across the front of Candlewood Lane. This sewer is quite a bit north on Thompson Road several hundred feet away." Pat Powers said "We just wanted to make sure you were aware of that before the project moved any further." Mr. Schutt said "That was one of the very first conversations we had with the Town Engineer." Chairman Powers asked if anyone in the audience cared to address any issues relating to this project. Jim Blum of Martha's Vineyard said "I have two areas I want to comment on. You have covered one already and that is turning the house in front to face Thompson, because of the neighborhood character. As far as the rear of that property - I think I would like to request that this board requires as a condition that some number in the neighborhood of 300 feet is a restricted area where it will be on the deed and the survey, so the property owner knows exactly where the forever wild land is. A development of this

type is a privilege that the Town offers, but not a right. I think these are things the applicant can consider. Carl Binner of 5795 Thompson Road asked how far away the road is from his lot line? Mr. Schutt said it is approximately 30 feet from the property line. Mr. Binner said he thought they had to be at least 100 feet away from his driveway. Mr. Schutt said "We are." Mr. Binner said "I don't think so. I have a driveway fifteen feet from my lot line. Not my house driveway, the other driveway - I have a curb cut." Joe Floss said "It is a question of what is a driveway? Did you apply for a permit? Install a culvert? Is it on file in Erie County?" Mr. Binner said yes to all the questions Joe Floss asked him. Mr. Binner asked Mr. Schutt how far is it from the road to the T-shaped turnaround? Mr. Schutt said about 600 feet. Pat Powers asked Mr. Natale and Mr. Schutt the distance between Mr. Binner's north lot driveway and their proposed driveway. They did not know the distance. Joe Floss asked if it is possible to relocate their driveway? Mr. Schutt said he would ask what is the definition of a driveway? Joe Floss said the fact that it is permitted by Erie County, it is probably considered a driveway.

ACTION:

Motion by Joseph Floss, seconded by Jeff Grenzebach to table this item. The applicant was told to figure out the distance for the buffer area as well as the distance to Mr. Binner's driveway.

ALL VOTING AYE. MOTION CARRIED.

ITEM IV
Roy Jordan
Agricultural

REQUESTS DEVELOPMENT PLAN APPROVAL FOR CONSTRUCTION OF A FOUR (4) LOT OPEN DEVELOPMENT AREA WITH 3 FRONTAGE LOTS LOCATED AT 8587 COUNTY ROAD.

DISCUSSION:

Jim Callahan gave a brief history of the project which is located on the south side of County Road and Green Acres Road. The property consists of approximately 56 acres and is zoned Agricultural. The project was introduced to the Town Board on July 23, 2003 and introduced to the Planning Board on September 17, 2003. The MRC recommended a negative declaration under SEQRA to the Town Board that was issued on December 3, 2003. Concept plan approval was granted on December 10, 2003. The applicant is here seeking

development plan approval. Mr. Jordan said this site is the most difficult site he has ever developed. They did an archaeological study, a wetlands study, never have done such a complicated site. They weren't sure they were ever going to be able to develop the site because of the extensive wetlands in the front. However, it did work out. They have to mitigate the .49 acres of wetlands of which they are going to create .84 acres, and that got us our permit from the DEC to go ahead. We are impacting the one hundred foot buffer zone. So they asked us to mitigate that also. Instead of creating new wetlands, they asked us to give them a conservation easement on the twenty five rough acres of wetlands in the front of the property. It is a pretty good deal for everyone now, the Town is getting a conservation easement on a chunk of land, and it provides a good buffer zone for the development, and a good deal for the neighbors because of the woods out in front. I still have to get the letter from the Corps of Engineers granting us non-jurisdictional status for two small federal wetlands in the back. The letter was actually approved yesterday, but to go through their system three people have to sign off on it. I will probably have it tomorrow, so I was hoping to get conditional approval tonight. The length of the private road will be approximately 1900 feet. They are going to put in a 6" fire protection line with hydrants spaced out throughout the private drive. Chairman Powers said the only other thing we are lacking is approval from the Town Engineer. We would like to move this project forward this evening with the condition that it will not go to the Town Board agenda until the two letters are received in the Planning and Zoning office. A resident from County Road took a close up look at the plans, and Roy Jordan explained the layout to him. Frank Kennedy from Gentwood Drive said he had a question about mitigating wetlands. He wanted to know the procedure. Roy Jordan told Mr. Kennedy that for every acre of State wetland you need to fill, you have to mitigate the damages of filling that in, you need to create an acre and a half on the same site. Mr. Kennedy is concerned about the fill that is used in this process. Who monitors this fill, and where it comes from? Who is responsible for checking out the fill that is going into these places. No one can give me an answer, and this is a serious concern for this Town. Mr. Jordan said on his particular project, he will be digging some retention ponds to store water, and they will use

the soil that is taken out for the ponds.

ACTION:

Motion by Joseph Floss, seconded by Wendy Salvati to recommend development plan approval for a four lot open development area with three frontage lots located at 8587 County Road with the following conditions:

- 1) Town Engineering approval
- 2) Letter from the Corps of Engineers
- 3) There is a conservation easement as part of the DEC permit with deed restrictions on all State wetlands on lots 1,2,3.
- 4) There will be no additional subdividing of lots on the road frontage.

ALL VOTING AYE. MOTION CARRIED.

Regular portion of the meeting adjourned at 8:45 p.m.
Patricia Powers, Chairman

ITEM V

ZONING CODE REVIEW AND UPDATE

Meeting adjourned at 10:00 p.m.