



**SPR2016-06** (continued)

Robert Pidanick of Nussbaumer & Clarke represented Jeremy Ratajczyk and stated the Planning Board identified three issues at the previous meeting - hydric soils and possible federal wetlands, access to the tower at the rear of the property and a landscape plan. Earth Dimensions has determined there are no federal wetlands on site and a letter was submitted. Revised drawings were also submitted with a full set of plans including a driveway to the tower and a landscape plan. The Town Engineer has provided an affirmative response to the comments made. They plan to use a grinder pump and tie into the public sanitary sewer. Two easements are required to accomplish this as they will have to cross Marrano/Marc Equity and NYSEG property to connect and they are currently negotiating. In the event they do not obtain the easements, they will use a septic system which is permitted by Erie County. Mr. Pidanick understood NYSEG does not have an issue, but it has to go through their process.

Mr. Rathmann questioned who owns the tower.

Mr. Pidanick responded there is an agreement with Upstate Tower that allows them perpetual access to their tower and they have agreed to reconfiguration of the driveway.

Mr. Rathmann referred to the layout of the parking lot and suggested eliminating the two dead end lots, reconfiguring it to connect the parking areas and adding pedestrian access. He further suggested adding more shade trees to the site.

Mr. Pidanick responded the plan provides 63 parking spaces and they are willing to modify it to allow for better circulation.

Mr. Sherman questioned where the septic system will be located if they do not obtain the easements.

Mr. Pidanick responded there is sufficient space behind the building. They prefer not to use a septic system and it will be a last resort.

No comments were received from the public.

Motion by Mendola, seconded by Rathmann, to close the public hearing.

Ayes: All

Noes: None

Motion Carried

**SPR2016-06** (continued)

Motion by Mendola, seconded by Clifford, to issue a negative declaration with regard to SEQR for the proposed project at 2724 Transit Road.

Ayes: (5) Mr. Mendola, Mr. Clifford, Mr. Rathmann, Mr. Sherman, Mrs. Bebak

Noes: None                      Abstentions: (1) Chairman Niederpruem                      Motion Carried

Motion by Mendola, seconded by Rathmann, to grant site plan approval for property located at 2724 Transit Road to construct an 11,352 sf one-story building, site utilities, grading & landscaping, conditioned upon the following: 1) reconfiguring the parking to connect all parking areas; 2) addition of five shade trees; 3) receipt of letters of approval for required easements from NYSEG and Marrano/Marc Equity.

Ayes: (5) Mr. Mendola, Mr. Clifford, Mr. Rathmann, Mr. Sherman, Mrs. Bebak

Noes: None                      Abstentions: (1) Chairman Niederpruem                      Motion Carried

**SPR2016-07**

A request from Rob Rausch for site plan approval for property located at 3240 Clinton Street to construct a 6240 sf warehouse/office building with associated site improvements.

Motion by Mendola, seconded by Rathmann, to open the public hearing.

Ayes: All    Noes: None    Motion Carried

Chairman Niederpruem stated this item was held over from the previous meeting because the SEQR comment period had not closed. A letter of approval has since been received from NYSDOT for the two driveways. The Planning Board had also asked that the front of the metal building be enhanced.

Architect Daryl Martin stated the proposed building will be 16' high with two 14' high doors on the front and will be light gray with dark black on the bottom.

Chris Wood of Carmina Wood Morris noted engineering approval was received and they have added landscaping to the front of the building.

Chairman Niederpruem stated they are looking for more architectural in the building and commented on the neighboring building for Shell Fab with a cost of over \$2 million. The nearby auto shop has also been upgraded.



**NEW BUSINESS COMMUNICATIONS**

Chairman Niederpruem stated the Planning Board will be addressing the next four applications together.

**2016-04**

A request from Vann Advertising, Inc. for a special permit for property located at 525 Bullis Road, changing its classification from M-1 to M-1(S), for construction of a two-sided 10' x 36' billboard sign, 35' high.

**2016-05**

A request from Vann Advertising, Inc. for a special permit for property located at 1648 - 1650 Union Road, being part of Lot Nos. 84 & 85, changing its classification from M-2 to M-2(S), for construction of a two-sided 10' x 36' billboard sign, 35' high.

**2016-06**

A request from Vann Advertising, Inc. for a special permit for property located at 1940 Ridge Road, changing its classification from M-1 to M-1(S), for construction of a two-sided 10' x 36' billboard sign, 35' high.

**2016-07**

A request from Vann Advertising, Inc. for a special permit for property located at the rear of Bullis Road property on the north side of Route 400, being part of Lot No. 366, changing its classification from M-1 to M-1(S), for construction of a two-sided 10' x 36' billboard sign, 35' high.

Motion by Mendola, seconded by Sherman, to open the public hearing.

Ayes: All

Noes: None

Motion Carried

Attorney Ralph Lorigo represented Larry Vann of Vann Advertising and stated he will be purchasing three of the four properties involved, but has not yet received the contract relating to application #2016-07. He asked that this item be tabled pending receipt of the contract. Mr. Lorigo referred to previous billboards along Route 400 that Mr. Vann constructed several years ago. At that time, litigation occurred and the Town Code was modified to include 17 conditions relative to billboards as opposed to one.

**2016-04 – 2016-07** (continued)

The applications submitted meet 16 of the 17 conditions and the only condition not met is #2 which is not applicable because it relates to billboards affixed to a wall. Mr. Lorigo presented Google maps of the proposed locations indicating placement of the billboards on the sites and noted all are zoned M-1 or M-2 which allows for billboards. Only the site at 1650 Union Road will be leased. None of the billboards will be located within 1250' of another billboard. They will not exceed 35' high, will be no more than 380 sf and will be lit up but not electronic. They will be setback at least the setback of the area and will not be located within 300' of a residential district.

Chairman Niederpruem stated the Planning Board requires an updated survey for each of the properties along with a letter of permission from the property owner. He commented on the bad visual impact of billboards and thought the Union Road site would be a negative to the community, noting the town is working diligently to make Union Road a town center. Chairman Niederpruem further stated previous submittals for billboards included a photo of the road with the billboard superimposed to better realize the visual impact.

Mr. Lorigo responded the Town Code specifies where billboards can be located, and although they are not anyone's favorite thing, only a special permit is required for these locations. These will be typical single pole billboards and they will provide a photo of the locations. Mr. Lorigo commented that updated surveys will place an undo burden on the applicant and asked that the Planning Board accept a certificate of no change on the surveys.

Mr. Clifford requested verification that the billboard at 525 Bullis Road and Union Road are setback 300' from the Route 400 bridge overpasses.

Mr. Rathmann commented that the documents submitted for each of the sites are hard to read and have no exact locations making it difficult to review.

Susan Kims commented that billboards are blight on scenic landscape, drivers should be focused on the road and traffic safety is a legitimate basis for regulating billboards. She further commented the updated Comprehensive Plan does not have a vision of billboards along town roads.

Motion by Mendola, seconded by Rathmann, to close the public hearing.

Ayes: All

Noes: None

Motion Carried

**2016-04 – 2016-07** (continued)

Motion by Sherman, seconded by Mendola, to table these applications pending receipt of updated surveys indicating exact location of the billboard and conformity with setbacks, photos of the locations with the billboard superimposed, confirmation that the billboards are a distance of 300' or more from the Route 400 overpasses, proof of ownership of property by the applicant or letters from the current owners authorizing placement of the billboards.

Ayes: All

Noes: None

Motion Carried

**2016-08**

A request from Joseph B. See, R.A. for a special permit for property located at 1365 Indian Church Road, being part of Lot No. 77, changing its classification from R-50 to R-50(S), to convert existing floor space into two one-bedroom apartments (total of 6 dwelling units).

Motion by Mendola, seconded by Rathmann, to open the public hearing.

Ayes: All

Noes: None

Motion Carried

Chairman Niederpruem stated along with the application the Planning Board received an acknowledgement from the property owner, an architectural rendering and a survey.

Architect Joseph See represented Michael Masters and stated his proposal to renovate approximately 900 sf of the first floor of the existing building at 1365 Indian Church Road for two additional one-bedroom apartments. This will increase the units from four to six and the parking area will also be increased to allow for 12 vehicles.

Mr. Rathmann referred to the water outflow for the bioretention basin and questioned if a percolation test was done.

Mr. See did not believe a percolation test was done but stated he could have C & S Engineers perform one. Code Enforcement Officer Jeffrey Schieber noted two engineering reports were received that may already contain that information.

Mr. Rathmann questioned if Mr. Masters spoke with 14 Holy Helpers Church about screening the parking area with vegetation or a fence. He further noted screening is required for the residential properties on the south side.

Mr. Masters stated 14 Holy Helpers Church has no objection to his project. They are good neighbors and the parking lots abut for two-thirds the length of the property.



