

PRESENT: Paul Jusko, Chairman
Patricia Hacker, Vice Chairman
Zintars Zadins, Secretary
J. David Early
Tom Edington
Kevin Maxwell
David Stringfellow
Margaret Andrzejewski, Alternate
Michael Pohl, Alternate
J. David Early

ALSO Councilman Dennis Mead, Liaison
PRESENT: Michael Perley, Town Attorney
Dennis Kramer, Code Enforcement Officer
Richard Brox, Planning Consultant
Kevin Kelly (Boston Grille)
Anthony Bernardi (Willow Drive Extension)
Jay Pohlman (Pinecrest Subdivision)

Chairman Jusko called the meeting to order at 7:30 P.M.

MINUTES

Chairman Jusko asked if there were any additions or corrections to the minutes of February 22, 2000. Being none, Mrs. Hacker made a motion to accept the minutes, second by Mr. Edington. All were in favor.

CORRESPONDENCE

Secretary Zadins noted the following correspondence received:

- from Erie County describing the "right to farm" law
- from Town Engineer Robert Harris regarding the Bernardi Willow Drive extension proposal, to be read at point in agenda
- letter from Jay Pohlman stating his proposal for the Pinecrest Subdivision, to be read at point in agenda
- letter from Gary Eckis with his request for re-zoning near Rice Road intersection, tabled until March 28, 2000
- letter from Town Clerk Shenk advising this Board of appointment of Alternate member, Michael Pohl

Chairman Jusko welcomed Mr. Pohl to the Planning Board.

LIAISON – COUNCILMAN MEAD

Councilman Mead reported from the Town Board meeting of March 1, 2000:

- Local Law #1 regarding screening of topsoil based on Planning Board recommendation, a Public Hearing will be held at next Board meeting
- Appointment of Michael Pohl as alternate member to Planning Board
- Advised this Board that the Zoning Board decision of September 2, 1999 was overturned allowing Carol and John Heffley to continue with the construction of a second accessory building on their property on Omphalius Road

BOSTON GRILLE

Mrs. Hacker advised Chairman Jusko, who was absent at the last meeting, that this Board basically just asked Mr. Kelly several questions and made suggestions to him about the construction of this deck. She added that she has received calls from area residents with some concern about the deck. Some concerns were lighting, noise and placement of the deck. Mr. Kelly said he intends to build the deck where originally planned, about 10 feet from the front of the building. Mr. Kelly had pictures of the lighting he proposed using: pole lighting, at each corner, with dimmer switch. Mr. Jusko suggested directional lighting with flanges around the light fixture. That might eliminate light shining into neighboring homes and property. Mr. Jusko asked if the lights would be higher than the fence. Mr. Kelly said they could be lowered so as not to be seen by neighbors. Mr. Maxwell expressed concern over the noise and asked Mr. Perley if restrictions could be imposed. Mr. Perley replied yes. Mr. Maxwell asked Mr. Kelly why he isn't moving the deck further from the road, as a patron he would feel safer sitting on a deck that is at a greater distance from the road. Mr. Kelly said that if the deck were moved further back it would cause more interference with the neighbors. Mr. Kelly said his intention is to use it only for dining during regular dining hours. Mr. Perley replied, 'we know what your intention is but in the event this property is sold we have to have regulations in place for future owners.'

Mr. Brox said that no decision could be made without the submittal of an accurate drawing and papers as required by the Zoning ordinances. Chairman Jusko told Mr. Kelly that he should follow Section 97 of Town Codes, available from the Town Clerk, and be certain to address lighting, plantings, elevation, location of fence, and location of neighboring buildings.

Mr. Maxwell made a motion to table any decision pending receipt of conceptual plot plan, second by Mr. Early. All were in favor.

WILLOW DRIVE EXTENSION – Anthony Bernardi

Mr. Bernardi asked why this was being classified as a sub-division. Mr. Perley explained that the creation of a new street determines it to be a sub-division.

Chairman Jusko advised Mr. Bernardi that he should follow Section 104 of the Town Codes for future plans. He asked Mr. Bernardi to give this Board a summary of his plans. Mr. Bernardi explained that he wants to expand Willow Drive for future use, with the intention of downsizing once his children are grown and not at home. This would also provide a turn around for Town trucks.

Chairman Jusko asked Mr. Bernardi if he had discussed the plans with Highway Superintendent Kreitzbender, Town Engineer Harris and Town Attorney Perley. Mr. Bernardi said he has talked to each on different occasions. Mr. Bernardi has agreed to meet Town specifications for the road, blacktop the road, and extend the sewer. He added that he has talked to the Erie County Sewer authority.

Several side discussions followed. Chairman Jusko asked for order. Mr. Brox said that this is just a pre-application meeting, this Board needs to have plans of what exactly will be done. Mr. Perley added that Mr. Bernardi needs to lay out the right of way, talk to the Highway Superintendent, address the land locked piece of property and suggested to Mr. Bernardi that he contact the local fire company for emergency vehicle egress. Mr. Brox added that he should also address the easement for sewers to cross private property.

Chairman Jusko asked for a preliminary plat so this Board has a place to start.

Mrs. Hacker made a motion to table any further discussion until the submittal of a preliminary plat, second by Mr. Stringfellow. All were in favor.

Willow Drive Extension. continued

Following Mr. Bernardi's departure, Mr. Kramer expressed his concern of the addition of two additional lots at this location. He added that the DEC has recommended that no more building permits be issued until the proper fill procedures are taken at this flood plain site, he currently is filling with steel and concrete from buildings that are torn down in Hamburg. More discussion followed.

PINECREST SUB-DIVISION – Jay Pohlman

Secretary Zadins read the request from Mr. Pohlman, and plans were distributed to members. Mr. Pohlman gave his presentation of the proposal to extend the Pinecrest Sub-division. Mr. Pohlman was asked several questions in relation to road access. Chairman Jusko asked Mr. Pohlman how this proposal is different from the proposal of two years ago. Mr. Pohlman said very little difference, how we are proposing to access 8N and whether or not we would propose to use 1N, because it is so hard to access. Mr. Perley strongly suggested that they don't extend beyond access. Mr. Pohlman said that he is considering working in phases. Phase 1 being the extension of West Lane giving access to proposed lots 3, 4, 5, 6, 7, 8. Mr. Perley asked Mr. Pohlman if he understands if Phase 1 is approved that this Board is not making a commitment to the approve Phase 2. Mr. Pohlman said he understands that it would be stipulated in the approval. Chairman Jusko asked Mr. Pohlman for a conceptual site plan, for Phase 1, according to Town Codes. Mr. Maxwell made a motion to table this discussion until a Conceptual Site Plan, for Phase 1; as described by Mr. Pohlman to include lots 3 – 8; has been submitted by Mr. Pohlman, second by Mr. Stringfellow. All were in favor to table until Conceptual Site Plan is received. Mr. Pohlman asked in order to be on the May agenda, how soon does this Board need new plans. Chairman Jusko told him two weeks prior to meeting.

CODE ENFORCEMENT OFFICER KRAMER

Mr. Kramer said that he had nothing to report, unless anyone had questions for him. Chairman Jusko asked if there were any other business to be brought before this Board. Mr. Perley said a co-location permit request for the Sprint Tower is coming from Cellular One. It is 165 feet up the tower, which makes it a mandatory referral to Planning Board and will go to Public Hearing at Town Board level. Chairman Jusko asked if there were any more business to be brought before this Board. Being none Mr. Zadins made a motion to adjourn, second by Mr. Early. All in favor.

Respectfully submitted,


Zintars Zadins
Secretary