

Town of Clarence
One Town Place, Clarence, NY 14031
Planning Board Minutes
Wednesday March 19, 2014

Work Session 6:30 pm
Status of TEQR Coordinated Reviews
Review of Agenda Items
Miscellaneous

Agenda Items 7:30 pm

Approval of Minutes

Item 1

Gabe's Collision
Major Arterial

Requests Development Plan Approval for a proposed Automotive Collision, Sales and Service Facility at 5817 Transit Road.

Item 2

Student Transportation of America/John Rozler
Restricted Business

Requests recommendation on a Temporary Conditional Permit for school bus storage at 8033 Transit Road.

Chairman Robert Sackett called the meeting to order at 7:30 p.m.

Councilman Robert Geiger led the pledge to the flag.

Planning Board Members present:

Chairman Robert Sackett
Timothy Pazda
Richard Bigler
Steven Dale

Vice-Chairman Paul Shear
George Van Nest
Gregory Todaro

Planning Board Members absent: Wendy Salvati

Town Officials Present:

Director of Community Development James Callahan
Junior Planner Jonathan Bleuer
Councilman Peter DiCostanzo
Councilman Robert Geiger
Deputy Town Attorney Steven Bengart

Other Interested Parties Present:

Patrick Spoth Al Hopkins Tim Mansfield

Chairman Sackett noted that in the absence of Mrs. Salvati, alternate Planning Board member Steve Dale will participate in all discussions and vote on all agenda items this evening.

Motion by Paul Shear, seconded by Gregory Todaro, to **approve** the minutes of the meeting held on March 5, 2014, as written.

Steve Dale	Aye	Gregory Todaro	Aye
Richard Bigler	Aye	George Van Nest	Abstain
Timothy Pazda	Aye	Paul Shear	Aye
Robert Sackett	Aye		

MOTION CARRIED.

Chairman Sackett explained the standard protocol noting that Jim Callahan will introduce each agenda item. The applicant will address the Board and provide additional comments about the project if they wish. The Board may have questions of the applicant at that time. People from the audience are invited to speak on the project. The applicant may answer the questions from the audience. The Board will then take an action on the agenda item.

Item 1

Gabe's Collision
Major Arterial

Requests Development Plan Approval for a proposed Automotive Collision, Sales and Service Facility at 5817 Transit Road.

DISCUSSION:

Jim Callahan provided the background on the project noting that it is located on the east side of Transit Road, north of Highland Farms Drive. It is existing vacant land located in the Major Arterial zone. The applicant is proposing to develop the automotive collision with sales and leasing business. A Negative Declaration under the State Environmental Quality Review Act was issued on December 4, 2013. The applicant is present seeking final Development Plan approval.

Jeff Palumbo of Damon Morey is present along with engineer Al Hopkins and Jeff Mucciarelli from Gabe's Collision. Mr. Palumbo explained that this project will consist of automotive sales, body work and car rental. The plan before the Board this evening incorporates the changes that were made the last time the Board saw the Concept Plan which increased the landscaping. With regards to the lighting on the site, Mr. Palumbo said there are three (3) lights at the rear of the parcel, those lights shine inward. They need light back there for security reasons. There will also be lighting mounted on the building near the storage area. There will be no outside storage of the vehicles, the only time vehicles will be outside is when they are brought in in the middle of the night; in the morning they will be brought inside the building.

Mr. Palumbo noted that originally there were two (2) driveways proposed but the DOT asked the applicant to consider combining driveways with the parcel to the south, they have done that.

Mr. Palumbo said the hours of operation are 8am-5pm Monday through Friday and 8:30am to noon on Saturday. The facility will be closed on Sunday.

Chairman Sackett asked if the building to the back of the roadway has any lighting on it. Mr. Palumbo said there is no outside lighting proposed for that building.

Mr. Bigler asked when the three (3) pole lights will shut off. Mr. Palumbo said they will probably stay on as late as possible for security reasons. He has no problem turning two (2) of the lights off at night and leaving one on for security reasons.

ACTION:

Motion by Richard Bigler, seconded by Gregory Todaro, to **approve** the Development Plans on the proposed Gabe’s Collision Shop located at 5817 Transit Road as per the submitted drawings from Metzger Civil Engineering dated February 19, 2014, with the following conditions:

1. Subject to PIP Permits as issued by the Town Engineer.
2. Subject to Building Permits as issued by the Town Building Department on the required building permits.
3. Subject to all regulatory agency approvals and permitting on connection to existing infrastructure.
4. Site Lighting to conform to Town Standards as identified in 229-82.1 of the Code of the Town of Clarence and to be glare free and shielded so as to protect adjoining residential areas.
5. Subject to final Landscape Plan approval by the Landscape Committee prior to Certificate of Occupancy being issued.
6. Subject to Open Space and Recreation Fees.

ON THE QUESTION:

There was discussion on whether or not a restriction should be placed on how many lights are allowed to remain lit overnight in the back of the property. The decision was not to change the motion.

Steve Dale	Aye	Gregory Todaro	Aye
Richard Bigler	Aye	George Van Nest	Aye
Timothy Pazda	Aye	Paul Shear	Aye
Robert Sackett	Aye		

MOTION CARRIED.

Item 2

Student Transportation of America/John Rozler
Restricted Business

Requests recommendation on a Temporary
Conditional Permit for school bus storage at 8033
Transit Road.

DISCUSSION:

Jim Callahan provided the history on the project noting that it is located on the east side of Transit Road, north of Wolcott Road. It is an existing commercial structure located in the Restricted Business zone. The applicant is proposing to locate a school bus garage for mini-buses and vans for the Williamsville School District. The application has been forwarded by the Town Board for recommendation on a Temporary Conditional Permit.

Jeff Palumbo, of Damon Morey, is present along with John Rozler from Student Transportation of America. Mr. Palumbo noted that this request is for a Temporary Conditional Permit, they are not asking the Town to rezone the parcel, they understand that it is zoned Restricted Business. They have not gone to the Zoning Board of Appeals to ask for a variance. This is basically a trial run. Mr. Palumbo's client has the contract for the Williamsville School District for the small buses, no large buses. They have tried to obtain more information relative to the exact number of routes that will be involved and the exact location. It's just not available at this point, there were 43 routes last year. The applicant understands that the number of routes has been reduced to approximately 30. Of those 30 buses approximately 20% of them will be leaving between 6:00am and 7:00am, approximately 50% of them will be leaving between 7:00am and 8:00am and the remainder after 8:00am. These numbers are based on last year's numbers and the applicant does not think there will be a significant change for this year. At the peak hour, which is 7:00am-8:00am, there would be approximately 15 vehicles departing at one time. This is not a very high traffic generator. Only professional drivers will be operating the buses and they are used to all types of traffic conditions, the applicant does not believe there will be any problem with ingress and egress at this site. The buses will disperse again between 2:00pm and 4:00pm. There will be no collision repair inside the garage, there may be limited oil changes done. Not every bus has an aid, so the proposed 60 parking spots is more than sufficient but if more spots are needed for employees they can add them, however they don't think it is necessary at this point.

Mr. Van Nest asked if the applicant knows the distribution of the vehicles with regards to north and south. Mr. Palumbo said approximately 70% of the buses will travel south and 30% will go north.

It is clarified that the Temporary Conditional Permit is good for one year, but can be renewed after that one year time period.

Mr. Palumbo clarified that there will be 30 routes for the coming year, so there will be 30 buses with a few spare buses in case there is a breakdown.

Chairman Sackett said employees will generate traffic as well. There is a cycle in which employees enter the site, buses leave, buses come back and employees leave the site. This cycle will happen again in the afternoon. The times for these cycles are staggered. Mr. Rozler clarified that the activity on the site will start at 5:30am and by 9:00am all drivers will be done and most will be gone from the site. This will happen again in the afternoon starting at 2:00pm, the drivers will be back from their routes and will be gone from the site by 5:30pm.

Mr. Shear asked if the applicant can provide details on when the buses will leave the site and how many will disperse at a time. He does not want to see 10 buses lined up to leave the site at one time because some pick-ups are closer than others.

Mr. Van Nest asked if the client visited the site during the daytime hours to see if there might be a queuing problem. Mr. Palumbo said before they entered into a lease agreement with the owner they scouted this site along with several other sites and found this to be the primary.

Mr. Palumbo noted the exact times of pick-ups from the last contract: 6:30am, 6:35am, 6:40am, 6:42am, 6:45am, and 6:50am. The driver will leave about 15 minutes before these pick-up times begin. The pick-up times for the 7:00am-8:00am hour and the 8:00am-9:00am hour are similarly staggered. It will not be a mass exodus.

Chairman Sackett noted that the intent of the zone is to have businesses that generate less traffic than retail. The Planning Board is trying to weigh the proposed traffic flow against the traffic in that area. In Chairman Sackett's judgment the retail in that area has relatively minor traffic flow, there are small businesses in that Restricted area going forth. He thinks the applicant would agree that this proposed project would be the highest generating traffic business in that Restricted Zone, he is concerned with this. Mr. Palumbo cannot answer that question, but he noted that there are uses in the Restricted Business that would generate far more traffic than what is being proposed. An example of an allowed use is a professional office and that could be 50,000 square feet or more, this would generate 10 times the traffic than what is being proposed. Compared to what is allowed by right, Mr. Palumbo thinks this proposal will generate far less traffic.

Mr. Pazda asked for an explanation on a chart that was viewed at the work session and was then displayed for all to see at the meeting. Mr. Callahan said the chart shows the average annual daily traffic on that section of road. The latest figures that GBNRTC had were from 2009, which shows the traffic fairly steady at 15,000 trips per day.

Chairman Sackett said this section of road is a high-speed two (2) lane highway. Mr. Palumbo said whether it is professional offices or a bus storage, it's the same. Chairman Sackett said he thinks professional offices would be judged by the same standard in terms of its size. The standard for the intent is to be less traffic generating than a retail business, in the intent of that code. Mr. Palumbo said he thinks this proposal fits the code.

Mr. Pazda asked if this proposal was an as-of-right use, would the applicant be before the Planning Board this evening. Mr. Callahan said no.

Mr. Pazda asked if the applicant planned any additions or alterations to the existing building and grounds other than cleaning up the parking lot. Mr. Palumbo said that is correct, there are no additional plans other than cleaning up the parking lot. Mr. Pazda asked if the applicant has been on Wolcott Road trying to turn left onto Transit Road; this is a safety concern. Mr. Palumbo said they have been on all the roads trying to turn left onto Transit Road. There is an existing business on the parcel and ultimately any business that goes in at that site would face the same concern.

ACTION:

Motion by Paul Shear, seconded Steve Dale, to **recommend denial** of a Temporary Conditional Permit to the Clarence Town Board for Student Transportation of America to locate a bus garage and outdoor storage of 30+ mini-busses and vans at 8033 Transit Road.

ON THE QUESTION:

Mr. Shear said after review it is determined that the proposed use is in contravention to the intent of the Restricted Business Zone due to safety and high traffic distribution onto a high speed 2 lane highway.

Mr. Pazda said he recognizes that it is in contravention but he feels differently in that the applicant is asking for a one (1) year permit and he is willing to give that opportunity to see if it will work.

Mr. Van Nest said he agrees with Mr. Pazda. He had significant reservations about the use and the proposed Temporary Conditional Permit, but after listening to the applicant and thinking about the conditions, thinking about the staggering of traffic, the training of the drivers and the allowed uses that might be permitted in the Restricted Business area, he is inclined to allow the applicant to have a permit for a year on a trial basis to determine whether or not it can work satisfactorily based on the applicant has already been at the site and has seen the traffic circumstances. The applicant stands behind the decision that the site is the preferred site. Mr. Van Nest is willing to give the applicant a chance for one (1) year with the circumstances discussed this evening.

Mr. Bigler said he agrees with Mr. Van Nest. The applicant answered all of Mr. Bigler's questions regarding safety and traffic issues, he is inclined to give the applicant a permit, also.

Mr. Todaro said he concurs with Mr. Van Nest. Mr. Todaro had reservations coming into the meeting but the applicant answered his questions. He would agree to a trial run to see how the proposal works.

Mr. Pazda said the applicant is not asking to construct a new building, if he was it would be much more difficult for the Town Board to pull the permit due to the investment.

Mr. Shear said his concern is that the proposal started out at 40 buses and now it is at 30 or so. The timing and the quantity are not set in stone or even close enough that he can comfortably accept the timing bracket. He does not know enough to suggest that he would recommend that all the buses potentially leave the property at the same time.

Chairman Sackett said the Planning Office has determined that this is not an allowed use. The intent of the code weighs heavily with him. He measures it to be a high traffic generating business whether in fact it could be higher is irrelevant, he thinks it frustrates the intent. He concurs with the motion makers.

Steve Dale	Aye	Gregory Todaro	Nay
Richard Bigler	Nay	George Van Nest	Nay
Timothy Pazda	Nay	Paul Shear	Aye
Robert Sackett	Aye		

MOTION FAILED.

ACTION:

Motion by George Van Nest, seconded by Richard Bigler, to **recommend approval** of a Temporary Conditional Permit to the Clarence Town Board to allow for utilization of the existing structure located at 8033 Transit Road for a bus garage and including the outside storage of 40+ mini-buses and vans on the property as per the submitted site plan. Conditions of the Temporary Permit to include:

1. Permit valid for one year. After one year the use shall be evaluated as to impacts, including but not limited to traffic impacts to determine whether to continue and/or grant a longer term is warranted.
2. No vehicle storage in the front yard setback area.
3. Parking areas to have proper hard surface preparation and to meet the requirements of Section 229-20 of the Code of the Town of Clarence (Parking).
4. Parking areas to be screened as per approval of the Landscape Committee.

ON THE QUESTION:

Mr. Pazda said what would happen if the applicant was denied renewal of his permit and yet still has the bus contract with the school. Deputy Town Attorney Steve Bengart said the applicant would have to find another location. Mr. Palumbo said the contract with the school is for five (5) years.

Mr. Van Nest explained that the motion reflects 40 buses because the applicant indicated there would be 30 buses with a few spare buses that need to be stored.

Steve Dale	Nay	Gregory Todaro	Aye
Richard Bigler	Aye	George Van Nest	Aye
Timothy Pazda	Aye	Paul Shear	Nay
Robert Sackett	Nay		

MOTION CARRIED.

Meeting adjourned at 8:05 p.m.

Carolyn Delgato
Senior Clerk Typist