

Town of Clarence
Planning Board Minutes
Wednesday March 20, 2013

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

Victoria Park
Traditional Neighborhood District

Requests Concept Plan Approval for construction
of an 8,700+/- square foot commercial building at
10225 Main Street.

Vice-Chairperson Wendy Salvati called the meeting to order at 7:30 p.m.

Jim Callahan led the pledge to the flag.

Planning Board Members present:

Vice-Chairperson Wendy Salvati
Timothy Pazda
Steve Dale

2nd Vice-Chairman Paul Shear
Gregory Todaro

Planning Board Members absent: Chairman Robert Sackett, George Van Nest, Richard Bigler

Town Officials Present:

Director of Community Development James Callahan
Junior Planner Michael Hutchinson
Councilman Peter DiCostanzo
Deputy Town Attorney Steven Bengart

Other Interested Parties Present: Barbara Condrell

Motion by Steve Dale, seconded by Gregory Todaro, to **approve** the minutes of the meeting held on
March 6, 2013, as written.

Steve Dale	Aye	Gregory Todaro	Aye
Timothy Pazda	Abstain	Paul Shear	Aye
Wendy Salvati	Aye		

MOTION CARRIED.

Vice-Chairperson Wendy Salvati noted that there are two (2) Actions that could be taken this evening for the agenda item. The Planning Board has authority to approve one of the Actions. The other Action is for the issuance of a Special Exception Use Permit, in this case the Planning Board is just a recommending body; the Town Board has final authority on Special Exception Use Permits.

Item 1

Victoria Park
Traditional Neighborhood District (TND)

Requests Concept Plan Approval for construction of an 8,700+/- square foot commercial building at 10225 Main Street.

DISCUSSION:

Jim Callahan provided the background on the project noting that it is located on the southwest corner of Main Street and Shisler Road, it is an existing commercial plaza located in the Clarence Hollow Traditional Neighborhood District. The applicant is proposing to construct an additional building within the plaza. This particular building was originally approved with the original Concept Approval in the 1980's. The building was also approved in 2004 and a Negative Declaration under the State Environmental Quality Review Act (SEQRA) was issued by the Town Board. The applicant is now present seeking Concept Approval on the building and a recommendation to the Town Board on a required Special Exception Use Permit for a cumulative space exceeding 30,000 square feet in the TND.

Douglas Klotzbach, of K2 Architecture, is present. Kelly Schultz, owner, is also present. Mr. Klotzbach referred to the site plan and said they probably don't need the parking lot to the rear southeast corner of the site. That parking could be put in at a later date. The proposed building is 8700 square feet in size. Mr. Klotzbach explained that within the site, there is now a courtyard which will be quite pleasant.

Mr. Pazda asked if the building size changed from the previous proposals, Mr. Klotzbach said he thinks it was about 9,000 square feet. Mr. Pazda noted that traffic may be driving a foot or so into the right-of-way in the parking lot of the proposed building but vehicles will not be parked in the right-of-way. He asked for clarification on the dotted line that runs through the parking lot of the proposed building on the side that is parallel to Strickler Road. Mr. Klotzbach said that is a setback line. The smaller dashed line that is even with the tower was put there so the proposed building would not infringe on the view of the tower. The setback of the tower is 53', the setback of the proposed building is 55.6'. Mr. Klotzbach said the proposed parking lot to the south is a driveway right now and mostly gravel. The current tenants in the facility never fill the existing parking lot to 100%.

Mrs. Salvati asked for confirmation that the septic system was recently replaced. Mr. Klotzbach and Mr. Schultz confirmed that information is correct. The proposed building would be primarily office space with some retail in the front. Mrs. Salvati said that type of use creates a lower parking demand. She asked if the applicant is planning on keeping as many of the existing trees as possible. Mr. Klotzbach said yes. Mr. Schultz said he planted most of the trees that are on the property; he is big on landscaping and likes a lot of greenspace. Mrs. Salvati said when the applicant comes back for Development plan approval the Board would like to see a plan showing how the landscaping will be done around the foundation of the building. She asked if it possible to plant a tree on the one parking island that is closest to the corner that is shown as paved. Mr. Schultz said they will plant trees on that end of the property, he agreed that it needs trees. Mr. Klotzbach said they will need to be careful of the line-of-sight at that corner.

Mrs. Salvati asked how the applicant will handle snow removal and storage in the winter. Mr. Schultz said there is more space in the area that is not being used for parking. Much of the green space depicted on the plan turns to brown space in the winter and that is where the snow is pushed for storage. There has never been an issue with the snow removal or storage. They will not be taking up space with this proposal that is used for storage of snow.

Mrs. Salvati asked about the site lighting. Mr. Schultz said the lighting will not be bright because of the office use that is intended. Mr. Klotzbach said they will maintain the Victorian flavor of the area.

Mr. Pazda asked if the arrow indicating the flow of traffic seen on the plan is what the applicant really intends, which depicts one-way traffic. Mr. Klotzbach said yes he intends to have that section one-way only and will have signs noting that.

Mr. Shear asked if the applicant has considered how drainage will be handled off the property. Mr. Klotzbach said along Main Street there is a drainage structure that they have tied into already. There is a drop inlet in front of the site with the State.

Mr. Todaro noted that there is pre-existing signage and asked what the applicant planned to do when new tenants move into the proposed building. Mr. Schultz said he will reduce the size on some of the existing signs to make room for signs of the new tenants. He does not want to add another sign to the property. Mrs. Salvati said the existing sign is a non-conforming sign, but it has been there a long time so in a sense it could be considered a legal non-conforming sign. She asked if there was the potential to bring the sign closer to what is allowed by code. The current code allows for a sign 48 square feet and 10' high for a Traditional Neighborhood District sign. She asked the applicant to consider her request. Mr. Schultz said it would be difficult to reduce the size of the sign and then add more signs to it. His intent is to reduce the signs within the structure, but keep the structure the same size. The design of the sign goes along with the building.

Mrs. Salvati said the project had been referred to the Clarence Hollow Community Character Protection Board. That Board provided comments to the Planning Office on February 25, 2013, they felt the layout looked good, the construction was a match to the existing structures on the property; they had no concerns.

Barbara Condrell, of 4892 Strickler Road, asked for clarification on the approval of the construction of the building and the planning of the building. Mrs. Salvati explained that this project was brought before the Town Board a number of years ago with the plan to construct three (3) buildings on this site, at that time, an approval was issued. Only two (2) of the three (3) buildings were built. Because so much time has gone by since the approval in 2004, the applicant needed to come back before the Board to seek approval to build the third building. The Planning Board will make the final decision on this proposal with one exception. The addition of this building will put the total square footage on that site over 30,000 square feet. Anything larger than 30,000 square feet requires a Special Exception Use Permit (SEUP) from the Town Board, so the Town Board would have to approve that portion of this project, the Planning Board can only recommend on that. Ms. Condrell said the proposed building blends in with the existing buildings, however, she is sad to see that little bit of green space go; she is sad to see any green space go. She would be more persuaded if there was a high demand for retail or office space in Clarence. She has lived in Clarence for ten (10) years. She said there is a lot of empty space, there is the building that was Baraffato's, there is the building that was the Coachmen's, there is a lot of space that could be rented near the post office in the hollow. She is concerned that if this is built and her little park of green space is taken away on the corner, who will consider some of those

other spaces that are available. There is a really big office space player, North Forest Property, that is in the Williamsville and Clarence area. Her and her husband have rented two (2) of their spaces. Their closest location is Wehrle Drive and Harris Hill Road. She does not think the proposed office space/building is needed. If it is approved she wondered what type of office rentals will be there. There were just three buildings built across from the post office. She suggested turning the building so the little park area is in front of the building. The proposal only increases the view for the people inside the court yard area, if the park was moved outside the building it would make it more appealing for those driving by. In the evening when things are not open for business, that will be a lovely building because it matches the other two (2) buildings but during the daytime hours when the businesses are open, you're basically building another parking lot. Ms. Condrell visited the site today at 4:00 pm and found it to be a busy place. There is no one in the first building, why is there more being built when there is all that rental space in Clarence?

Ms. Salvati explained that people have the right to build; the owner of the property has met the code. It is assumed that the applicant makes marketing decisions as to whether or not they will be able to make a return on their investment. The Planning Board cannot tell the owner he can't build office space just because there is available space elsewhere.

Mr. Pazda reminded the audience that this proposal had prior approval and a lot of this conversation/discussion has already been had. Mrs. Salvati said this project has already been through the entire environmental review process and, because what is being proposed here is not much different than what was proposed in the past, that decision, which was a Negative Declaration, would stand.

Mr. Klotzbach noted, for the record, that the previous Mazia's rented portion of the existing building is now leased open to office space, which results in a reduction of parking requirements. Mr. Schultz said they have no potential tenants in mind at this point. He noted that if the green space is very important to someone he is always happy to sell that space to them so they can keep it green or donate it to the Town to keep it green, he does not have to build a building there. Mr. Schultz said as far as the courtyard facing the road, it's not a courtyard if it faces the road. The reason it is a nice courtyard is because you're not looking at traffic driving by. The building being proposed will match the architecture of the existing buildings.

Ms. Condrell asked if the Town ever offered to buy that piece of property or did the owner of the property ever offer it to the Town to keep the green space. Mr. Schultz said they have sold space to the Town in the past, the corner of Greiner Road and Goodrich Road, for instance. Monetarily, it would not make sense to sell the green space of this project; it is much more valuable because it is commercial space. Ms. Salvati explained that the Town has the Greenprint Program and the criteria for the lands that they look to acquire are that it has significant environmental characteristics that they want to preserve. This project has lawn and man-installed landscaping on it. Ms. Salvati said the proximity of this space to the Town Park would be another reason the Town may not look to acquire this particular corner.

ACTION:

Motion by Paul Shear, seconded by Steve Dale, to **approve** the Concept Plan for a proposed 8700+/- square foot structure within the existing Victoria Park Plaza as per the concept drawings as submitted by K2 Architects dated January 24, 2013, with the following conditions:

- 1.) Subject to Landscape Committee review and approval of a final Landscape Plan.
- 2.) Subject to Open Space and Recreation Fees.

ON THE QUESTION:

A Negative Declaration under the New York State Environmental Quality Review Act (SEQRA) was issued by the Town Board on the proposed additional building on March 24, 2004.

Steve Dale	Aye	Gregory Todaro	Aye
Timothy Pazda	Aye	Paul Shear	Aye
Wendy Salvati	Aye		

MOTION CARRIED.

ACTION:

Motion by Gregory Todaro, seconded by Paul Shear, to **recommend** the Town board issue a Special Exception Use Permit to allow for the cumulative size of structures within Victoria Park Plaza to exceed 30,000 square feet.

Steve Dale	Aye	Gregory Todaro	Aye
Timothy Pazda	Aye	Paul Shear	Aye
Wendy Salvati	Aye		

MOTION CARRIED.

Meeting adjourned at 8:05 p.m.

Carolyn Delgato
Senior Clerk Typist