

Town of Clarence
One Town Place, Clarence, NY 14031
Planning Board Minutes
Wednesday July 20, 2016

Work Session 6:00 pm
Status of TEQR Coordinated Reviews
Review of Agenda Items
Miscellaneous

Agenda Items 7:00 pm
Approval of Minutes

Item 1

Clarence Hollow Bistro
10641 Main Street

Requests a Site Plan Amendment to allow for a redesigned parking lot wall.

Item 2

Wild Bill's Hickory BBQ
9105 Sheridan Drive

Requests a Building Permit and Architectural Approval for a proposed façade update.

Chairman Robert Sackett called the meeting to order at 7:00 p.m.

Councilman Paul Shear led the pledge to the flag.

Planning Board Members present:

Chairman Robert Sackett
2nd Vice-Chairperson Wendy Salvati
Gregory Todaro

1st Vice-Chairman Richard Bigler
Timothy Pazda
Jeffrey Buckley

Planning Board Members absent: Steven Dale

Town Officials Present:

Asst. Director of Community Development Jonathan Bleuer
Councilman Paul Shear
Deputy Town Attorney Steven Bengart

Other Interested Parties Present:

Bill Richer
Louis Coppola
Bernie Kolber

Ray Skaine
Roy Olsen

Fred Cook
Jason Krull

Kathy Yu
Jean and Bob O'Connell

Motion by Gregory Todaro, seconded by Richard Bigler, to **approve** the minutes of the meeting held on June 15, 2016, as written.

Jeffrey Buckley	Aye	Gregory Todaro	Aye
Timothy Pazda	Aye	Wendy Salvati	Aye
Richard Bigler	Aye	Robert Sackett	Aye

MOTION CARRIED.

Chairman Sackett explained the protocol for the meeting noting that Mr. Bleuer will introduce each project. The applicant has the opportunity to add comments regarding the project. The Board will then ask the applicant questions. Members of the audience are provided the opportunity to speak on the project. A three (3) minute limit will be enforced for each member of the audience who wishes to speak. The applicant is then asked to address any comments brought up, if he can. The Board will then take an action.

Item 1

Clarence Hollow Bistro
10641 Main Street

Requests a Site Plan Amendment to allow for a redesigned parking lot wall.

DISCUSSION:

Mr. Bleuer provided the background on the project noting that it is located on the south side of Main Street, east of Ransom Road. It is an existing restaurant in the Traditional Neighborhood District. The applicant is seeking a recommendation to the Town Board for an amended design of the previously approved retaining wall on the east side of the property. The applicant is also prepared to describe the south and west side of the parking lot this evening.

Dave Sutton, of Sutton Architecture, explained that there is a retaining wall at the back portion of the west property line. The proposal for the front part of the west property line is for a 6’ high vinyl fence. Mr. Sutton submitted a swatch of the material that will be used, the color is “Clay Certagrain”. The reason for this color is because it closely resembles the color scheme on the building, it will tie the whole site together while complimenting the addition that is already in place. The 6’ high privacy fence will also be installed on the east side, this will screen the neighboring auto shop property. In order to protect the fence bumper stops will be installed. The south portion of the property has been regraded to adjust for the difference in grade. The intention is to plant Myrtle, which is an aggressive growing ivy. The ivy will soften/buffer the transition between the grades, it will also help to hold that soil in place. The sheet piles are in place for the retaining wall, they need to be cut down accordingly and enhanced for architectural approval. The rendition that is on display for all those see at the meeting is the final rendition and is what the applicant is proposing. Mr. Sutton speaks to the safety issue and said he and the Building Department agree that a 42” minimum guardrail is required for protection, this is NYS Code. The height of the wood rail on the top will be establishing a minimum of 42”. He said “minimum” because the grade slopes, he anticipates the maximum will be approximately 8”-10” above the 42” minimum. The steel pilings will be cut down to a minimum of 30”, this will allow all the code regulations for the guardrail to be met and will allow transparency. The rail adds an architectural feature and does not invite kids to use it as a launch pad, a seating area or a skateboard opportunity. A 2’ by 6’ wood board will be installed on the east side, this board is not intended to be a guardrail for car bumpers, it is actually a decorative feature to help break up the metal sheet piles. The actual sheet piles will act as the guard rail protector for a bumper or other opportunities from a vehicle or from falling over the edge, this meets NYS code for people and for vehicles. There is a corrugated feature on the west side of the wall, on every third sheet pile there will be a wire mesh that will allow tumbled stone to be placed in there,

this will break up the wall and add texturing. The sheet pile is intended to rust naturally. There will be some type of ivy installed to grow up the mesh, this will soften the look of the wall.

Mr. Buckley asked if the applicant is proposing any type of treatment or painting on the sheet pilings on east or west side. Mr. Sutton said no, the intention is that they produce a natural rust color that will work well with the other natural materials they will be using.

Ray Skaine, of 5296 Willow Lake Court, said he cannot believe that this has been dragged out for so long. He believes the Hollow Bistro is a wonderful addition to the Hollow and he hopes the Board will approve this design and go forward.

Jason Krull, of Cornerstone Bar and Grill 10651 Main Street, said he thinks the fence will be good for both sides. He thinks the new proposed guard rail plan looks good and is safer than the last plan. His concern is the maintenance of the wall on his side since it is on a shared property line. How will it be maintained, operated, fixed or put in? He went on to say that there was supposed to be a guardrail at the rear of the property in the original plan approved by the Town Board and now there is nothing there, he has a safety concern. Mr. Krull would also like a timetable because he cannot finish his side of the wall until it's finished. He would also appreciate this project moving forward.

Lewis Coppola is the property owner on the other side of the project property. He owns the Body Shop and has been there for 18 years. He is a supporter of the Bistro, they are a great family and a great business and they are doing a great job. He would like to see the project move forward.

Jeff Ferger, of 4870 Sawmill, said the plan looks great and he cannot wait to see it completed. All those who live on Sawmill and those who use the bike path would like to see this completed, as well.

Bob O'Connell, of 10646 Main Street, said he and his wife Jean are shocked at how long it has taken to get through this project. They have watched the project from the beginning. There has been a derelict terrible looking building across from them for years, then he saw the Yu's go through the process of trying to improve it and there was nothing but road blocks in their way. He asked the Board to put an end to the nonsense and approve the railing system and put an end to this project review.

Roy Olsen, of 4888 Sawmill Road, said he is not for this plan and does not care how long it takes to get it right. He said steel sheet piles made their debut at the end of the 19th century. Up until that point wood was a common material used for retaining walls. In the early 20th century, someone in Germany came up with corrugated steel that we see rusting out there today. Clarence was formally established in 1808. Master Plan 2015 Page 6, No. 2 guides the Board.

Mr. Sutton referred to the question regarding the maintenance of the east side of the wall has been incorporated into the design. The rail system and any maintenance that needs to be done can be done from the west side of the wall. They are in full acknowledgement that this sheet pile/retaining wall is right on the property line. It has been designed so that all repairs and installation can be done from the west side of the wall. With regards to the south side of the property, the design redirection for not having the pile there and having the grade was a result of the approval process. They were asked to remove a couple parking spaces and not put that retaining wall back there, to grade it down naturally. The omission of the sheet pile was done in cooperation with the Planning Board and other Town entities. With regards to the timetable they hope to complete it during this season. They do not know how long it will take because they have not been unable to send it out to bid because it keeps changing.

Mrs. Salvati asked how the snow will be handled. Mr. Sutton said it will be piled up in the back, it will not hurt the Myrtle. If there is excessive snow that is detrimental to the business, it will be bucketed out and transported off site.

ACTION:

Motion by Timothy Pazda, seconded by Gregory Todaro, to **recommend approval** of the amended design for a parking lot wall at 10641 Main Street as per the submitted drawing from Sutton Architects dated July 11, 2016, with the following conditions:

1. Fencing to be installed as per submitted site plan.
2. Wheel stops/curbs to be placed to protect fencing and decorative walls.

Jeffrey Buckley	Aye	Gregory Todaro	Aye
Timothy Pazda	Aye	Wendy Salvati	Aye
Richard Bigler	Aye	Robert Sackett	Aye

MOTION CARRIED.

Item 2

Wild Bill’s Hickory BBQ
9105 Sheridan Drive

Requests a Building Permit and Architectural Approval for a proposed façade update.

DISCUSSION:

Mr. Bleuer provided the background on the project noting that it is located on the south side of Sheridan Drive west of Thompson Road and Main Street. It is an existing restaurant, formerly Emily’s Diner, in the Commercial Zoning classification. The applicant is requesting a building permit and architectural approval for a façade update and a 1,620 square foot addition to the rear of the existing restaurant. The proposal is considered a Type II Action therefore no further review under the State Environmental Quality Review Act will be required.

Dave Sutton, from Sutton Architects, referenced the concept sketch that is on display for all to see. The materials that will be used for the front will have a rustic wood look to it, reflective of the barbeque establishment that is going to exist in the building. Most of the windows will remain, the entrance will be redefined to the center, up above they will build out a bit to provide a signage opportunity and eliminate some windows on the second floor. The addition off the back will primarily be a kitchen and used to house the smokers. It will be a one-story addition. The second floor of the existing building will be painted.

Bernie Kolber has owned the property since 2006 and he will maintain the ownership. He has agreed to let Wild Bill’s Hickory BBQ operate from this location. He said eventually he will be repaving the parking lot and enhancing the whole area. He will add landscaping. The intention is to keep the wood look going all around the building without overdoing it.

Chairman Sackett makes sure the applicant understands that no sign is being approved at this meeting, a sign would be approved under separate application. The applicant understands. Chairman Sackett noted

that the Town's Landscaping code requires 8% interior landscaping on parking, he asked the applicant what his intention is for landscaping. He also asked for the timetable of the project.

Mr. Kolber said the timetable is as soon as possible. The food is seasonal. He noted that the position of the building on the site constraints the parking and landscaping. The building sits 50' from the right-of-way, the setback in this area is 80' from the right-of-way. If they do too much on the site they will lose a whole row of parking. Behind the building to the right side is the septic system, to the left, eventually, will be more parking. They will invest in landscaping the property. The parking lot will be striped. The septic system need rehabilitation.

Mr. Sutton said the parking spaces indicated on the site plan indicate the number of spaces required for the business as is. They realize they will need to go back to the drawing board for the introduction of outdoor seating, they will be looking at the parking lot, and they will have to come back before this Board. At this point, they are looking at an existing condition that they want to fix up from a maintenance standpoint by striping the parking lot, adding landscaping and renovate the façade. They realize if they were to do anything more than that it would trigger the 8% and they would re-evaluate the plan. Chairman Sackett said that the property has 10 parking spaces so per the code that triggers 8%. Mr. Sutton said they are existing spaces. Chairman Sackett said they are existing unstriped spaces.

Mr. Buckley asked what the intention is for the second story. Mr. Kolber said it was an apartment in the past but it is in bad shape now. Mr. Sutton said they will fix it up and use it as storage or support space for the business.

Mr. Todaro said the prior business used to have parking parallel to Sheridan Drive, when the lot got too full. He asked if this will be the case with the new restaurant. Mr. Kolber said whatever works best in the parking layout.

Mrs. Salvati suggested that when the applicant makes any parking changes he coordinate it with the Planning Office.

ACTION:

Motion by Gregory Todaro, seconded by Richard Bigler, to **approve** the architectural style of the proposed renovations to 9105 Sheridan Drive as per the submitted drawings from Sutton Architects received in the Planning and Zoning Office on July 6, 2016, with the following conditions:

1. Landscape plan approval by the Landscape Committee prior to building permit issuance.
2. Review and approval by the Building and Engineering Department of required building permits on the project.
3. Subject to Open Space and Recreation Fees.

ON THE QUESTION:

Chairman Sackett asked if the applicant understands and agrees with the conditions. Mr. Kolber questioned the landscaping saying with the way the parking lot exists, 8% landscaping within it cannot be achieved or they would lose a whole row of parking. Chairman Sackett said the Landscape Committee

will apply the code as advised by the Attorney's Office if there is a question. Mr. Kolber confirmed that he will stripe the parking.

The applicant understands and agreed with the conditions.

Mrs. Salvati asked about the longevity of the proposed siding. Mr. Sutton said it will be stained and sealed.

Jeffrey Buckley	Aye	Gregory Todaro	Aye
Timothy Pazda	Aye	Wendy Salvati	Aye
Richard Bigler	Aye	Robert Sackett	Aye

MOTION CARRIED.

Meeting adjourned at 7:45 p.m.

Carolyn Delgato
Senior Clerk Typist