

Town of Clarence  
Planning Board Minutes  
Wednesday February 20, 2008

**Work Session 6:30 pm**

Roll Call  
Update on Pending Items  
Zoning Reports  
Committee Reports  
Miscellaneous

**Agenda Items 7:30 pm**

Approval of Minutes

**Item 1**

Frey's Old Time Furniture  
Commercial

Requests Concept Approval for a new retail  
addition at 9992 Main Street.

**Item 2**

First Presbyterian Church  
Community Facility

Requests recommendation on Development Plan  
and Architectural Approval for an addition to  
existing church at 9675 Main Street.

**Item 3**

Essex Homes/Shadow Woods  
Residential Single-Family

Requests Preliminary Concept Review of a  
proposed Open Space Design Subdivision on  
Goodrich Road.

**Item 4**

Dash's Market  
Traditional Neighborhood District

Requests approval on a free standing plaza sign at  
8845 Main Street.

**Item 5**

Architectural Design Standard

Discussion.

Chairman Gerald Drinkard called the meeting to order at 7:30 p.m. Councilman Peter DiCostanzo led the pledge to the flag.

Planning Board Members Present:

Chairman Gerald Drinkard  
2<sup>nd</sup> Vice Chairman Timothy Pazda  
George Van Nest

1<sup>st</sup> Vice Chairperson Wendy Salvati  
Jeffrey Grenzebach  
Richard Bigler

Planning Board Members Absent:

Albert Schultz

Other Town Officials Present:

Director of Community Development James Callahan  
Planner Brad Packard  
Councilman Peter DiCostanzo  
Deputy Town Attorney David Donohue

Other Interested Parties Present:

George Deal	Elizabeth Myszka
Janine Myszka	Charles Berndt
Don Aubrecht	Elizabeth Buscaglia
Joe Dash	David Chiarolanza

Chairman Drinkard reads a preamble: The Planning Board is a recommending body who may vote to refer agenda items to other committees such as TEQR, Fire Advisory or Traffic Safety for their study and comment. The Planning Board may vote to recommend an action to the Town Board with conditions. The Town Board is the governing body of the Town of Clarence and as such will have the final vote on each item.

Chairman Drinkard explains the process each agenda item will follow. After an introduction by the Director of Community Development James Callahan, the applicant will have the opportunity to speak on the project. The Planning Board members will then have an opportunity to discuss the project with the applicant. The public will then be offered the opportunity to speak on the subject with a limit of three (3) minutes per speaker. All commentary from the public is to be addressed to the Planning Board not to the applicant. The applicant will then be given the opportunity to respond. The Planning Board will then call for a motion with appropriate conditions and a roll call vote will be taken.

**Approval of Minutes:**

Motion by Timothy Pazda, seconded by Jeffrey Grenzebach, to **approve** the minutes of the meeting held on February 6, 2008, as written.

Richard Bigler	Aye	George Van Nest	Aye
Jeffrey Grenzebach	Aye	Timothy Pazda	Aye
Wendy Salvati	Aye	Gerald Drinkard	Aye

MOTION CARRIED.

**Item 1**

Frey's Old Time Furniture  
Commercial

Requests Concept Approval for a new retail  
addition at 9992 Main Street.

**DISCUSSION:**

Jim Callahan provides the background on the project. It is located on the north side of Main Street, east of Kraus Road and consists of approximately 8.2 acres in the Commercial Zone with Residential Zoning to the rear of the property. There is an existing furniture store and warehouse operation at the site; the applicant is proposing a large expansion to the rear of the property. The application was tabled at the February 6, 2008 Planning Board meeting pending information and site plan modification.

Douglas Klotzbach, of K2 Architecture, is the architect on the project and is representing the applicant. Mr. Klotzbach explains that the landscaping along the Kraus Road frontage has been addressed. He intends on putting a stabilized sod were the existing driveway is. He also plans to add some deciduous trees along the right-of-way and re-work the arborvitae by taking out what is not appropriate and putting in new plantings along the front of the building. The outside storage that will remain has been identified in the rear of the property; the parking in this area has been reduced to straight-line parking. Landscape islands have been included in the parking lot as well as along the east side.

Jim Callahan clarifies that, due to the size of the proposed structure, a Special Exception Use Permit (SEUP) is required, as issued by the Town Board.

Mr. Klotzbach said there will be shielded down lighting on the site. There will be down lighting inside the two canopies in the entrances; one to the south and one to the east. Around the outside of the building will be shielded down lighting. He refers to the site plan and explains that there is existing lighting at buildings "D" and "B".

Mr. Klotzbach said the parking is based on employees due to the nature of the business. If future parking is needed, the area to the west of the new construction can be utilized.

Chairman Drinkard recalls the applicant indicating the current surface area is impervious; he voices his concern with putting a building on this area he recommends the Engineering Department pay special attention to this issue. Mr. Klotzbach said he discussed this issue with Bill Smyth and referred to the idea of doing a General Provision Permit, Mr. Smyth responded with an e-mail, a copy is on file. The e-mail indicated that a permit does not have to be obtained because the project is not taking out product, it is adding to.

The building to be added is 39,000 square feet, all used as retail. The additional warehouse area is 2,345 square feet. Mr. Klotzbach explains that the actual total square feet is 47,000 because of the mezzanine.

Timothy Pazda reads the Fire Advisory's comments: The applicant can keep the stone driveway on Kraus Road and make it a fire lane access for the buildings in the back. Mr. Pazda said when snow plowing the snow should not be pushed up against that fence, so the fire lane is still accessible during the winter months. Mr. Klotzbach does not have a problem with a condition being set for the maintenance of the fire lane, however, voices his concern with plowing this area as it will be sod and it is difficult to plow over sod. Deputy Town Attorney David Donohue points out that the neighbors have asked that this area be left as an unused driveway. Mr. Klotzbach said this has been a fire exit since the beginning of the project. Chairman Drinkard would like to see this area grassed and maintained. Wendy Salvati agrees.

Wendy Salvati voices her concern with the total building area being 110,000 square feet; she feels it is too big; she questions a future use at the site. She is also concerned with how the trucks will maneuver on the site. The Town Board needs to consider the size of the building area.

Chairman Drinkard said a Short Form EAF has been submitted.

**ACTION:**

Motion by Chairman Gerald Drinkard, seconded by Jeffrey Grenzebach, to **recommend** a Negative Declaration for this project, this is an Unlisted Action under SEQRA. The changes proposed will not have a significant impact on the environment; this is outlined on the EAF Form that is currently on file.

Richard Bigler	Aye	George Van Nest	Nay
Jeffrey Grenzebach	Aye	Timothy Pazda	Aye
Wendy Salvati	Nay	Gerald Drinkard	Aye

MOTION CARRIED.

**ACTION:**

Motion by Chairman Gerald Drinkard, seconded by Jeffrey Grenzebach, to **recommend** Concept approval for a new retail warehouse building of approximately 39,000 square feet on the properties at 9992 Main Street with the following conditions:

- Landscape Committee Approval.
- Lighting installed will use down lighting fixtures and will be shielded as described.
- The new building will be fully sprinklered.
- During the Engineer’s review special attention will be paid to storm water handling, this attention will be carried through at Development Plan as well.
- The recommended number of parking spaces is sufficient based on warehouse/retail type business.

**ON THE QUESTION:**

Mr. Grenzebach suggests a condition be added to the motion:

- The fire lane that opens up to Kraus Road is to be maintained.

Chairman Drinkard explains that the project requires a Special Exception Use Permit (SEUP) because the proposal exceeds 30,000 square feet. The Planning Board would like to point out that the addition of this building totally maximizes the use of this property, although the proposal is within the Law and the Master Plan, it should be considered when issuing the SEUP.

Wendy Salvati asked if the Planning Board is making a recommendation against the SEUP. Chairman Drinkard clarifies they are making a recommendation for it, but are asking the Town Board to consider the fact that the use of the property will be maxed out.

Richard Bigler	Aye	George Van Nest	Aye
Jeffrey Grenzebach	Aye	Timothy Pazda	Aye
Wendy Salvati	Nay	Gerald Drinkard	Aye

MOTION CARRIED.

**Item 2**

First Presbyterian Church  
Community Facility

Requests recommendation on Development Plan and Architectural Approval for an addition to existing church at 9675 Main Street.

**DISCUSSION:**

Jim Callahan provides the history on the project. It is located on the south side of Main Street, east of Gunnville Road and consists of approximately 5.5 acres. The applicant is proposing an expansion to the existing church per the submitted designs. A Negative Declaration under SEQRA was issued by the Town Board and Concept Approval was recommended at the February 6, 2008 Planning Board meeting. The applicant is present.

Don Aubrecht, architect with Fontanese, Folts, Aubrecht, Ernst and Bammel Architects, is representing the applicant. Two people from the project's Building Committee are present. Mr. Aubrecht refers to the Landscape Committee review, which was found to be favorable. There was further review required by the Engineers Department; the applicant submitted further information which was found to be acceptable by the Engineering Department. Chairman Drinkard said there is a Landscape Approval on file dated February 12, 2008.

**ACTION:**

Motion by Timothy Pazda, seconded by Wendy Salvati, to **recommend** Development Plan Approval for the addition to the First Presbyterian Church located at 9675 Main Street with the following conditions:

- Payment of applicable fees.
- Based on the requirements outline in the Town Engineer's letter dated February 11, 2008.

Richard Bigler	Aye	George Van Nest	Aye
Jeffrey Grenzebach	Aye	Timothy Pazda	Aye
Wendy Salvati	Aye	Gerald Drinkard	Aye

MOTION CARRIED.

**Item 3**

Essex Homes/Shadow Woods  
Residential Single-Family

Requests Preliminary Concept Review of a proposed Open Space Design Subdivision on Goodrich Road.

**DISCUSSION:**

A representative is not yet present. Item 3 will be moved to the end of the agenda.

**Item 4**

Dash’s Market  
Traditional Neighborhood District

Requests approval on a free standing plaza sign at  
8845 Main Street.

**DISCUSSION:**

Jim Callahan provides the background on the request. The property is located on the south side of Main Street between Cameron Drive and Roxberry Drive. It is a previously approved plaza and is seeking approval for a monument sign. Per the Sign Law the Planning Board has authority to approve plaza signs.

Elizabeth Buscaglia, architect for the project, and owner Joe Dash are present. Ms. Buscaglia explains that the total square footage of the sign is 82’ per side, this includes the base. The sign is 14’ high and 11’ feet wide. The sign will support the plaza which has two potential tenants. The Dash’s sign itself is 5’ 2” by 8’ equaling approximately 40 square feet. The tenant’s sign would be 3’ 6” by 8’. The sign face will be approximately 64 square feet. The sign will have a stone bottom and base with an EFIS body. The Dash’s sign will be individual internally illuminated letters with the underscore. The tenant’s sign will be a lit sign box; internally lit.

Wendy Salvati explains that the existing regulations do not provide much guidance for signage for plazas. The Planning Board recognizes the sign restrictions in the Traditional Neighborhood District are too restrictive for this use. They used guidance from the Commerical district sign regulations, as they felt this appropriate given the use of the site, which is plaza. The existing sign is approximately 20’, the applicant is asking for approval on a 14’ high sign. Under the code the applicant is grandfathered and could ask for a 20’ pole sign. There is not a lot of land to work with in the parking lot; this project is the redevelopment of an existing site. The sign can not go in the right-of-way. The applicant is working with the Town to obtain an acceptable sign.

Wendy Salvati cautions the applicant that when landscaping around the sign be sure to choose plants that will be tolerant of salt. She also cautions the applicant to be careful when snow plowing around this area.

Timothy Pazda appreciates the applicant working with the Town on this sign.

**ACTION:**

Motion by Timothy Pazda, seconded by George Van Nest, to **request approval** of a plaza sign at 8845 Main Street as described.

Richard Bigler	Aye	George Van Nest	Aye
Jeffrey Grenzebach	Aye	Timothy Pazda	Aye
Wendy Salvati	Aye	Gerald Drinkard	Aye

**MOTION CARRIED.**

**Item 3**

Essex Homes/Shadow Woods  
Residential Single-Family

Requests Preliminary Concept Review of a  
proposed Open Space Design Subdivision on  
Goodrich Road.

**DISCUSSION:**

Jim Callahan provides the history on the project. It is located on the west side of Goodrich Road, north of the Keller Road intersection and consists of approximately 69 acres. It is within the Clarence Sewer District No. 2. The final density determination has been made by the Town Board. The applicant is present to initiate the formal review process for the plan which was forwarded by the Town Board on February 16, 2008.

David Chiarolanza, with Essex Homes, is present and hopes to be referred to the TEQR Committee.

Wendy Salvati voices her concern regarding five (5) lots that encroach on the 100' regulated buffer area for the wetland, she is not sure this can be done. Mr. Chiarolanza said he will be meeting with the DEC to discuss. Chairman Drinkard said there were two items discussed at the previous meeting; one was to move the four (4) lots out of the buffer the other was to put the conservation easement behind the lots. This project requires SEQRA review, the applicant is aware of this. Ms. Salvati voices another concern that a lot to the front of the property infringes on the Federal Wetland area; she said the Planning Board asked that this lot be eliminated. Mr. Chiarolanza said he will discuss the issue of the easement behind the lots with the DEC and the Army Corp of Engineers. Chairman Drinkard said the Homeowners Association Agreement will list any easements and will need to be approved by the Town Attorney. Mr. Chiarolanza is aware of this.

Chairman Drinkard points out the area that is to be protected with a snow fence during construction. Mr. Chiarolanza agrees to this.

Chairman Drinkard noted that neighbors of the project site voiced concerns regarding traffic at previous meetings. This will be brought to the Traffic Safety Committee's attention when the project is referred. Chairman Drinkard also refers to the lift station at the site and notes that the applicant is in discussion with the Town Engineer regarding the lift.

**ACTION:**

Motion by Chairman Gerald Drinkard, seconded by Richard Bigler, to **refer** the Shadow Woods Subdivision to the TEQR, Traffic Safety and Fire Advisory Committees.

**ON THE QUESTION:**

Wendy Salvati asked for clarification on whether there is a second phase to the project. Mr. Chiarolanza confirms there is a Phase II and indicates that a plan has been submitted showing this. Chairman Drinkard said the Phase II lots have been delineated. Mr. Chiarolanza refers to the site plan and indicates the area is being used as offsite mitigation for wetlands as they are digging a roadway through wetland, this will be reviewed with the DEC.

Wendy Salvati recommends the TEQR Committee look at Phase II of the project and the fact that it shows a stub roadway and to take into consideration potential segmentation.

Richard Bigler	Aye	George Van Nest	Aye
Jeffrey Grenzebach	Aye	Timothy Pazda	Aye
Wendy Salvati	Aye	Gerald Drinkard	Aye

MOTION CARRIED.

**Item 5**

Architectural Design Standard

Discussion.

**DISCUSSION:**

Jim Callahan said the Architectural Design Standards have been continuously worked on; comments have been received by some Planning Board members and are being incorporated into the final draft. The Planning and Zoning Department will prepare a final draft by the next Planning Board meeting. If anyone has further comments they are asked to forward them to the Planning and Zoning office immediately.

Wendy Salvati suggests using photos or other illustrations in the regulations to provide visual examples. She distributes examples of photos showing dumpster fencing, facades and roof treatments. She felt the regulations were “light” on access management and lighting. Chairman Drinkard said pictures may be too limiting or subjective, however, examples are good.

Timothy Pazda thanks Jim Callahan and Richard Bigler for their help with the Chili/Chowder Cook-Off held at the recent Winterfest event.

Meeting adjourned at 8:20 p.m.

Carolyn Delgato  
Senior Clerk Typist