

Town of Clarence
Planning Board Minutes
Wednesday March 19, 2008

Work Session 6:30 pm

Roll Call
Update on Pending Items
Zoning Reports
Committee Reports
Miscellaneous

Agenda Items 7:00 pm

Approval of Minutes

Item 1

Eric Ogren
Major Arterial/Residential Single-Family

Requests a Recommendation for Change-In-Use from vacant, former pool store, to a salon at 6051 Transit Road.

Item 2

Roy Jordan
Major Arterial/Residential Single-Family

Requests an Amendment to Master Plan 2015 to extend Commercial Zoning to a greater depth at 6051 Transit Road.

Item 3

Administrative Review Fees

Recommendation.

Item 4

Architectural Review Fees

Recommendation.

Chairman Gerald Drinkard called the meeting to order at 7:05 p.m. Councilman Peter DiCostanzo led the pledge to the flag.

Planning Board Members Present:

Chairman Gerald Drinkard
2nd Vice Chairman Timothy Pazda
George Van Nest
Albert Schultz

1st Vice Chairperson Wendy Salvati
Jeffrey Grenzebach
Richard Bigler

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:

David Huck
Roy Jordan

Cliff Dowahower
Brian Intihar

Motion by Timothy Pazda, seconded by Jeffrey Grenzebach, to **approve** the minutes of the meeting held on February 20, 2008, as written.

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

MOTION CARRIED.

Motion by Timothy Pazda, seconded by Jeffrey Grenzebach, to **approve** the minutes of the meeting held on March 5, 2008 with the following amendment:

-First Vice-Chairperson Wendy Salvati is recognized as arriving at the meeting at 7:11 p.m.

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

MOTION CARRIED.

Chairman Drinkard explains that the Planning Board is a recommending body that may refer agenda items to other committees such as the TEQR Committee, Fire Advisory and 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 and as such will have the final vote on the item. The procedure for agenda items starts with Jim Callahan introducing and providing a brief history of the item. The applicant will then have the opportunity to speak on the project. The Planning Board members will then have an opportunity to ask questions. The public will be offered the opportunity to speak on the subject; all commentary will be addressed to the Planning Board. The applicant will then have the opportunity to respond to the public comment. A motion will be called for with a roll call vote.

Item 1

Eric Ogren
Major Arterial/Residential Single-Family

Requests a Recommendation for Change-In-Use from vacant, former pool store, to a salon at 6051 Transit Road.

DISCUSSION:

Jim Callahan provides the background on the project. It is located on the east side of Transit Road, north of Clarence Center Road. It is an existing vacant building, a former pool store, on

approximately 7 tenths of an acre in the Major Arterial Zone. The proposed change in use from vacant to salon for existing structure was referred from the Town Board for comment and recommendation.

Gene Metzinger is representing the applicant and explains that the project is 30'-32' away from the road. At this time, there will be no changes to the structure itself. Mr. Metzinger does not have any signage information but he is aware of the procedure in which the sign must go before the Sign Review Board.

Chairman Drinkard has had discussions with the Town Engineer and it is understood that the applicant is already sitting under a temporary permit for drainage and parking in the front.

Chairman Drinkard explains that on December 12, 2007 a Short Form EAF was approved.

ACTION:

Motion by Chairman Drinkard, seconded by Richard Bigler, to **recommend** to the Town Board a change-in-use from the current vacant building to a salon at 6051 Transit Road with the following conditions:

- The Town Engineers approval on drainage of the property.
- Landscape Plan approval.
- Payment of all required fees.

ON THE QUESTION:

Wendy Salvati suggests the Town Board consider what the building is going to look like.

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

MOTION CARRIED.

Chairman Drinkard explains that, on an annual basis, there is an opportunity for the general public to voice their comments/concerns or requests to change the Master Plan. This year there has been a number of requests for zoning changes. Item 2 on the agenda is in regards to a request for a zoning change. The Planning Board is looking at these requests from a broad perspective; wherever the zoning changes were requested the Board will look at the whole corridor. They will look at how the corridor is currently zoned, how could it be zoned and how is it literally used.

Albert Schultz explains that two of the properties that are being requested for a zone change are along Transit Road. Each of these parcels is currently zoned Major Arterial in the front and Residential in the back of the property. The sponsor on each of these two properties is requesting an increase in the Commercial type zoning to allow a larger facility at the site. The Planning Board would like to look at each property on the Transit Road corridor focusing on the stretch between Greiner Road and Swormville. Then the current land use will be looked at to serve the Transit Road corridor as a whole. For reviewing purposes, the Transit Road corridor has been broken into segments between the major roads and land uses for each parcel will be identified; an inventory of existing

businesses will be taken. The Planning Board will look at patterns, buffers and the communities behind the parcels and make recommendations to the Town Board. The recommendations are expected to be to the Town Board by May 1, 2008.

Item 2

Roy Jordan

Major Arterial/Residential Single-Family

Requests an Amendment to Master Plan 2015 to extend Commercial Zoning to a greater depth at 6051 Transit Road.

DISCUSSION:

Jim Callahan provides the history on the project. The property is located on the east side of Transit Road, north of Clarence Center Road. It is existing vacant land and it a former fence company. The applicant has requested a Master Plan Amendment to consider zoning the property to Commercial classification in the rear and to a greater depth than currently exists. The proposal was forwarded by the Town Board from the annual Public Hearing on the Master Plan.

Roy Jordan, from North Forest Office Providers, is present. He explains that he is requesting the backland of the parcel to be rezoned in order to build an office park at the location. His idea is to push the existing Major Arterial zone towards Transit Road and rezone the rest of the parcel Commercial. The reason for the request is that the Commercial Zone fits the size of the buildings Mr. Jordan would like to build; however, it does not necessarily fit the use of the buildings. He explains that the next logical step would be to deed restrict the use of the buildings to office buildings only. He has been in constant communications with the adjacent neighbors.

In response to Albert Schultz' question regarding the size of the proposed buildings, Mr. Jordan said there will be a couple buildings that are 18,600 square feet, another one at 15,000 square feet, another at 15,900 square feet and one more at 13,200 square feet. They would all be single story brick buildings with a pitched roof. Mr. Schultz said the applicant could live with a Restricted Business Use at the location with a Special Exception Use Permit (SEUP). Mr. Jordan agrees this suggestion would work as well and would be acceptable to him. The standard footprint works well for this type of office park. Chairman Drinkard asked if the applicant would agree to some type of buffer to soften the look for the adjacent neighbors. Mr. Jordan said absolutely; they've already met with the neighbors and promised them buffering; there will be no parking or service roads behind the building. Since this meeting is for the rezoning request, Chairman Drinkard said Mr. Jordan should take note of the buffering request for when and if the actual project goes before the Board. Mr. Jordan said the proper thing to do is to have both parties sign-off on the paperwork for the plan so when the Town Board votes on it there is no question.

Mr. Jordan submits a letter dated March 17, 2008 from a neighbor who could not attend the meeting this evening. Timothy Pazda reads it into the minutes: "To the Town of Clarence Planning Board: I would like to express my support for both the change in use for 6051 Transit Road and the extension of commercial zoning, to a depth that will accommodate the office buildings proposed by Roy Jordan. I am at 8024-8026 Clarence Center Road and abut the north side of the proposed zoning change. I am most happy to support this as I think of many other businesses that I would not be in favor of locating there. Regrettably I have to be at another function and can not attend this meeting, so I have asked Mr. Jordan to read and submit this letter to you. In summary, I strongly support this

project and hope that you can see the merits of this commercial zoning to a greater depth at 6051 Transit Road. Sincerely, Jerome R. Haas.” The letter is on file.

David Huck, of 6278 Gott Creek Trail, owns property along Transit Road and works in an office near the proposed project. Mr. Huck said he is concerned with taking away that much Residential zoning and putting in Commercial zoning, he does not like the precedent it sets. Most of the businesses in this area are neighborhood businesses, not big box businesses. He said it seems like exchanging Major Arterial for Commercial and then taking Commercial back even further is contrary to what most people do. No one came to him and asked what he thought. He owns property along Transit Road and he had to follow all the restrictions. The proposal with such a far intrusion becomes contrary to what the Plan is all about. He has no objection to the current zoning. He feels the request is inappropriate. Mr. Huck is a real estate developer and is aware of many of the conditions that affect a site.

Wendy Salvati points out that there are other properties zoned like this and there must be consistency with decision making.

ACTION:

Motion by Wendy Salvati, seconded by Timothy Pazda, to **table** agenda item # 2.

ON THE QUESTION:

Timothy Pazda clarifies that the action taken is for the rezoning request not the project.

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

MOTION CARRIED.

Item 3

Administrative Review Fees

Recommendation.

DISCUSSION:

Chairman Drinkard explains that the Town Board has asked the Planning Board to review the Administrative fees. Research and an analysis was done; models were created. The findings show the review of the fee structure for various functions in the planning process; these fees are the total amount of charge for projects prepared in many local communities and found to be reasonably close to most. A model for comparison purposes was developed to create a category of fees above a minor project but less than a major project. When an example was applied to the model it was concluded that there would be an insignificant change in revenue, but added paperwork and time to administer. The models and examples were discussed in detail at a Planning Board work session dated March 5, 2008. The request to study the administrative fees was made in a motion by the Town Board.

ACTION:

Motion by Chairman Drinkard, seconded by Timothy Pazda, to **recommend** maintaining the current fee structure with the following changes:

-Identify Preliminary Concept Review meetings on described fee charges as a per meeting charge prior to Concept Approval. This is in lieu of what was previously called a SEQRA meeting charge.

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

MOTION CARRIED.

Item 4

Architectural Design Requirements

Discussion.

DISCUSSION:

Jim Callahan explained that the Town Board referred the matter of Architectural Design Requirements to the Planning Board to consider recommendations on additional details or a mechanism to better monitor architectural design within the Commercial/Restricted Business zoning classification. A number of proposals have been looked at and models from other communities have been incorporated. The Planning Board needs to stream line the requirements and make it user friendly.

Brad Packard referred to Section 229-86 (B) and indicates that required greenbelt is 45'. He then referred to 229-88 (B) and explains that some members of the Planning Board felt the definition of a greenbelt was unnecessary while others thought it was. Wendy Salvati said the greenbelt needs to be defined. Mr. Packard referred to Section 229-89, the numbered items, and said that some members of the Board felt that the 7 items were relevant; most members took some pieces of the items out while others felt the items were not necessary.

Chairman Drinkard suggests striking numbers 1 thru 4 under Section 229-88 (C) as this will be reviewed and administered at the Landscape Review Committee level. A clause will be added to this section to reference the Landscape Review Committee. The Landscape Review Committee looks at the minutes of each project that is referred to them; they review the recommendations and conditions set by the Town Board and the Planning Board.

Mr. Packard said there were some drastic changes in the Architectural Standards section and the draft that was distributed this evening reflects them. Some of the changes were that of restructuring, condensing and simplifying.

Wendy Salvati suggests replacing the words “in-line buildings” with “attached buildings”.

Albert Schultz refers to Section 229-87 (G) and suggests ending the second sentence as follows: “All facilities shall provide sidewalks to access existing sidewalks.”

Deputy Town Attorney David Donohue said there is no need for a clause to send a project to the Landscape Review Committee because it is part of the procedure anyway.

Wendy Salvati suggests simplifying the standard by changing the code to say the Town does not want a standard franchise design. She clarifies further saying the code should say the Town does not want the standard building elevation, the Town wants to see different designs. Jim Callahan said the current minimum standards work; issues arise when the standards become too detailed. The standards do not need to get into the specific types of buildings.

Chairman Drinkard suggests striking items 1 through 7 under Section 229-89 (G). Deputy Town Attorney David Donohue suggests Brad Packard prepare another draft for the Planning Board members to review.

Jim Callahan suggests keeping the general standards in Section 229-89 and adding a canopy requirement under the Special Exception Use Permit section.

Meeting adjourned at 8:15 p.m.

Carolyn Delgato
Senior Clerk Typist