

Town of Clarence
Planning Board Minutes
Wednesday March 21, 2007

Work Session (6:30 PM)

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|---------------------------|---------------------|
| ➤ Roll Call | ➤ Committee reports |
| ➤ Minutes | ➤ Zoning reports |
| ➤ Sign review | ➤ Miscellaneous |
| ➤ Update on pending items | ➤ Agenda Items |

Agenda Items (7:30 PM)

Item 1

Uncle Bob's Self Storage
Commercial

Requests SEQR Determination and
Recommendation on Concept Approval for a new
storage building at 8175 Main Street.

Item 2

First Presbyterian Church
Community Facility

Requests Preliminary Concept Review of a
proposed addition to the existing church at 9675
Main Street.

Item 3

Frey's Old Time Furniture
Commercial

Requests Preliminary Concept Review of a
proposed addition to an existing retail/warehouse
facility at 9992 Main Street.

Item 4

Love Your Dog
Traditional Neighborhood

Requests Recommendation for a Temporary
Conditional Permit for overnight boarding at 6989
Transit Road.

Item 5

Spaulding Greens
Residential Single-Family

Requests Referral to the TEQR Committee for
Amended Open Space Design Development on
Goodrich Road.

Patricia Powers, Chairperson, called the meeting to order at 7:30 PM. Councilman Bylewski led the pledge to the flag.

Planning Board Members Present:

Patricia Powers, Chairperson
Gerald Drinkard, 2nd Vice Chairperson
Timothy Pazda

Wendy Salvati, 1st Vice Chairperson
Jeffrey Grenzebach
Richard Bigler

Planning Board Members Absent:

George Van Nest

Other Town Officials Present:

James Callahan, Director of Community Development
 Councilman Scott Bylewski
 David Donohue, Deputy Town Attorney

Other Interested Parties Present:

George Deal
 Jane Sweet
 Don Swanson
 Frank Butler

Charles Hodges
 Patrick Miner
 Hector Guerito
 Douglas Klotzbach

Item 1

Uncle Bob's Self Storage
 Commercial

Requests SEQR Determination and
 Recommendation on Concept Approval for a new
 storage building at 8175 Main Street.

DISCUSSION:

Jim Callahan provides the history on the project. It is located on the south side of Main Street, east of Transit Road. There is an existing self storage facility, the applicant has acquired adjoining property and will demolish the existing residential structures to accommodate the expansion of the existing facilities. The project was tabled at the last Planning Board meeting pending submittal of additional information.

Don Swanson, of APEX Consulting, is representing the applicant. He explains that a landscaping plan has been submitted for the existing site as well as the proposed project. He has also provided a larger aerial photo of the existing site overlaid with the proposed structure, which is a two-story, climate controlled self storage unit. The building façade for this project is 1,806 square feet; the 30% requirement allows 541 square feet of metal paneling. The rendering of the building shows the metal paneling at 531 square feet, which is 29.4%. The remainder of the building will be Drivit. The SEQRA form has been completed and submitted. The applicant will make every attempt to save the trees on the property.

Gerald Drinkard suggests the Landscape Review Committee review the landscape plan of the proposal. Wendy Salvati suggests the applicant use orange fencing/tape to screen the trees during the construction period.

Mr. Swanson explains that the proposed building is not attended; there is an office facility towards the front of the property where an employee would be.

The plan shows a few parking spaces, this is at the request of the applicant.

Gerald Drinkard asks if the existing gravel road is going to be paved. Mr. Swanson said the road will be reconstructed with asphalt pavement.

In response to Jeff Grenzebach’s question regarding a yellow line drawn on the rendering, Mr. Swanson explains that the yellow line indicates a sidewalk which leads to several man doors on the side of the building. All of the man doors are not accessible from the exterior of the building.

Mr. Swanson explains that the proposal is for two separate floors.

Mr. Swanson agrees to put in landscaping along the front of the property once he knows what is in there.

David Donohue asks where the air conditioning units will be, Mr. Swanson said they will be inside the building and not visible from the outside.

ACTION:

Motion by Patricia Powers, seconded by Wendy Salvati, to **recommend** the Town Board issue a Negative Declaration on the request for a new storage building at 8175 Main Street. The action is based on the fact that this is already disturbed property. It is also based on the information and analysis of the supporting short form EAF document, which indicates the proposed action will not result in any significant adverse environmental impacts.

Patricia Powers	Aye	Wendy Salvati	Aye
Gerald Drinkard	Aye	Jeffrey Grenzebach	Aye
Timothy Pazda	Aye	Richard Bigler	Aye

MOTION CARRIED.

ACTION:

Motion by Patricia Powers, seconded by Timothy Pazda, to **recommend** Concept Approval to the Town Board for the request for a new storage building at 8175 Main Street subject to the following conditions:

- Only man doors on the new building.
- No sign on the new building.
- An approved Landscape Plan.
- Any area to remain undisturbed shall be protected by orange fencing during the construction period.
- 541 square feet of metal paneling is permitted per the maximum percentage allowed.
- The remainder of the building will be Drivit.
- The road is to be paved.
- The air conditioning units are to be located on the inside of the building.

Patricia Powers	Aye	Wendy Salvati	Aye
Gerald Drinkard	Aye	Jeffrey Grenzebach	Aye
Timothy Pazda	Aye	Richard Bigler	Aye

MOTION CARRIED.

Item 2

First Presbyterian Church
Community Facility

Requests Preliminary Concept Review of a
proposed addition to the 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 Gunville Road, adjoining the Clarence High School Facility. It is an existing church located on approximately 5.5 acres. The project was introduced to the Town Board at the February 28, 2007 meeting and referred to the Planning Board.

Hector Guerito and Frank Butler are representing the applicant. Mr. Guerito said the objective of the project is that the applicant is looking to improve the quality of services and functions that the church provides to its congregation. They want to increase the seating capacity, improve the fellowship hall and the kitchen, as well as increasing the handicapped access to the building. The first area of the proposed addition is 6400 square feet and will be the sanctuary and gathering space. The worship space would provide an additional 100 seats. There would also be a chancel area at the west end of the building. The center isle of the worship space would be larger. There is a circulation addition which connects the existing building to the worship space. There will also be more bathroom facilities and they will be handicap accessible. There is a connecting corridor on the west end which would connect the chancel area to the lower level. The lower level will be a multi-purpose and choir practice room. Mr. Guerito said the building material of the proposed building will match that of the existing building; it will be brick.

Mr. Guerito said the current seating capacity of the church is 250. He refers to the Town Code in which it says 18" per person for seating capacity; he indicates that this project will probably use 24" per person for seating capacity.

Wendy Salvati said the Planning Board would like to see a chart such as a zoning data block showing what the existing zoning requirements are and what the applicant is proposing. Dimensions also need to be added to the plan.

Patricia Powers asked if the plan includes parking for the additional seating. The representative said the parking on the plan includes the additional seating. Patricia Powers asks what the current number of parking spaces is. Mr. Butler refers to the Town Codes which states one (1) parking space is needed for every four (4) seats. The current number of parking spaces is 122. The new plan will have 105 parking spaces; this is enough per the code. The parking spaces are striped. No one lives in the church. The driveways will be maintained as one-way in and one-way out. The circulation pattern will remain unchanged.

Mr. Drinkard asks if there are any landscaping plans. Mr. Guerito said they have a landscaping architect that will work with them.

Wendy Salvati suggests adding a feature to the front of the building to break up the large roof area; Mr. Pazda suggests mimicking the dormers on the side of the church. The applicant will look into.

Rick Bigler asks if the floor elevations will remain the same on the new church versus the existing church. Mr. Guerito said the new building will be ground or grade elevation. There will be no steps in the new addition and no basement.

Wendy Salvati suggests the applicant update the site plan to show where the other curb cuts are in the area.

Patricia Powers suggests the applicant put a sidewalk in connecting to the existing sidewalk on Main Street.

A representative said there will only be a couple of trees that will be lost, the septic system is in the front so additional plantings could not go in that area. The plan is for a courtyard between the new structure and the existing structure, this area would be landscaped.

ACTION:

Motion by Gerald Drinkard, seconded by Richard Bigler, to **table** the request for a preliminary Concept Review of a proposed addition to the existing church at 9675 Main Street pending further information.

ON THE QUESTION:

The applicant will need to submit the following:

- An Environmental Assessment Form.
- A site plan identifying the requested information regarding parking, zoning issues and setbacks.
- A plan showing the break up of the Main Street elevation, architecturally, either with dormers or something to break up the long roof line.
- Concept Plan Checklist, a Development Plan Checklist will be required at the appropriate time.
- A sidewalk to connect to the existing sidewalk on Main Street.

Patricia Powers	Aye	Wendy Salvati	Aye
Gerald Drinkard	Aye	Jeffrey Grenzebach	Aye
Timothy Pazda	Aye	Richard Bigler	Aye

MOTION CARRIED.

Item 3

Frey's Old Time Furniture
Commercial

Requests Preliminary Concept Review of a proposed addition to an existing retail/warehouse facility at 9992 Main Street.

DISCUSSION:

Jim Callahan provides the history on the project. It is located on the north east corner of Main Street and Kraus Road. It is an existing retail/warehouse facility located on approximately 8.2 acres. The applicant is proposing an expansion per the submitted design; the project was referred from the Town Board to the Planning Board on February 28, 2007.

Douglas Klotzbach, of Kasprzak & Klotzbach Architects, is representing the applicant and explains that recently a 2500 square foot building has been approved and is currently under construction at the site. In the past there was a proposal for an entrance to the site from Kraus Road,

however, it was turned down because there was negative impact from the SEQR review and comments from the public hearing. The current owner of the facility has not used this entrance at all. The proposed building would be a retail environment bringing the total retail space to approximately 40,000 square feet. Mr. Klotzbach has had conversations with Senior Building Inspector David Metzger with regards to fire hydrants and having the proposed building sprinklered and a fire wall installed. He will meet with the Town Engineer Joe Latona to discuss any drainage issues. The current square footage of the available retail space is just over 27,000 square feet. The proposal is for an additional building measuring just less than 20,000 square feet. The new building would connect to the old building and there would be no public access from the outside of the new building, the access to the proposed building would be through the existing building. There would be fire exits at the proposed building for emergencies only. The required fire access is 30', this proposal is at 60'. There are currently no loading docks; the applicant is considering possible docks at the north of the site in the future. No loading takes place at night, deliveries are strictly during the day hours.

Tim Pazda questions the parking and wonders if there will be enough with the addition of another retail building. Wendy Salvati explains that the applicant does not have enough parking to accommodate the site now. She goes on to say that the requirement for retail space is one (1) parking space for every 150 square feet, which means 309 parking spaces are needed, the applicant has 40. Mr. Klotzbach said the facility has never over used its parking; there are areas where parking can be expanded at the site. The applicant needs to seek a variance for the parking issue. Mr. Klotzbach points out that 90% of the facility is product and there is only one counter for sales. Jim Callahan said the way the code is written the Town Board has the ability to reduce the parking. Mr. Klotzbach said he has never heard of a parking issue since the business began in 1994.

Mr. Klotzbach explains that the side of the building that faces Kraus Road is proposed to be vinyl.

The landscaping will be continued along the building.

Patrick Miner, of 4818 Kraus Road, obtains clarification that the size of the proposed building addition is 19,995 square feet. He asks what is proposed for the Kraus Road portion of the site. Patricia Powers explains that the applicant is not proposing an entrance or an exit on Kraus Road. Gerald Drinkard suggests taking the gravel out of the area that looks like a make shift driveway on Kraus Road and putting grass in.

Councilman Bylewski refers to the Special Exception Use Permit (SEUP) and said if the total square footage of the site will be over 30,000 square feet; the applicant will need to meet the requirements of the SEUP.

Wendy Salvati points out the requirement for a side yard setback is 25'; the plan shows just over 10' on one side, she asks what the protocol is for this situation. Jim Callahan said the setback is pre-existing and established, thus the proposal conforms to the setback requirements.

Gerald Drinkard suggests the applicant come back to the Planning Board with commentary from the Fire Advisory Board.

Wendy Salvati would like to see a revised plan showing an attempt to resolve the parking issue; the applicant needs to lay out additional parking.

Jim Callahan suggests the Planning Board request a long Environmental Assessment Form (EAF).

ACTION:

Motion by Gerald Drinkard, seconded by Patricia Powers, to **table** the request for a proposed addition to an existing retail/warehouse facility at 9992 Main Street. The proposal will be sent to the Fire Advisory Board for review and comment. An EAF Long Form is required, as well as a plan showing the delineation of parking.

Patricia Powers	Aye	Wendy Salvati	Aye
Gerald Drinkard	Aye	Jeffrey Grenzebach	Aye
Timothy Pazda	Aye	Richard Bigler	Aye

MOTION CARRIED.

Item 4

Love Your Dog
Traditional Neighborhood

Requests Recommendation for a Temporary Conditional Permit for overnight boarding at 6989 Transit Road.

DISCUSSION:

Jim Callahan provides the history on the project. It is located on the east side of Transit Road, north of Stahley Road. It is an existing dog grooming operation; the project was tabled at the last meeting pending notification to adjoining property owners. The Town Board referred the operation to the Planning Board to identify any conditions in considering a Temporary Conditional Permit (TCP).

Janice Jabcuga, applicant, explains that currently there is 2500 square feet used for doggie day car, dog training and grooming. There is a fenced yard outside. Currently, there is no overnight use. She explains that she plans to demolish two (2) of the three (3) buildings that are in the rear of the property, and will replace them with one (1) new building.

Patricia Powers voices her concern with the sizable investment the applicant would be making for a TCP, which would be given for a period of one (1) year. She is also concerned with the number of dogs; the applicant stated she would start with 38 dogs and expand to 60 dogs.

Gerald Drinkard said he is reluctant to vote for the applicant to make this financial commitment in a Traditional Neighborhood District under a Temporary Conditional Permit. He feels the major issues are barking and waste.

Jim Callahan explains the conditions of a TCP: it is a permit that can be issued by the Town Board, initially for up to one (1) year, and then it can be renewed for up to five (5) years as long as the applicant is maintaining the conditions. The applicant would have to come back to the Board every five (5) years to renew. Tim Pazda makes sure the applicant is aware that the Town could revoke the permit after one year possibly due to barking issues or other complaints. Ms. Jabcuga explains that this operation's idea is a stress-free kennel, which means less barking.

The current plan is for a 5,000 square foot building. However, she does not like the plan and it will be changed, the building will be smaller than 5,000 square feet.

The dogs will be kept inside at night and there will be a 24-hour staff.

The waste is taken off the premises once a week; Ms. Jabcuga has no problem with adding another pick-up during the week. She explains another possibility to dispose of the waste is using a system that dissolves the waste into liquid form.

Patricia Powers voices her concern with the possibility that the applicant might exceed the square footage and require a Special Exception Use Permit (SEUP). Ms. Jabcuga describes the existing barn at approximately 6,000 square feet, and the smaller building is approximately 1,000 square feet.

Councilman Bylewski asks what the overall square footage is, Patricia Powers said the existing buildings total 6900 square feet. The proposed building is approximately 5600 square feet, but this is the plan the applicant is going to change.

ACTION:

Motion by Jeffrey Grenzebach, seconded by Wendy Salvati, to **table** the request for a recommendation for a TCP for overnight boarding at 6989 Transit Road pending the receipt of the redesigned site plan showing the correct square footage and placement of the proposed building.

ON THE QUESTION:

Wendy Salvati explains that if the total square footage of building(s) at the site is between 10,000 and 30,000 a Special Exception Use Permit will be required. This permit is dealt with at the Town Board level.

Gerald Drinkard wonders if the applicant complies with all the Planning Boards requirements, is the Board predisposed to recommend the approval of the TCP to the Town Board. This is not the kind of business that goes into a Traditional Neighborhood District, he suggests denying the request.

Wendy Salvati **withdraws** her second to the motion as she agrees with Mr. Drinkard.

Jeffrey Grenzebach **withdraws** his motion as well.

ACTION:

Motion by Gerald Drinkard, seconded by Patricia Powers, to **deny** the request for a recommendation for a TCP for overnight boarding at 6989 Transit Road as it is not an appropriate business for the Traditional Neighborhood District.

ON THE QUESTION:

Ms. Jabcuga asks why the Planning Board made her come before them twice, if they were only going to deny her. Patricia Powers advised her that the neighbors had to be notified and given the opportunity to speak as part of the process.

Deputy Town Attorney, David Donohue explains that the Planning Board is only a recommending body; the Town Board has the final say and could recommend something different.

Patricia Powers	Aye	Wendy Salvati	Aye
Gerald Drinkard	Aye	Jeffrey Grenzebach	Aye
Timothy Pazda	Aye	Richard Bigler	Aye

MOTION CARRIED.

Item 5

Spaulding Greens
Residential Single-Family

Requests Referral to the TEQR Committee for
Amended Open Space Design Development on
Goodrich Road.

DISCUSSION:

Jim Callahan provides the history on the project. It is located on the east side of Goodrich Road, north of Greiner Road as part of the Heise-Brookhaven Trunk sewer line findings. The preliminary design was referred to the TEQR Committee. The applicant is proposing an amended Open Space Design Subdivision and is seeking the referral to the TEQR Committee to continue the review process.

Dominic & Nick Piestrak are present. Dominic Piestrak said it became apparent that landscaping and walking trails were important to the project. There are 380 units, a mix of affordable four-plexes, single-family homes, different style patio homes and Spaulding Lake type houses. There is a pond and a bicycle trail proposed. Mr. Piestrak said it is not going to matter whether the roads are private or public on the proposed courts. There is one road that would have to be public because it is a main access road. There will be one Homeowners Association for the entire subdivision. The lot sizes will be 105', 120' and 130'. There will be a sub-section of the Homeowners Association to address the private cul-de-sac with issues such as snowplowing; Mr. Piestrak already has this prepared.

Patricia Powers refers to the two (2) parcels on the northern most section of the property that are labeled "exception" and indicates that they were to be included in the yield and were to remain forever green. Mr. Piestrak said they were never included in the yield for the 380 units. It is decided that the yield calculation will have to be revisited.

Wendy Salvati refers to the plan and asks if around the center were there are wetlands it could become one solid connection in order to get movement for wildlife. Mr. Piestrak will look into.

Jeff Grenzebach refers to the two (2) roads that just stop at the end of the property and asks if there is any consideration for future connection to Kraus Road. Mr. Piestrak does not own the property were the two stub roads end. Mr. Drinkard thinks it is presumptuous to put a stub road right up against another person's property without some type of agreement from the property owner. Mr. Piestrak can obtain a letter from the property owner saying he has no problem with the stub roads.

Wendy Salvati said the character needs to be maintained as the future developments in the area take place.

Councilman Bylewski said the Town has discussed having an official street map and laying forth where they want streets to go, this is the appropriate time to discuss the stub roads. He points out that, with regards to obtaining an agreement with Mr. Deni (the owner of the property where the stub roads end), a segmentation issue may arise; perhaps the property owner should be involved now.

Wendy Salvati is not in favor of three (3) stub roads.

Jim Callahan said for the purposes of this action, the Board can identify their concerns and move the project through to the TEQR Committee.

Mr. Piestrak would like the patio homes to have a mix of walk-out and day light basements. He wants different builders and different prices.

Councilman Bylewski suggests the Planning Board consider how heavily wooded the area is and will the backs of the homes really be visible from Goodrich Road.

Wendy Salvati suggests the TEQR Committee look at the elimination of the lots that are located at the back end of Hidden Pond to create a more solid corridor of open space.

ACTION:

Motion by Wendy Salvati, seconded by Gerald Drinkard, to **refer** the amended Open Space Design Development on Goodrich Road to the TEQR Committee. The TEQR Committee is to consider the following issues:

- The proposed project is to be setback approximately 300' from Goodrich Road.
- The number of stub roads and their growth inducing potential.
- Connectivity within the project itself.
- Elimination of lots in the vicinity of the wetlands to create more open space.
- Exception lots must conform to the law. Overall yield and open space must conform to the Open Space Design Overlay.
- Potential of a through connection to Green Valley.

ON THE QUESTION:

Mr. Piestrak is advised by members of the Planning Board that another scoping session is not necessary.

Patricia Powers	Aye	Wendy Salvati	Aye
Gerald Drinkard	Aye	Jeffrey Grenzebach	Aye
Timothy Pazda	Aye	Richard Bigler	Aye

MOTION CARRIED.

Meeting adjourned at 9:27 p.m.

Patricia Powers, Chairperson