

Town of Clarence
Planning Board Minutes
Wednesday April 18, 2007

Work Session (6:30 PM)

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

Agenda Items (7:30 PM)

Item 1

Ben Garelick Jeweler
Major Arterial

Informational discussion on signage at 5001
Transit Road.

Item 2

9435 Main Street Office Building
Commercial

Requests Concept Plan Approval for the
construction of a 21,000 square foot professional
office building at 9435 Main Street.

Item 3

Review of the Sign Law

Discussion.

Item 4

Master Plan 2015

Preliminary discussion on Master Plan 2015
comments from the February 21, 2007 Public
Hearing.

Patricia Powers, Chairperson, called the meeting to order at 7:35 p.m. Councilman Bylewski led the pledge to the flag.

Planning Board Members Present:

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

Wendy Salvati, 1st Vice Chairperson
Jeffrey Grenzebach
George Van Nest
Albert Schultz

Other Town Officials Present:

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

Other Interested Parties Present:

Bill Smillie
Garret Meal

John Cooper
Brad Davidzik

Item 1

Ben Garelick Jeweler
Major Arterial

Informational discussion on signage at 5001
Transit Road.

DISCUSSION:

Jim Callahan provides the history on Item #1. The sign was denied by the Sign Review Board and subsequently denied by the Zoning Board of Appeals related to a pictorial electronic message. The Town is currently working on a new Sign Law and would like as much information as possible to accommodate businesses as well as protect the Town. There are experts present this evening to lend some insight into the National Sign Law as the Town of Clarence moves forward with their efforts.

John Cooper, of Cooper Sign Company, is representing Ben Garelick Jewelers and explains that Peter Manka was unable to attend this evening's meeting due to a family emergency.

William Smillie, of Time-O-Matic, distributes information regarding his company to the Planning Board members. He explains that his company has been in business for 80 years based in the Mid-West region. Mr. Smillie's presentation includes a slide show of signs that are available today; the signs include Electronic Message Centers (EMC). He explains that a community should not be afraid of technology but should embrace it as it can help the business community. Electronic signs can do many positive aspects for a community, for example: it can reduce sign clutter and provide the information for an Amber Alert. Mr. Smillie refers to the Small Business Association's website SBA.gov in which signage is said to be a critical component in retail success and can contribute to the success of all businesses. He provides numerous case studies that show how businesses were more successful with a sign change.

Mr. Smillie explains that the Federal Highway Association (FHWA) has certain sign standards with regards to letter height and size, many of these standards are not followed in the local sign ordinances.

Mr. Smillie refers to the concern of safety issues with regards to signage. He said the concern is that a sign will be a distraction; people will take their eyes off the road while driving in order to read a sign, this can cause an accident. He sights a finding from the AAA Foundation for Traffic Safety; this finding is from the year 2001: Roadside advertising signs were not significant distractions. He also sights a finding from a study conducted by the FHWA to try and find fault with EMCs, the conclusion showed was no credible evidence or concern.

Mr. Smillie explains that his company has never had any law action taken against them with regards to safety issues.

Mr. Smillie said the Town's Sign Law is very vague and open to interpretation.

Mr. Smillie displays a sign and explains the message is programmed to change in 5 second intervals. He explains that it is not flashing nor is it blinking. Flashing signs are not allowed and the message content can not be restricted. The Highway Beautification Act does not allow flashing signs, however it does not consider EMCs to be flashing signs.

Mr. Smillie will forward the court cases to the Town Attorney, these cases are with regards to the legality of the EMCs.

Mr. Smillie said EMCs will also increase property value.

Mr. Drinkard voices his concern with the display (a picture) of a product on the EMCs and refers to this type of display as clutter. Mr. Smillie asked what the difference is if a business advertises with text only or with a picture that includes color; why would a community restrict color?

Wendy Salvati asks Mr. Smillie to forward a copy of the various pictures of the signs that he used in his presentation this evening. Mr. Smillie agrees.

Patricia Powers thanks Mr. Smillie for his presentation.

Item 2

9435 Main Street Office Building
Commercial

Requests Concept Plan Approval for the construction of a 21, 000 square foot professional office building at 9435 Main Street.

DISCUSSION:

Jim Callahan provides the background on the project. It is located on the south side of Main Street, west of Goodrich Road. It consists of 21 acres and is zoned Commercial along the Main Street frontage. The project received a Negative Declaration under SEQRA on March 28, 2007. The project was tabled at the April 4, 2007 Planning Board meeting pending a receipt of an updated site plan.

Garrett Meal, of Urban Engineers, and Brad Davidzik, of Renaldo and Palumbo are representing the applicant. Mr. Meal explains the driveway entrance has been moved to a 90 degree angle and lines up with the Dunkin' Donuts across the street.

In response to Mr. Drinkard's question regarding the location for drainage, Mr. Meal said one option is underground storage in the parking lot; the stormwater will remain on site. The applicant is limited because of the DOT easement and the wetlands on site.

There are no changes to the general layout which is shown on the current plan.

Patricia Powers explains to the applicant that a Concept Plan Approval Checklist is required, and at the appropriate time a Development Plan Approval Checklist will also be required.

Mr. Meal confirms that the parking is a ratio of 1:200 on the current plan. Patricia Powers explains that if there is a tenant using the office space as a medical use the parking ratio will change to 1:100. The applicant understands this.

The applicant indicates the height of the building has not changed since the last drawing and it conforms to the code; the footprint has not changed. There are windows shown on the drawing to run across the front of the building, it is a three-story building.

There is connectivity on both sides of the property.

Patricia Powers asks for confirmation that, at this point, the applicant is seeking approval for this first building only. Mr. Meal confirms. Since there are no plans for the other two buildings at this point, Patricia Powers suggests numbering the buildings for clarification and identification purposes. The building that is being reviewed this evening is Building #1, the building on Main Street will be Building #2, and the building to the east will be Building #3.

Wendy Salvati suggests the other areas be protected when this building is under construction. The only disturbance on the property is to be for the construction of Building #1. The applicant is restricted from clearing the land related to the other two buildings. The Planning Board recommends the applicant clear only what is necessary to construct Building #1 and the parking lot for it.

ACTION:

Motion by Patricia Powers, seconded by Jeffrey Grenzebach, to **recommend** Concept Approval for the construction of a 21,000 square foot professional office building at 9345 Main Street with the following conditions:

- A Concept Plan Checklist is to be submitted within one week.
- The building height will be no higher than 45'.
- The sidewalk from the building is to connect to the existing sidewalk on Main Street.
- A 100' buffer zone from the existing wetland.
- There is to be shared access from east and west property lines.
- The buildings have been numbered and this recommendation is for Building #1 only.
- Any additional buildings at this site will need to go before the Planning Board for Concept Approval.
- Authorization for clearing at the location of Building #1 only. All other areas are to be protected during construction.
- If there are any Medical Offices in the building, the plan will require additional parking with a ratio of 1:100.

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

MOTION CARRIED.

Item 3

Review of the Sign Law

Discussion.

DISCUSSION:

Wendy Salvati said the Sign Presentation provided by Mr. Smillie had some good ideas; however there were studies presented from over 20 years ago; conditions have changed and she is not comfortable with these studies. She asks what the government's responsibility is in terms of helping businesses do better. She is not convinced that it is the government's job to help businesses succeed and advertise. David Donohue said corporations are considered individual entities and he does not agree with the statement that government should not protect businesses at all.

Mr. Van Nest said one of the comments was with regards to signage on a busy road, such as Transit Road. He states that it is not the Planning Board's problem; the business owner chose to be located on Transit Road. Mr. Donohue said this is where the Town wants the businesses, in the Commercial Zone.

Wendy Salvati asks if the character of the community is to be sacrificed in order to have successful businesses in the area.

Mr. Van Nest wonders if density can be taken into consideration with regards to the number of signs along a street or road. Mr. Donohue said the number of signs is limited per property.

Mr. Callahan refers back to the Town's Sign Law and suggests identifying, in the Law, corridors or zoning classifications and come up with the intent of the area and what types of signage the character of that area would support.

Councilman Bylewski recommends obtaining a streetscape when reviewing a sign.

Mr. Van Nest reiterates the density issue.

Wendy Salvati likes the idea of the EMCs eliminating clutter.

Mr. Van Nest suggests inviting the business community to discuss what is important to them with regards to signs. Mr. Callahan said the business community was involved with the last Sign Law.

Wendy Salvati said there should be some type of Sunset or Grandfather clause.

Patricia Powers suggests applying the descriptions of the zoning districts to the Sign Law.

Wendy Salvati would like to see the legislative intent, at the beginning of the law, be strengthened so that it includes language indicating that the Town is also trying to protect, improve and enhance the visual quality and community character.

Councilman Bylewski asks the Board to keep in mind the Master Plan and the information contained in it.

Wendy Salvati asks if the Board can hold off on granting an approval for a sign until the new Sign Law is adopted. Patricia Powers said since there is a current Sign Law, the Board is bound to that Law until the new one is adopted.

Mr. Callahan suggests the new Sign Law not mention color at all.

Patricia Powers suggests including a definition for EMCs in the Sign Law.

Mr. Pazda asks if the EMCs will forgo the one-third/two-third policy. Mr. Callahan explains that because it's a 21 square foot standard box, perhaps a 42 square foot sign could be allowed, half of which could be the EMC, this would only apply to Major Arterial.

Patricia Powers said the Board needs to be able to work with applicants who propose a sign that is smaller than the maximum requirement.

Mr. Callahan will update the proposed Sign Law with the information discussed this evening and forward a draft to all members for review.

Mr. Schultz refers to Mr. Smillie's comments regarding pictures and content of signs being protected and wonders if there is a legal precedent or if it has been challenged in the past.

Wendy Salvati wonders if the Board can regulate vehicles that are turned into signs for advertising on a regular basis. Patricia Powers explains it is difficult to regulate especially if the vehicle is licensed.

Mr. Callahan explains that a Negative Declaration has been recommended by the TEQR Committee on the proposed Sign Law Draft.

Patricia Powers suggests the Sign Law Draft be an agenda item on the next Planning Board meeting agenda and hopefully the Board can move on it at that time.

Item 4

Master Plan 2015

Preliminary discussion on Master Plan 2015
comments from the February 12, 2007 Public
Hearing.

DISCUSSION:

More preparation needs to be done on the Master Plan 2015.

Meeting adjourned at 9:07 p.m.

Carolyn Delgato
Senior Clerk Typist