

Town of Clarence
Planning Board Minutes
Wednesday May 16, 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

Stephen Development
Commercial

Requests Preliminary Concept Plan Review of a proposed retail plaza at 10075 Main Street.

Item 2

Jerry Young/Staybridge Hotels
Major Arterial

Requests Preliminary Concept Plan review of a proposed new hotel at 8005 Sheridan Drive.

Item 3

Master Plan 2015

Discussion and Recommendation.

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

Planning Board Members Present:

Patricia Powers, Chairperson	Wendy Salvati, 1 st Vice Chairperson
Gerald Drinkard, 2 nd Vice Chairperson	Jeffrey Grenzbach
Timothy Pazda	Richard Bigler
Albert Schultz	

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:

Jerry Young
 Vic Martucci
 James Mondello
 Denise Gennaro

Connie Martucci
 H. J. Becker
 Grace Mondello
 Peter Janzow

Motion by Timothy Pazda, seconded by Jeffrey Grenzebach, to **approve** the minutes of the meeting held on May 2, 2007, as written.

Patricia Powers Aye
 Jeffrey Grenzebach Aye
 Albert Schultz Aye

Gerald Drinkard Aye
 Timothy Pazda Aye

MOTION CARRIED.

Wendy Salvati and Richard Bigler were not in attendance when the above motion was made.

Item 1

Stephen Development
 Commercial

Requests Preliminary Concept Plan Review of a proposed retail plaza at 10075 Main Street.

DISCUSSION:

Jim Callahan provides the history on the project. The property is located on the south side of Main Street between Kraus Road and Shisler Road. It consists of approximately 15 acres, which is the parent parcel. The Master Plan identifies the area in a Commercial Classification. The project was referred from the Town Board on April 11, 2007.

Noel Dill is representing Stephen Development. Mr. Dill explains that Ice Manufacturing is directly east of this property and to the west is a retail use property. The project is approximately 4 acres on a 15 acre parent parcel. There is approximately 450' of frontage on Main Street and about 438' in depth. Currently, there are no plans for the rear portion of the land. The applicant is looking to introduce a retail facility that would be anchored by a 9,000 square foot Dollar General Store and just under 16,000 square feet of additional retail space. There is ample parking and plenty of greenspace. It will provide a benefit to the 400 homes in the Rock Oak area.

Gerald Drinkard informs the applicant that a tree survey is required. According to the Town Code ample parking for this project would be 167 parking spaces, the plan shows 128 spaces. Mr. Dill addresses the parking issue by explaining there is additional land that may be utilized for parking. He also explains that the blended use of the building would include storage space which he took into consideration when calculating the parking. It is his understanding that the Planning Board might consider an exchange of pavement for green space. Dollar General feels that 20-28 parking spaces are sufficient for their use. It is unknown as to what the other tenants will be in the retail plaza. Gerald Drinkard explains that the calculation for the parking may change depending on the use(s) that will be part of the retail plaza.

Wendy Salvati explains that the parking is calculated per gross floor area, you do not take out for storage area. In her opinion, she thinks the calculated parking is too much for the site, she does not

want to see more parking area developed. She is not clear on what Mr. Dill was referring to in terms of the “trade off” for parking. Mr. Dill said the Town Code states that there could be fewer parking spaces in exchange for green space, if the Planning Board approves.

Timothy Pazda refers to the Town Zoning Code Article X Section 229-83 Intent which reads: Developments in the Commercial Districts are intended to achieve the high quality site layout and use flexibility inherent in campus design. This is accomplished through attention to architectural compatibility with other buildings and the relationship of building facades to public roadways. Mr. Dill said the project will improve the site and its surroundings; there is a proposed 80’ setback with parking in the back of building in order to preserve green space in the front of the building.

Timothy Pazda asks how flexible Dollar General will be with regards to the architectural design. Mr. Dill said he will try to strike a balance between the Town’s Code and similar characteristics of the Dollar General’s architectural design. The design will meet the Town Code. At this point, there is not a finished architectural design.

Jeffrey Grenzebach asks the applicant to submit a site plan that shows the area across the street, where the adjoining curb cuts would be and the dimensions to the neighboring lot lines. Wendy Salvati said the Planning Board would like to see one curb cut for this project. Mr. Dill said the original design was made with tractor trailer deliveries in mind, which is the reasoning behind the eastern curb cut being larger than the western cut. Wendy Salvati suggests cross access be shown on the plan as well. Mr. Dill agrees.

Patricia Powers asks if connectivity to Rock Oak Estates has been considered. Mr. Dill said if there was a cross easement that would facilitate the entrance to Rock Oak.

In response to Wendy Salvati’s question regarding the development of the land behind the site, Mr. Dill said there are no plans at this time; in the future there may be manufactured homes placed at the site. If there is going to be residential uses behind the proposed retail plaza there must be a 45’ greenbelt in back of the property. Mr. Dill said he would have no problem providing this buffer. It is his intention to subdivide the property.

Gerald Drinkard suggests a stacked stone wall in front of the property running east and west. He said sidewalks are also needed. Small landscaped islands throughout the parking area are also suggested, trees can be added to make up for those that will be taken down.

Albert Schultz asks if the lot drains to the stormwater drainage pond in the front of the property. Mr. Dill explains that the front portion of the property pitches downward towards the street, then it crests and pitches to the rear of the property, he does not have a full topographical map so he can not explain exactly where the drainage is. He believes the placement of the drainage pond is appropriate however he is open to suggestions by the Planning Board. Wendy Salvati said the Board would like to know where the drainage is planned at Concept Plan Review. Albert Schultz asks what type of pond is planned, Mr. Dill said their first choice is to make it as green as possible.

Albert Schultz asks for the best looking architectural drawing to be submitted, Mr. Dill will see what he can do to accommodate this request. The building material will be a combination of metal panels and masonry, sandstone. He is aware that a pitched roof is required.

Patricia Powers said the Planning Board would like to see the proposed building be something similar to the rendering of Dash's Markets, which includes landscaping in the parking lot and a brick façade. Timothy Pazda suggests forgetting the metal panel that is planned for the front of the building, perhaps use brick.

Wendy Salvati suggests possibly moving the building closer to the street and having all the parking behind the structure, possibly breaking the structure into two (2) buildings and creating more of a campus design. The Planning Board is looking for creative designs.

Patricia Powers advises the applicant that due to the square footage of the building, a Special Exception Use Permit is required. Mr. Dill is aware of this.

With regards to the segmentation issue, this project would be referred to the TEQR Committee if it moves forward.

In response to Richard Bigler's question regarding how many tractor trailers will be in and out of the site on a daily basis, Mr. Dill does not know, but will find out.

James Mondello, of Pineledge Drive, said it seems to him that whenever there is a business before the Board there is never any consideration for the people who live in the area. People come from outside, build something and leave. And what they build the people of the area must live with. Directly across the street from this proposal is the Pineledge Drive neighborhood, which there has been no mention of at this meeting. It is almost impossible to drive down Main Street between 4pm and 6pm without getting into a grid which is becoming very similar to what you get going through Williamsville; it is bumper to bumper traffic. With this proposal the traffic will increase by 150 cars, the tractor trailer traffic will be an issue as well. There will be lights on continuously. There will be pollution from the cars in the lot. There are no tenants so if the applicant decides to have a bar there will be noise and all kinds of activity directly across from the Pineledge residents with no say so whatsoever. Mr. Mondello said he can barely get out of Pineledge Drive in the morning due to the traffic; the area has really gone down hill. He knows there are variances that are constantly being changed to accommodate businesses.

Patricia Powers explains the planning process which includes the applicant providing further information to address any issues that are raised. It also includes the project being referred to other committees for further in depth review on various aspects. All meetings are open to the public.

Mr. Mondello said there are many other spots on Main Street where a business could go that would not affect a residential neighborhood; he said the proposed location seems almost ludicrous. He feels the architecture is not consistent with the "feel" of Clarence.

Peter Janzow, of Pineledge Drive, agrees with much of what Mr. Mondello said. He said the neighborhood is irritated because Hector's Hardware is subletting the lot behind it, so there is construction and landscaping equipment at the site at 5am. They have taken down a lot of trees. The Clay Hands Pottery driveway goes out on to Pineledge Drive; this increases traffic on this residential street. Mr. Janzow questions why a Dollar General is needed; there is one in Akron and in the Transitown Plaza. He is not adverse to a nice shopping center; however, he feels this proposal is too big for the lot. This project will increase the vehicle traffic, Mr. Janzow cautions the Board saying there is heavy pedestrian traffic in this area as well. His biggest concern is the tractor trailer traffic and the safety of the children.

Marie D'Incenzo moved to Clarence three years ago, she likes the character of the Hollow along Main Street, this is the reason she moved here. She restates what the applicant said with regards to serving the nearby Rock Oak community with this proposed project, but she wonders about serving the rest of the community; it only takes 10 minutes to drive to an existing Dollar General Store. She implores the Planning Board members to think about what has happened to the neighbors across the street. Since the pottery place went in with its driveway on Pineledge, there are cars parked up and down the street, this is a safety issue for the children.

Grace Mondello, of Pineledge Drive, is also concerned with the tractor trailer traffic. If the driveway to the proposed building is moved it would be directly across from Pineledge Drive entrance. She is also concerned with the tractor trailer deliveries being made to the front of the building; she asks why the deliveries aren't planned for the back of the building. Mr. Dill said the deliveries would be made at the south east corner of the building. Mrs. Mondello is the first house on the corner and she is concerned with noise and pollution from the tractor trailers. She has never seen a creative Dollar General Store sign and she feels it would not go along with the character of Clarence.

Connie Martucci, of Highview Court, is concerned that the traffic from the proposed plaza will cut through their neighborhood to get to Greiner Road; she has three small children and is concerned for their safety. The Clay Hands Pottery store has already increased traffic in the neighborhood. She also wonders what type of signage will be used, what type of lights will be used and where will they be located. She asks if Dollar General decides to pull out of this location, what would be proposed next?

Victor Martucci, of Highview Court, said it is obvious what is going on and the Town should be very careful about segmentation with respect to SEQRA. This type of use is not in character with Main Street. He also has concerns with the tractor trailer traffic. Mr. Martucci asks if a Special Exception Use Permit is going to be required, Patricia Powers said it will not be required because the proposed square footage is not over 30,000. He wants the use of the entire site taken into consideration.

Patricia Powers explains to Mr. Dill that a proper site plan is required showing all the issues discussed this evening.

Denise Gennaro, of the Pineledge neighborhood, asks why more land is being developed when there are existing vacant buildings that could be utilized. Specifically, there is a vacant lot between Hector's Hardware and Kwik Fill, it is an eye sore and she would rather see something happen with this property before developing any new property. Patricia Powers said it is her understanding that the vacant lot which Ms. Gennaro speaks of, has a 99 year lease so there is no incentive to develop it. She opposes the proposed project saying it would not be a good fit for the neighborhood. She is also concerned for her children's safety with regards to the increase in traffic the project will generate.

Patricia Powers advises Mr. Dill of a list of items required, they include: a tree survey, the design and material of the building, the site plan needs to show shared access and only one (1) curb cut, show the adjacent curb cuts on both sides of Main Street, sidewalks need to be connected from Main Street to the proposed building, the site plan is to show the whole parcel, the side yard measurements, the 80' setback that the applicant spoke of, 45' setback from the residential use at the back of the property, an architectural rendering, an alternative design, no flat roof, the type and location of the sign, the sign will be reviewed by the Sign Committee, the new Sign Law says there will be no LED or Electronic Message Boards on Main Street, a topographical map for the site, the site plan is to show the percentage of greenspace as well as any landscaping to be done in the parking area,

the plan is to show the parking spaces to code, truck deliveries should be made to the back of the building, eliminate some parking in front of the building, stonewall across the front of the property, downsize the structure, site lighting standards, storm water detention basin location, location of a dumpster, description of the truck traffic.

ACTION:

Motion by Patricia Powers, seconded by Gerald Drinkard, to **table** agenda item #1 to allow the applicant time to address the issues and provide the information requested by the Planning Board.

ON THE QUESTION:

Timothy Pazda reminds the neighbors that they will not receive another notice regarding this proposal and they need to keep track of the progress. One way to keep track is by viewing the minutes on the Town of Clarence website. Jim Callahan explains that it depends on the delay between now and resubmittal; if it is a significant delay notices may be sent to the neighbors again.

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

MOTION CARRIED.

Wendy Salvati asked Mr. Dill if he considered the site that is across from Kwik Fill for this proposal. Mr. Dill said he thinks he can find a higher and better use for this area; perhaps some type of medical facility that could serve the seniors in the community. He envisions interconnecting parcels in order to tie in Rock Oak Parkway, which is the main entrance, with the other side of the park.

Item 2

Jerry Young/Staybridge Hotels Major Arterial	Requests Preliminary Concept Plan review of a proposed new hotel at 8005 Sheridan Drive.
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DISCUSSION:

Jim Callahan provides the background on the project. It is located on the south east corner of Sheridan Drive and Transit Road and consists of approximately 5 acres. The Master Plan identifies the area in a Commerical classification. The applicant was referred from the Town Board to initiate the review process on April 25, 2007 and is present to introduce the project to the Planning Board.

Jerry Young is present and explains that the proposal is for an extended stay hotel, which means there is a kitchen facility in each suite; the rooms will all be suites. The proposed height is 52' and 112 rooms, the room count may decrease slightly. The structure will be four (4) stories and a peaked roof. A restaurant on the side of the building is not part of this project; it may be a proposal at some time in the future. The total square footage of the proposed hotel is unknown at this time.

Wendy Salvati explains that the Planning Board would like to see an actual site plan showing measurements, dimensions, square footage of the building, zoning data, drainage, etc. The Planning Board has concerns with code issues.

Timothy Pazda points out that the height of the proposed structure does not meet code, which is 45' in height, than asks what the applicant will do if the height is not approved. Mr. Young said he brought this to the applicant's attention; however the options still need to be discussed in detail. Wendy Salvati asked if the structure could be planned bigger to accommodate the number suites currently planned for the fourth floor, this could bring the height to code. Mr. Young said this is an option that can be looked at; it would be costly to the applicant because it is a prototypical plan.

Gerald Drinkard said the parking may be challenged having both a hotel and a restaurant. Egress and ingress may be challenged as well.

Timothy Pazda asked if the applicant had thought about cutting the bank down to help mitigate the traffic issues. Mr. Young talked to the owners about lowering the grade. Wendy Salvati said a main concern is the safety of people when they are pulling in and out of the site, particularly a left hand turn from both Transit Road and Sheridan Drive.

Gerald Drinkard explains that when the site plan is submitted the applicant must advise what restaurant will be built so the parking can be calculated appropriately. The current plan can not accommodate both uses on the site. Mr. Young asked if it made sense to go forward with the restaurant because it is not really part of this proposal. Patricia Powers explains that, in order to avoid impermissible segmentation, the Planning Board has to look at the total project when they refer it to the TEQR Committee for what it will be at full build-out.

Albert Schultz said the size of the building is very important, because one of the major TEQR issues will be traffic and the safety of those intersections.

Patricia Powers assures Mr. Young that the Planning Board welcomes the project and wants to work with the applicant. Wendy Salvati does not want to set a precedent by allowing a 52' high building.

The acreage is over 6.

Richard Bigler suggests the applicant seriously consider reducing the number of suites. Mr. Young is willing to look at this.

Timothy Pazda explains that if the structure exceeds 50,000 square feet the project will require an additional permit with a super majority vote by the Town Board.

Patricia Powers refers to the Town Board minutes which indicate that everything on the site will be demolished. She voices her concern with regards to a large group of trees on the site that faces Sheridan Drive, she would like to see this preserved.

Gerald Drinkard clarifies that the Planning Board's recommendation would be for a 45' structure, no higher. So if the applicant went before the Zoning Board of Appeals for a height variance, the members would take the Planning Board's recommendation into consideration when rendering their decision. He suggests the applicant begin to plan a 3 story building or bring the pitch down.

Patricia Powers explains the next step which will be for the applicant to come back to the Planning Board with a plan that has addressed all the issues discussed this evening. A proper site plan

needs to show a 45' greenbelt to the residential housing east of the parcel, access, adjacent curb cuts. To avoid the impermissible segmentation issues, the project would have to include the restaurant when it goes to TEQR; full build-out must be shown. A tree survey is required. The height exceeds what is permitted in the code and must be addressed. Storm drainage, signage, site lighting, dumpster location all need to be addressed. The parking lot needs to have landscaping throughout the design. The Zoning data needs to be shown on the plan; this would include the required setbacks and the 45' buffer. Richard Bigler suggests the applicant consider dark sky lighting. No flashing lights or signs on the roof.

ACTION:

Motion by Jeffrey Grenzebach, seconded by Wendy Salvati, to **table** agenda item #2 to allow the applicant time to address the issues and provide a site plan with information requested by the Planning Board.

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

MOTION CARRIED.

Mr. Young is informed that the requested information should be to the Planning and Zoning Office by May 29, 2007.

Item 3

Master Plan 2015

Discussion and Recommendation.

DISCUSSION:

Jim Callahan explains that at the annual review of the Master Plan 2015 the Town Board referred a resolution asking the Planning Board to look at sewer district locations as these districts relate to the existing Master Plan 2015 Master Sewer Plan and proposed growth and community development as it is understood today. After several meetings, the Planning Department has prepared a spread sheet and mapping document to use as a basis for identifying priorities in formulating recommendation on this matter.

The spread sheet identifies the priorities. The first priority is providing service to existing Sewer District #5. Basically, allowing full build-out of the existing boundaries, it should be fully built-out before the Town looks at extensions. The second priority is the Harris Hill pollution, as identified in the Master Sewer Plan. The third priority, related to the second, is what area would be included for the extending trunk lines service in that area. The fourth priority is the existing Industrial Business Park areas. The final priority is everything in between within those current boundaries that is not serviced. The spread sheet also identifies the residential long term impact the project could have on the Town.

The pictorial shows various maps of the Town and includes such information as 12,000 parcels, population, size, existing sewer districts and large tracks that could be built out. Another pictorial shows the Heise-Brookhaven Service area that is 1,000 sewer taps associated with extending the sewer

line to Sewer District #9 in the Hollow. Other pictorials identify the Harris Hill Pollution Abatement Area, the Commerical and Industrial areas as identified in the Master Plan, and the areas in between that impact existing residential areas.

Gerald Drinkard suggests printing the reasoning and the rationale behind the prioritization in the document.

Albert Schultz said there must be a parallel line to the Peanut Line in order to make any of this work.

The proposed line is 24” and takes flows off the current at capacity SD#5 which frees up the capacity, so expansion would be allowed within the district.

Once the narrative is complete it will become part of the Town’s Comprehensive Plan. Wendy Salvati asks what happens if the first few priorities are not complete and someone wants to do something that falls in the fourth priority. Councilman Bylewski said a potential solution could be to have a developer agreement; when a developer wants to develop in a lower priority area the Town could say, in order to go forward, the developer would have to provide service to a higher priority area. Councilman Bylewski cautions the Board not to sacrifice capacity.

Wendy Salvati thinks there is room for more residential growth in the “blue” area on the In-Fill Service Areas map. She asks if there will be lateral restrictions, Jim Callahan said that is the Planning Board’s option if they want to add it.

Wendy Salvati is concerned with handing the Town’s sewer districts over to the County. Councilman Bylewski said if the Town agrees to do this, there would be restrictions to control the County’s ability to expand the districts.

Albert Schultz points out that this proposed amendment will help define the growth corridor to everyone.

ACTION:

Motion by Timothy Pazda, seconded by Jeffrey Grenzebach, to **table** agenda item #3 to allow the Planning Board member’s time to review the information discussed. The item will be placed on the June 6, 2007 Planning Board agenda and a recommendation will be made.

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

MOTION CARRIED.

Gerald Drinkard reads a resolution for the Master Plan 2015 Annual Review into the record:

WHEREAS, The Clarence Town Board has referred annual comments on Master Plan 2015 to the Planning Board for review and recommendation, and

WHEREAS, There exists timeframes under which the Planning Board must respond to items referred by the Town Board as identified in Chapter XI of Master Plan 2015, and

WHEREAS, The Planning Board shall formally respond to the request within ninety days, and

WHEREAS, The Planning Board has been working on a response and has prepared general draft comments related to the referred items, and

WHEREAS, the Planning Board would like to further discuss the draft and prepare more detailed rationale to support the draft recommendations, and

WHEREAS, the Planning Board would like to further discuss the draft recommendations with the Clarence Town Board at a Joint Meeting, scheduled for May 30, 2007,

NOW THEREFORE, BE IT RESOLVED by the Town of Clarence Planning Board that the Planning Board will forward final draft recommendations to the Town Board in a timely manner after necessary discussion and input.

BE IT FURTHER RESOLVED that the final draft amendments be referred to the TEQR Committee for review and recommendation to the Town Board in accordance with the State Environmental Quality Review Act (SEQRA) prior to consideration for adoption by the Clarence Town Board.

ACTION:

Motion by Gerald Drinkard, seconded by Wendy Salvati, to **submit** the above resolution as read.

ON THE QUESTION:

Councilman Bylewski suggests the following changes to the resolution:

-In the third "Whereas" paragraph it should read "The Planning Board **under Chapter XI of Master Plan 2015** shall formally..."

-An additional paragraph should be added before the last "Whereas" paragraph. This additional paragraph should read: "Whereas, the Planning Board may recommend amendments to the Master Plan 2015.

Councilman Bylewski points out that item # 3 has just been tabled and now there is a resolution on it.

ACTION:

Motion by Gerald Drinkard, seconded by Wendy Salvati, to **amend** the motion to include the changes listed under the question.

ACTION:

Motion by Wendy Salvati, seconded by Timothy Pazda, to **reopen** the discussion on the Sewer Amendments to the Master Plan 2015.

Patricia Powers	Aye
Gerald Drinkard	Aye
Timothy Pazda	Aye
Albert Schultz	Aye

Wendy Salvati	Aye
Jeffrey Grenzebach	Aye
Richard Bigler	Aye

MOTION CARRIED.

ACTION:

Motion by Gerald Drinkard, seconded by Wendy Salvati, to **submit** the above resolution with the changes as stated.

ON THE QUESTION:

Timothy Pazda clarifies that the resolution which was read into the minutes this evening completes the time frame of the Planning Board, see the second to last paragraph of the resolution.

Patricia Powers	Aye
Gerald Drinkard	Aye
Timothy Pazda	Aye
Albert Schultz	Aye

Wendy Salvati	Aye
Jeffrey Grenzebach	Aye
Richard Bigler	Aye

MOTION CARRIED.

ACTION:

Motion by Patricia Powers, seconded by Wendy Salvati, to **table** agenda item #3 to allow the members of the Planning Board time to review the information discussed. The item will be placed on the June 6, 2007 Planning Board agenda and a recommendation will be made.

Patricia Powers	Aye
Gerald Drinkard	Aye
Timothy Pazda	Aye
Albert Schultz	Aye

Wendy Salvati	Aye
Jeffrey Grenzebach	Aye
Richard Bigler	Aye

MOTION CARRIED.

Meeting adjourned at 9:40 p.m.

Carolyn Delgato
Senior Clerk Typist