

Town of Clarence
 Planning Board Minutes
 Wednesday August 1, 2007

Work Session 6:30 pm

Roll Call	Sign Review	Committee Reports	Miscellaneous
Minutes	Update on Pending Items	Zoning Reports	Agenda Items

Agenda Items 7:30 pm

Item 1

Staybridge Suites
 Major Arterial

Requests Preliminary Concept Plan Review for a 128-unit hotel and a 270-seat restaurant at 8005 Sheridan Drive.

Item 2

Metzger Civil Engineering
 Agricultural Rural Residential

Requests a positive Concept Plan recommendation for a 3-lot Open Development area at 4180 Ransom Road.

Item 3

Zoning Map Amendments

8301-8469 Sheridan Drive: increase of 200' of Restricted Business Depth. 8365-8655 Transit Road: Major Arterial in accordance with adopted Comprehensive Plan.

Item 4

Proposed Sign Law Revisions

Discussion.

Item 5

Architectural & Site Design Standards

Discussion.

Chairperson Patricia Powers called the meeting to order at 7:30 pm. Councilman Scott 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

Planning Board Members Absent:

Albert Schultz

Other Town Officials Present:

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

Other Interested Parties Present:

Laura Pfennig
Carol Minnick
Gregg Wittliff
Bill Pfennig
Jerry Young
Christopher Carollo

Motion by Gerald Drinkard, seconded by Timothy Pazda, to **approve** the minutes of the meeting held on July 18, 2007, as written.

Patricia Powers	Aye	Wendy Salvati	has not arrived yet.
Gerald Drinkard	Aye	Jeffrey Grenzebach	Aye
Timothy Pazda	Aye	George Van Nest	Aye
Richard Bigler	Aye		

MOTION CARRIED.

Item 1

Staybridge Suites
Major Arterial

Requests Preliminary Concept Plan Review for a 128-unit hotel and a 270-seat restaurant at 8005 Sheridan Drive.

DISCUSSION:

Jim Callahan provides the history of the project. It is located on the southeast corner of Sheridan Drive and Transit Road and consists of approximately six (6) acres. The applicant was tabled at a previous meeting pending receipt of updated survey information.

Jerry Young is present and explains that the property line has been moved approximately 26'. The residential property that is along side the project site is 125' on the tax maps; when the survey is done it is 173' wide due to the number of errors the Department of Transportation (DOT) made as they took the property around it. An agreement was found that shows a 26' piece of land in the middle of both properties that did not legally belong to either property. The current survey is accurate. The building and the parking have been moved forward to try and maintain the setbacks. The setback to the adjoining residential property is 122.9', if the addition is built. The traffic study has begun; Mr. Young is pushing for the study to be done in mid August 2007. The berm and the trees have been maintained.

Patricia Powers said the traffic remains a concern.

It is unknown if the current survey has been delivered to the owner of the adjacent residential property.

Gerald Drinkard asked if the monument that is set gets used in future surveys elsewhere, not on the applicant’s property. A representative explains that it falls on the DOT right-of-way but is an agreement between what was Sheridan Hotel and the Reade family.

ACTION:

Motion by Patricia Powers, seconded by Gerald Drinkard, to **refer** the request for Preliminary Concept Plan Review for a 98-unit hotel and 270-seat restaurant at 8005 Sheridan Drive to the TEQR Committee and the Fire Advisory Board for further review and study.

ON THE QUESTION:

Wendy Salvati wants the record to show the Planning Board’s concerns so the TEQR Committee and the DOT are aware of them. Egress and ingress are of great concern. George Van Nest would like to know if a left hand turn out of the property will be feasible, he is also concerned with the line-of-site and site distance issues when exiting the site. Wendy Salvati said, for the record, the Planning Board agrees that this is a good re-use of the property, specifically the hotel; however, a great concern is the proposed restaurant.

Timothy Pazda points out that full build-out of the hotel is 128 units.

Motion rescinded.

ACTION:

Motion by Patricia Powers, seconded by Gerald Drinkard, to **refer** the request for Preliminary Concept Plan Review for a 128-unit hotel and 270-seat restaurant at 8005 Sheridan Drive to the TEQR Committee and the Fire Advisory Board for further review and study.

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 2

Metzger Civil Engineering
Agricultural Rural Residential

Requests a positive Concept Plan recommendation for a 3-lot Open Development area at 4180 Ransom Road.

DISCUSSION:

Jim Callahan provides the history on the project. It is located on the west side of Ransom Road, south of Tillman Road and consists of approximately eight (8) acres. The project received a Negative Declaration under SEQRA as issued by the Town Board on July 25, 2007.

Michael Metzger, of Metzger Civil Engineering, is representing the applicant. Mr. Metzger explains there is an existing home on the site now; it is on the proposed frontage lot.

Wendy Salvati asked if the intention is to keep the barn, Mr. Metzger said there is at least one structure that will come down at the site and he thinks it might be that barn.

Wendy Salvati said there was a discussion exploring the possibility of re-orienting the 26' wide easement road, to tuck it further to the north.

Wendy Salvati said if the barn came down could the internal private roadway be moved further away from the property line to maintain more trees. Mr. Metzger said Mr. Kausner would not be adverse to making an adjustment to pull the road away.

Gerald Drinkard said the ideal profile would be to bring the road straight back. Wendy Salvati points out that there is a need for a private hydrant within 600' per State Code. The applicant is aware of this. George Van Nest said the advantage to changing the plan as suggested is that the applicant would be further from the existing neighbors and perhaps able to shield the driveway better with additional landscaping. The distance between the road and the property line varies and is between approximately 8'-12'.

Laura Pfennig and her husband Bill are property owners to the south. She advises the Board that there are no trees where the Board suggests moving the road. The trees are no longer there due to two (2) ice storms that have occurred. There may be no buffer at all. Mrs. Pfennig points to a corner of the property on the display and said when the applicant plows snow it will be dumped down hill into her yard. Various Planning Board members clarify that they are asking the applicant to move the road further north away from the Pfennig's property line. She does not want a precedent set in the Town of Clarence to put a house behind a house behind a house. It is not in character of the neighborhood to build 2500 square foot homes in the area. There is a petition signed by 44 neighbors against this project on file; it is from two (2) years ago. Patricia Powers makes sure Mrs. Pfennig understands the applicant is operating within the law, Mrs. Pfennig understands. Patricia Powers said the applicant will also need an approved engineering drainage plan to not displace any water from the applicant's property on to the Pfennig's property. Mrs. Pfennig said it would be great if the road was moved 50'.

Timothy Pazda would like to see sketches showing the road moved before the Planning Board moves the project forward. Jeffrey Grenzabach asked if Mr. Metzger could provide a rough estimate as to the amount of feet the driveway could be moved, without Mr. Kausner present it is difficult for Mr. Metzger to provide a figure. He thinks it is reasonable to use the tree line as the closest point to which the applicant would come with the driveway. Tim Pazda said if the neighbor is correct in stating the tree line is a shade line, then they have not accomplished anything. Mr. Metzger does not necessarily agree with the statement of that area being totally a shade line. There are trees on the applicant's property.

The water line would run parallel to the road, on the north side of the site.

Timothy Pazda said it would be appropriate to add some buffering and landscaping along the property line. Mr. Metzger said Mr. Kausner would be agreeable to a reasonable amount of additional landscaping. Mr. Metzger asked if it would be acceptable to take it as far as the tree line with a minimum of 25', Wendy Salvati would agree with this.

George Van Nest voices his concern with placing this behind an existing neighborhood and asked the applicant to minimize the impacts that will occur. For example, move the driveway behind the tree line so headlights are not shining on the houses. He refers to Article V Open Development

Area of the Town Code which indicates an Open Development Area is not an as-of-right use and must be designed to maintain the rural character of the Town. The benefit to moving the driveway is that it will alleviate, as much as possible, the impact to the existing neighbors. Mr. Metzger asked what the physical benefit to moving the driveway would be. Mr. Van Nest said it will soften the headlights that will be shining in neighbors windows. Mr. Pazda said he would rather see a 12' wide driveway as opposed to a 20' wide driveway. Mr. Metzger said the clearing would actually have to be 36'.

Mr. Metzger explains that the site drains back; there is an approximate 15' pitch. At the adjacent southerly property there is an area that is higher; however the area between the neighbor's house and the project site is at least 3' lower.

The front of the house is planned to look in the southerly direction. The location of the common right-of-way has no impact on acreage because it is an easement as opposed to ownership.

David Donohue clarifies that the driveway is still going to curve down to the southerly property line but the applicant will agree that the pavement will turn at a minimum of 25' off the property line or whatever the tree line is. George Van Nest said the applicant will have to shield both turns.

ACTION:

Motion by Gerald Drinkard, seconded by Jeffrey Grenzebach, to **recommend** Concept Plan Approval with the following conditions:

- The drive from Ransom Road will curve south with a minimum 25' buffer between the property line and the road pavement.
- Approval by the Landscape Committee is required; a significant tree line buffer is to be provided in the 25' area mentioned in the above condition. The buffering is to shade the southern lot from exposure to headlights.
- The fire hydrant must be within 600' of the rear home.

ON THE QUESTION:

Timothy Pazda asked Gerald Drinkard if the 25' requirement is substantial enough to buffer the area to satisfaction. Mr. Drinkard said yes.

Richard Bigler asked if the applicant was proposing any additional lighting along the driveway. Mr. Metzger said no.

George Van Nest clarifies that 8' of the 25' space between the driveway and the property line, which is part of the 36' easement, will be restricted so the applicant can not plant trees there. A 17' buffer seems to be sufficient.

Wendy Salvati suggests adding the condition that there is no lighting placed along the driveway.

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

MOTION CARRIED.

Item 3

Zoning Map Amendments

8301-8469 Sheridan Drive: increase of 200' of Restricted Business Depth. 8365-8655 Transit Road: Major Arterial in accordance with adopted Comprehensive Plan.

DISCUSSION:

Jim Callahan explains that the proposed Zoning Map Amendments were initiated by the Planning Department and the Planning Board after adoption of the updated Zoning Map in 2005 and based upon Master Plan 2015. The proposed changes include changing the depth of the Restricted Business Zone along the south side of Sheridan Drive between Harris Hill Road and Helenwood; an additional 250' for a total of 450' still maintaining 200' of residential zoning on those properties. The second change is changing from the current Restricted Business to Major Arterial that section of Transit Road north of the flood zone, near Tonawanda Creek Road. The Planning Board reviewed these changes in February 2007; the TEQR Committee has recommended a Negative Declaration be issued. These two changes are in conformance with the Master Plan.

Wendy Salvati said the TEQR Committee had concerns regarding Sheridan Drive; the Board needs to be more specific with regards to consistency with the Comprehensive Plan. Jim Callahan said what is identified in the Comprehensive Plan is to change from what was Agricultural to Restricted Business along the south side of Sheridan Drive while maintaining adequate buffering to the adjoining residential.

Wendy Salvati refers to page 23 of the Master Plan and said if the land is going to be rezoned it should be rezoned to let the owners use the land effectively.

Jim Callahan said the rationale for changing the Major Arterial to Restricted Business is due to the flood zone. The density flood zone is so restrictive that you have to go very deep.

Another concern of Wendy's was to match the zoning across the municipal boundary of the Town of Lockport, this has been addressed.

ACTION:

Motion by Gerald Drinkard, seconded by Timothy Pazda, to **recommend** approval on the Zoning Map Amendments.

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

MOTION CARRIED.

Item 4

Proposed Sign Law Revisions

Discussion.

DISCUSSION:

Draft number 5 is discussed. It is suggested to change the word “development” to “environment” in the third line of section 181-1 Legislative Intent. Page 2 number (4) the last sentence should be deleted. Page 2 (B) the last sentence will be changed to read 48 square feet as opposed to 32 square feet. Page 3 (E) the following will be added to the second sentence: “and are not permanent”. Page 5 (B) first sentence is amended to read: “The Commerical District **and** Restricted Business **Zoning** district **are...**”; the last sentence is deleted. Page 6 (C) the last line of the first paragraph is deleted; number (2) is deleted; number (3) is changed to (2); number (4) is changed to (3) and the last line is deleted; number (4) is added and reads: “Internally illuminated signs shall be prohibited.”; number (5) is added and reads: “L. E. D. signs shall be prohibited. Page 8 (B) the second last shall read: “...or similar materials to the extent practicable as approved by the Planning Board.”; the last sentence will read: “Painting **of a sign...**” Page 9 (F) (2) second sentence “The Clarence Hollow/Clarence Center Sign District” is replaced with “Traditional Neighborhood Districts”. Page 9 (G) the first line is changed from 40 square feet to 42 square feet. Page 11 (P) second sentence is amended to read: “but not be limited **to**, traffic control devices,...”

Councilman Bylewski clarifies the date that the Town Board is visiting St. Mary’s, the correct date is Friday August 31, 2007, the time is scheduled for 4:00 p.m.

ACTION:

Motion by Gerald Drinkard, seconded by Timothy Pazda, to **recommend** approval of the Proposed Sign Law with the revisions as discussed.

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 5

Architectural & Site Design Standards

Discussion.

DISCUSSION:

It is discussed and recommended amending each zoning classification with minimum standards. The Planning & Zoning Department will set up the framework and the Board Members can add and subtract as they see fit. Patricia Powers informs the Planning Board Members that their recommendations for this project will be discussed at the August 15, 2007 meeting.

Meeting adjourned at 9:38 p.m.

Carolyn Delgato
Senior Clerk Typist