

Clarence Planning Board Minutes

Wednesday, August 2, 2006

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

Dunkin' Donuts
Commercial

Requests Concept Plan Review for a proposed donut shop at 9430 Main Street.

Item 2

Roll Road Industrial Business Park
Industrial

Requests Concept Plan Approval for a proposed Industrial Business Park at 8540 Roll Road.

Item 3

Parks & Recreation Master Plan 2015

Discussion.

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

Planning Board Members Present:

Patricia Powers
Gerald Drinkard
George Van Nest
Richard Bigler

Wendy Salvati (will arrive late)
Timothy Pazda
Phil Sgamma

Other Town Officials Present:

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

Other Interested Parties Present:

Vincent Lee Herman
Raj Patel
Rod Prosser
Dominic Piestrak

Ramesh Patel
Jim Geiger
Bill Tuyn

Due to the absence of a Planning Board member, Richard Bigler will be participating in all discussions and voting on all agenda items.

Motion by Gerald Drinkard, seconded by Tim Pazda, to approve the minutes of the meeting held on July 5, 2006, as written with the following adjustments:

-Page 145, the phrase “**as a buffer.**” shall be added to the last sentence of the eighth (8th) paragraph.

-Page 146, the sentence “**This is the responsibility of the developer.**” shall be added to the first condition listed on this page.

Richard Bigler	Aye	Phil Sgamma	Aye
George Van Nest	Aye	Timothy Pazda	Aye
Gerald Drinkard	Aye	Patricia Powers	Aye

MOTION CARRIED.

Councilman Scott Bylewski explains that it is estimated there will be a Public Hearing to review the amendments of the Master Plan regarding the Adequate Public Facilities Law in early September/October 2006. The Public Hearing will contain discussion on schools, roads, parks, water flow for fire protection, fire protection level of service. Sewers are being excluded at this time due to the activity in Erie County Sewer District #5.

Item 1

Dunkin’ Donuts Commercial	Requests Concept Plan Review for a proposed donut shop at 9430 Main Street.
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DISCUSSION:

Jim Geiger is representing the applicants, Raj & Ramesh Patel.

Jim Callahan provides the history on the project. It is located on the north side of Main Street, west of Goodrich Road and consists of approximately 1.35 acres on the same campus as of the Wilson Farms. The project was introduced to the Town Board on July 12, 2006 where it was referred to the Planning Board. This represents the introduction of the project to the Planning Board. Per Code, the project will require Site Plan Approval as well as a Special Exception Use Permit as issued by the Town Board.

Patricia Powers asks why there is a sign for Baskin Robbins’ on the site plan. Mr. Geiger explains that Baskin Robbins’ is affiliated with Dunkin’ Donuts as part of the same company, however, at this location there will be no ice cream sold; the only company at this location will be Dunkin’ Donuts.

Reid Petroleum owns this property along with the neighboring Wilson Farms property. Mr. Geiger explains that this will be a ground lease; the applicants own a franchise for this area. They have a store in Lockport; the second location is under construction and is on Transit Road just before the Interstate 90 entrance. This will be the third (3rd) location.

Rod Prosser from Lakeside Engineering is the engineer on the project. Mr. Prosser explains that the proposed project is a satellite store and will have a drive-thru. The proposed building would be 1,800 square feet and will have twenty-two (22) seats. There is ample parking and queuing for the drive-thru. The green space is well over what the Town Code requires. The sanitary service will be through a leach field, the perc test has come back satisfactory and they have public water. The drive-thru has a bypass lane. Mr. Prosser has reviewed the current car counts and has added the potential additional cars generated from this project and found that traffic flow will be satisfactory. He advises the applicant will have no problem with a cross access shared with Wilson Farms.

There will be pole lighting approximately twenty feet (20') high, which will direct the light downward. Mr. Prosser said the height of the pole will be whatever the Planning Board requires. Wendy Salvati suggests a flat lens, Mr. Prosser agrees. Mr. Prosser also agrees to incorporate the trees at the east of the site into the plan.

Gerald Drinkard points out that forty percent (40%) of the business is the drive-thru business and sixty percent (60%) would not be for the drive-thru. The parking on the east side of the building will have to accommodate cars coming in and out, looking at the forty (40) to sixty (60) ratio, this may cause confusion. Mr. Drinkard asks if the applicant has considered another parking design for easier flow. Mr. Prosser said he would consider a one-way all the way around, however he is concerned that people may not pay attention to the signs that direct the traffic flow. Timothy Pazda suggests moving the plan to the west to allow for easier traffic flow. Mr. Prosser will pursue this suggestion. Wendy Salvati refers to the Commercial Zoning intent which says the provisions should encourage designs that will minimize traffic congestion and reduce conflict points. The Code also indicates that the plan must show twelve (12) car lengths in the queue.

Patricia Powers explains that a sidewalk needs to be installed that would go from the front door of the building and connect to the existing sidewalk on Main Street.

Wendy Salvati would like to see the height of the sign reduced from twelve feet (12'); she explains that most of the monument signs that are approved are six feet (6') high. Mr. Prosser agrees to reduce the height of the sign.

Phil Sgamma refers to Chapter Seven (7) of the Zoning Code which indicates that the maximum height of freestanding lights shall not exceed the height of the principal building or twenty feet (20'), whichever is greater. The height of the building to the peak is approximately twenty feet (20'). The width of the lot is 158.5'.

Mr. Prosser explains the building materials as stucco siding, a brick wainscoting.

Councilman Bylewski suggests encouraging the shared access even further east through Wilson Farms to the Executive Cleaners/Coffee Shop site. Patricia Powers said she understands that a letter has already been sent to Wilson Farms seeking their agreement for shared access.

Wendy Salvati points out that, in the design of the first property, the cross access is not in the best place. It is very close, after the road, to where the entrance comes in and where the drive-thru lets out.

ACTION:

Motion by Gerald Drinkard, seconded by Tim Pazda, to **refer** agenda item #1 to the TEQR Committee, the Traffic Safety Committee and the Fire Advisory Committee.

ON THE QUESTION:

Phil Sgamma asks at what point is the project forwarded to the Town Board for approval of the Special Exception Use Permit. Jim Callahan said it will be forwarded post SEQR determination. Mr. Callahan suggests formalizing and listing the conditions as part of the referral. As part of the referral, Patricia Powers lists the following requirements:

- A Special Exception Use Permit (SEUP) for the proposed drive-thru, which can only be granted by the Town Board. Once the SEQR process is complete, the applicant can start the process for the SEUP.
- The maximum height for the pole lighting is twenty feet (20’).
- An eighty foot (80’) front setback.
- The building material is to be stucco, drivet and brick.
- Sixty percent (60%) greenspace.
- Install a sidewalk from front door of the building connecting to the existing sidewalk on Main Street.
- Shift the design to the west in order to separate the drive-thru lane from the parking area.
- Reduce the height of the sign.
- TEQR Committee needs to look at traffic.
- Save and/or use the trees on the east of the site.
- The lights are to have flat lenses.

Richard Bigler explains that there are lights at Genesee and Harris Hill Road that are ten feet (10’) high and are very attractive.

Richard Bigler	Aye	Phil Sgamma	Aye
George Van Nest	Aye	Timothy Pazda	Aye
Gerald Drinkard	Aye	Wendy Salvati	Aye
Patricia Powers	Aye		

MOTION CARRIED.

Wendy Salvati suggests that the engineer read the Town’s Lighting Code.

Clarification is made regarding the next step for the applicant. A redesigned plan, per the above conditions, needs to be submitted, it will be forwarded on to the committees that the project has been referred to.

Item 2

Roll Road Industrial Business Park
Industrial

Requests Concept Plan Approval for a proposed
Industrial Business Park at 8540 Roll Road.

DISCUSSION:

Jim Callahan provides the history on the project. It is located on the north east side of Roll Road and Harris Hill Road and consists of approximately twenty-nine (29) acres. The project received a negative declaration from the Town Board on July 5, 2006; this was after a coordinated review and a recommendation from the TEQR Committee.

Dominic Piestrak and Bill Tuyn are present.

Patricia Powers advises the applicant that the checklist for Concept Plan Approval will be required. She also asks Mr. Piestrak what provisions he has made for a bike path. Mr. Piestrak has not made any provisions for bike path; however, he does not have a problem accommodating this request, perhaps on the east side of the property that will align with the public right-of-way.

Wendy Salvati notes that once the project is approved and individual projects come in, they will be subject to site specific SEQR review. The applicant understands.

Mr. Piestrak is currently negotiating with a prospective client who wants to build a 100,000 square foot industrial manufacturing facility for clean medical supplies, probably on lot nine (9) and ten (10).

Patricia Powers states that this will be a private road built to public road specifications. It would be built like this so that it might be dedicated at some point in the future for connectivity. Mr. Piestrak asks why a private road? Chairperson Powers explains that the road has no benefit to the Town at this point; there is no connectivity to anything. Wendy Salvati points out that this requirement is consistent with other projects that have come before the Planning Board. Mr. Piestrak does not know what the impact of a private road will have on the end-user.

Bill Tuyn explains that the address location of a business is very important to the success of that business. To extend the Harris Hill Road not only makes it easier for signalization but also gives the future businesses a Harris Hill address. People know where to find Harris Hill. The cost of maintaining the infrastructure is born by the public, if it's a public road. However, these will be businesses that generate taxes and demand very little in services.

Tim Pazda explains that the road would be built private and once there is connectivity it would be dedicated as a public road.

Mr. Piestrak asks if the taxes will differ for a business that is on a private road. Mr. Piestrak is advised to discuss the tax situation with the Assessor's Office or the Highway Superintendent.

Mr. Tuyn is concerned with the amount of time that may pass before the private road becomes dedicated. If it takes twenty (20) years to sell all the lots, then the road is twenty (20) years old and the Town may not want it. David Donohue explains, from the Town's perspective, why would they want a road to nowhere with no businesses on it.

Gerald Drinkard voices his concern and asks if a private extension of Harris Hill or a stub road of Harris Hill can be made public. He agrees that the address is very important.

George Van Nest suggests that, since the road questions can not be answered by the Planning Board, perhaps these questions should be forwarded on to the Supervisor’s office or the Town Attorney’s Office. Mr. Tuyn agrees that the road discussions should be continued at the Town Board level. He will continue to show the road reserved as a potential right-of-way.

Bill Tuyn explains that the name of a road does not change as it goes through different jurisdictions. Councilman Scott Bylewski suggests discussing the naming and extension of the road with the Amherst Fire Patrol, Ray Braun. This may help if the discussion takes place prior to the project being placed on the Town Board agenda.

ACTION:

Motion by Wendy Salvati, seconded by Richard Bigler, to **recommend** Concept Approval for agenda item #2, with the following conditions:

- A Concept Plan checklist is required.
- At such time, a Development Plan checklist will be required.
- The Development Plan should show the possibility of a bike path on the parcel.
- A private road built to public road specifications.
- Any project within the parcel will be required to come before the Town Board and then the Planning Board to be referred to TEQR for site specific.
- No clearing prior to the Town Board approval.
- Contact the Amherst Fire Control regarding the naming of the road.
- Any project that goes into the Industrial Park will be required to have their laterals placed in such a manner as to facilitate hook-up to sewers if they ever become available.
- Fees are dealt with on an individual basis.

Richard Bigler	Aye	Phil Sgamma	Aye
George Van Nest	Aye	Timothy Pazda	Aye
Gerald Drinkard	Aye	Wendy Salvati	Aye
Patricia Powers	Aye		

MOTION CARRIED.

Item 3

Parks & Recreation Master Plan 2015

Discussion.

Wendy Salvati is excused from this project due to the fact that it was prepared by her employer.

DISCUSSION:

Patricia Powers agrees with the recommendation for a skate park to be put in at Sunset Park and Parker Park. The parks may not be centrally located, however they are easily accessible by youngsters living in the neighborhoods, and they do not need to be able to drive in order to get to the skate park. Councilman Bylewski advises that there is a narrative regarding skate parks on page 1.7 of the Parks and Recreation Master Plan. Phil Sgamma’s recommendation is to have skate parks scattered all over town so they are easily accessible.

The status between the Town and the County regarding Beeman Creek remains the same.

Jim Callahan explains that the plan is to have the Parks & Recreation Master Plan incorporated into the overall Master Plan. The process to do this is to take the plan through the Planning Board and the TEQR Committee to determine the environmental significance.

Jim Hartz explains that the stated goal in the Master Plan is to maintain the Town's strong recreation program as continued growth occurs. There is no statement in the Parks & Recreation Master Plan regarding future growth. Councilman Bylewski said this issue is among some of the changes that are being addressed with the APF amendments to the Master Plan.

Councilman Bylewski suggests changing the name of the Parks & Recreation Master Plan 2005 to reflect the year 2015 in lieu of 2005.

Phil Sgamma recommends deleting the cost of the projects listed in the Parks & Recreation Master Plan; list the projects but not the cost.

Golf courses are discussed and Gerald Drinkard asks if a golf course is as important as other items the Town might need today. Councilman Bylewski thinks it is more appropriate for the recommendation of prioritizing projects to come from the Recreation Advisory Committee to the Town Board.

Tim Pazda would like to see Lacrosse fields in the plan. Mr. Pazda would also like to see connectivity between areas within Town Place Park, so that if a parent has children playing at different fields he/she would not have to drive out of the park to get from one field to the other.

Phil Sgamma suggests staying away from any motorized vehicle parks. If you have a trail for snow mobiles, then you need one for dirt bikes or perhaps a race car track or a go-cart track. Councilman Bylewski advises there are agreements with the Town for snowmobilers through the Snow Seekers. Mr. Sgamma is not suggesting the snowmobilers be stopped.

Gerald Drinkard said there is no mention of how the Town will handle the maintenance of growing parks in this Master Plan. Councilman Bylewski said the Town is currently looking at this issue.

Tim Pazda suggests putting up a sign on the parcels that the Town has purchased to advise the residents that the parcel is owned by the Town and will be forever kept in its natural state. A map showing the Greenprint purchases would be a good idea as well.

Patricia Powers suggests forwarding Mr. Blum's comments to the TEQR Committee along with the Parks & Recreation Master Plan. Mr. Blum's comments were received at the July 5, 2006 Planning Board meeting.

Tim Pazda refers to Figure 6 Memorial Park and suggests correcting the wording for "Existing Baseball Diamonds" to "Existing Softball Diamonds" on the south east portion of the park.

Richard Bigler refers to Figure 6 and points out that the yellow line indicating the park boundary runs through a house adjacent to the existing soccer fields.

There will be limited use at the County Road Site because it is part wetland.

ACTION:

Motion by Gerald Drinkard, seconded by George Van Nest, to **refer** the Parks & Recreation Master Plan 2005, along with Mr. Blum's comments to the TEQR Committee, the Fire Advisory Board and the Traffic Safety Committee.

ON THE QUESTION:

Richard Bigler wonders what is used to protect adjacent homeowners from parks functions, various events or development. Mr. Bigler asks if there is something in place in the Master Plan to notify neighbors of development or events held at the park. Councilman Bylewski refers to Memorial Park and advises that the neighbors were involved in the placement of entrances and exits.

Richard Bigler	Aye	Phil Sgamma	Aye
George Van Nest	Aye	Timothy Pazda	Aye
Gerald Drinkard	Aye	Patricia Powers	Aye

MOTION CARRIED.

Patricia Powers reminds the Board that the next meeting will be August 16, 2006. One agenda item for discussion will be the revisions of the Zoning Law.

Meeting adjourned at 9:29 p.m.

Patricia Powers, Chairperson