

Clarence Planning Board Minutes  
Wednesday, September 7, 2005

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)

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

Planning Board Members Present:

Patricia Powers	Tim Pazda
George Van Nest	Roy McCreedy
Jeff Grenzebach	Phil Sgamma
Gerald Drinkard	

Planning Board Members Absent:

Wendy Salvati

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:

Frank Wailand	Jim Rumsey
Mark Massachio	Jim Blum
Mr. Zografos	

MINUTES Motion by Pat Powers, seconded by Jeff Grenzebach, to approve the minutes of the meeting held on August 17, 2005. Correction to page 191, line 2; frontage should read 300 ft., not 350 ft.

Patricia Powers	AYE	Wendy Salvati	Absent
George Van Nest	AYE	Roy McCreedy	AYE
Jeff Grenzebach	AYE	Phil Sgamma	Abstain
Gerald Drinkard	Abstain	Tim Pazda	AYE

MOTION CARRIED.

**Item 1**

Frank Wailand  
Mr. Zografos  
Industrial Business  
Park Zone

Requests Concept Plan approval for construction of a 21,000 sq.ft. office/warehouse/distribution center at 8550 Roll Road.

DISCUSSION:

Jim Callahan gave a brief description of the project, which is located at the north side of Roll Road east of Harris Hill Road, consists of approximately 3 acres. It is zoned industrial/business park and the project was introduced to the Town Board August 24, 2005, and was referred to the Planning Board for review and comment.

Frank Wailand introduced himself and Mark Zografos to the Board. Mr. Wailand presented a site plan. Mr. Wailand restated that the proposed structure is 20,000 sq. ft. facility, which will have a showroom in the front of several thousand sq. ft., a production area in the center and a storage of marble and granite (large slabs of material) in the back. Customers will have a chance to choose from large slabs of material from the warehouse. Mr. Wailand also stated that the building will have several overhead doors to receive flatbed trucks in the shipping and receiving area and 2 overhead cranes. A septic field on the west side of the property. The building will be entirely out of the flood plain. The drainage ditch runs across the east property line. Mr. Wailand presented copies of the plans indicating an elevation of the building and the design of the front of the building. The main building in the rear will have a 28 ft. eave height, the front has a 16 ft. eave height which goes back 120 ft. There will be a 4 ft. decorative wall going around the entire building.

Gerald Drinkard asked a question on the elevation and if material was corrugated. Mr. Wailand said it was a tempered steel material set back about 120 ft.

Pat Powers questioned height of the building, roof equipment and original plan. Mr. Wailand replied the rear building is a 28 ft. eave height and the front building is a 16' ft. eave height and the equipment is located on the side of the building and nothing would be on the roof. In reference to the change from the original plan submitted, Mr. Wailand replied that it not part of the Roll Road Industrial Park and this will be the final site, (the owner is in the process of closing on the parcel) fronting on Roll Road, the west property line is where the possible future Harris Hill extension will exist.

Phil Sgamma asked if Mr. Piestrak owns the property and if they are in the process of purchasing the parcel from him. Mr. Wailand replied affirmatively. Phil Sgamma then asked that several months ago Mr. Piestrak appeared before the Board and was he aware that this property was part of a larger industrial park and the Board sent back for quite a bit of modification? Mr. Wailand replied he was not aware of that.

Mr. Zografos, owner of proposed warehouse explained initial plans and that because of a time frame opted not to be part of Mr. Piestrak's plans but rather purchase from him the corner lot which had been excluded from his industrial development. The

project would have delayed plans for an October 2006 occupancy. Mr. Zografos said the parcel is independent, located at the very far corner and has no bearing on the industrial park. The industrial park is 250 ft. east downward and would have a driveway going straight back behind his facility opening up into a cul de sac. It is a separate entity off of Roll Road.

Pat Powers stating that the confusion is the fact that they are showing the Harris Hill extension.

Mr. Zografos said Mr. Pietzrak asked him if he had any objections if the Harris Hill extension came through which he did not, but rather welcomed it because it would then create a corner lot and prime location with the potential of a rear parking lot with access off Harris Hill Road.

Pat Powers asked to see the aerial view and asked if the industrial park would be 200 ft. east.

Mr. Zografos replied there is a swale that runs across Roll Rd. that drains across the southerly side of the street, the industrial park would start east and head back to the pond area, and thought it goes beyond Gott Creek.

Pat Powers spoke on behalf of Wendy Salvati asking how is this connected to the industrial park and to the land at the rear of the parcel? It is suggested we plan this area properly from the start.

Jeff Grenzebach questioned Harris Hill Rd. extension. Mr. Zografos replied he has nothing to do with the extension and that he is closing on the property tomorrow morning. Phil Sgamma asked if there was any interest or connection with the industrial park? Mr. Zografos replied he had no connection. Dave Donahue asked if subdivision approval had been received. Mr. Zografos said he assumed his attorneys had taken care of that. Jim Callahan said that there had been no subdivision approval for the property. Dave Donahue spoke more about subdividing. Phil Sgamma replied that the minor subdivision review process had nothing to do with the Planning Board.

Pat Powers asked Frank Wailand about setback from Gott Creek corner and sewer capacity. Mr. Wailand replied the back lot parking lot is 131 ft. from center line of the creek and the flood plan has been checked with Tim Lavacot and their would be a sand filter system, the storm water would be contained in a detention area with a reducer and discharge into the creek along the east property line. Tim Pazda replied that the proposal doesn't apply to the plans presented today and the boundaries are not set yet. Although, he is happy to see him bring his business to Clarence, the project needs more study. Dave Donahue stated the subdivision is a major problem. Mr. Piestrak does not have permission to subdivide the land and suggested Zografos talk to his attorney. Mr. Zografos replied he was not aware Mr. Piestrak had already submitted something to the Board and has been waiting for documentation. Jeff Grenzebach questioned the recycling of water used to polish stone and the septic size necessary. Dave Donahue asked about the Harris Hill extension. Tim Pazda replied the homeowners were trying to keep it away from their homes. Phil Sgamma added on. Tim Pazda referred to a previous plan where Harris Hill would go straight through, and these are a number of concerns.

Pat Powers asked if there were any other questions. Councilman Bylewski had several questions. He referred to Planning Board Agenda minutes of June 15 regarding the Harris Hill Rd. extension and asked if the parcel is contiguous with any land owned by Mr. Pietzrak. Dave Donohue pointed out a subdivision on other side of swale. Councilman Bylewski asked to be on record showing there is no break in ownership between Mr. Piestrak and the applicant. Jim Callahan indicated that Mr. Piestrak currently owns and stated the parcel is zoned industrial. Jim Callahan stated that Mr. Piestrak has purchased his parcel as a whole property without a subdivision requirement. Pat Powers questioned if Mr. Piestrak owns or has an option to buy. Dave Donahue stated he had an option to buy. Mr. Callahan said he read a closing. Tim Pazda stated he thought the project was lovely, but had concerns over Harris Hill Rd. traffic (being one of the few north south roads) and that in the future there be adequate road facilities, adding that, as proposed, this would be a perfect project to this area. Mr. Zografos replied his business is by appointment only, which is low traffic volume and he runs a very clean business, with the location being centrally located where the majority of his business is from Amherst/Clarence areas.

**ACTION:** Motion by Pat Powers, seconded by Tim Pazda to table the matter until the Planning Board and the Planning Department have an opportunity to thoroughly review the proposal as it relates to the overall park.

Patricia Powers	AYE	Wendy Salvati	Absent
George Van Nest	AYE	Roy McCready	AYE
Jeff Grenzebach	AYE	Phil Sgamma	AYE
Gerald Drinkard	AYE	Tim Pazda	AYE

**MOTION CARRIED.**

**ON THE QUESTION?**

Councilman Bylewski commented Mr. Piestrak has submitted other projects and whenever the Town receives an application there is always something missing and has a strong concern over what exactly is going on.

Phil Sgamma asked what else is required from this applicant? We need to clarify the ownership? Do we want any green space in front?

Frank Wailand informed the Board on the specifications regarding the green space.

Tim Pazda asked if he would be willing to flip flop the driveway and put it on Roll Road and off Harris Hill Rd? Mr. Zografos replied he would like some kind of timeframe. Mr. Wailand commented that waiting for Mr. Piestrak could kill the project.

**Item 2**

Benderson Development  
Major Arterial Zone

Requests a building permit for  
construction of an 8,500 +/-  
Sq. ft. addition.

**DISCUSSION:**

Jim Callahan gave a brief description of the project, which is located on the east side of Transit Road between Sheridan and Greiner. It is part of the Eastgate Plaza Development. The plaza encompasses over 70 acres and it's all zoned Major Arterial. The area proposed for addition is the small infill between Wal-Mart and the Famous Footwear.

James Rumsey, the architect for Benderson, introduced himself and provided the board with a brief history of the project. He stated that Benderson sold quite a bit of their portfolio and this plaza was part of that sale. He explained the project and addressed various questions.

Tim Pazda wondered if this is the final phase and whom Mr. Rumsey was representing. He expressed concerns regarding traffic flow and felt that it wasn't working. George Van Nest questioned if a letter was on file identifying the overall build-out and SEQRA. Phil Sgamma added that traffic is horrendous on Transit, in the vicinity of this plaza.

Tim Pazda expressed that the traffic issue was troubling to the Board. Pat Powers wondered if Benderson owned the property. Gerald Drinkard mentioned that the traffic is affecting Transit Road and wondered if exits on Greiner could be explored. Pat Powers presented a list of requirements and George Van Nest mentioned that DDR might not be aware of this problem.

Scott Bylewski commented on the closing of the median at Applebees and internal roundabouts. George Van Nest suggested contacting DDR to take a look at this project and specifically traffic flow.

**ACTION:** Pat Powers moved to table the project so that the applicant has time to consider the traffic considerations as suggested by the Town Board and the Planning Board; Phil Sgamma seconded the motion.

**ON THE QUESTION?**

Councilman Scott Bylewski acknowledged that the Planning Board spent a lot of time regarding the Shops at Main and Transit regarding traffic patterns and the potential of creating a boulevard effect which, he said, "somewhat exists around here now." He brought up Wendy Salvati's suggestion to perhaps close up the median to allow some right turns in and out of Applebee's as a possible solution to this problem. He also

mentioned the impetus in Western New York regarding roundabouts. He wondered whether a roundabout made sense. He recalled discussions regarding internal traffic signalization and wondered whether that would be an alternative in providing additional green space. He suggested presenting these ideas to DDR as possible ways to ease the traffic flow situation.

Patricia Powers	AYE	Wendy Salvati	Absent
George Van Nest	AYE	Roy McCreedy	AYE
Jeff Grenzebach	AYE	Phil Sgamma	AYE
Gerald Drinkard	AYE	Tim Pazda	AYE

MOTION CARRIED.

**Item 3**

Jim Ball  
Major Arterial

Requests Concept Plan approval for construction of a new automotive dealership at 5731 Transit Road.

DISCUSSION:

Jim Callahan gave a brief description of the project located on the east side of Transit Road south of Highland Farms Drive. It consists of approximately 10 acres zoned major arterial with frontage. The project was introduced to the Town Board on August 24, 2005 and referred to the Planning Board for review and comments.

Mark Massachio, of Massachio Architects, introduced himself to the Board. He presented their proposed plan for a full service Suzuki car dealership as well as what they are calling an "accessory building" which would be utilized for a number of different things including oil changes, running boards, and radio installations. Also included in this building would be a two-bay fully automatic car wash that would be available to the general public as well as for internal use. Mr. Massachio referenced the site plan and said that they were actually incorporating two large properties; the two buildings in the bottom left-hand corner of the plan would be demolished and the accessory building built at that location.

Jeff Grenzebach questioned whether the drive way would line up with the existing driveway on the opposite side of Transit. Mr. Massachio replied that they would look into the matter and he thought the DOT and DEC would review this as well.

Gerald Drinkard wondered what the two columns of parking spaces would be used for and he was told they were new car showroom spaces.

Pat Powers stated that there is a minimum 25' landscape green space regulation for the front of the property. Referring to the plans, she said that as drawn, the front row of cars would have to go. Jim Callahan said it was not a zoning requirement but the idea was to align with other uses along Transit Road to create a buffer or barrier.

Tim Pazda inquired whether Mr. Massachio was aware that a special exception use permit was required. Mr. Massachio said he was aware of this requirement.

More concerns were addressed regarding the location of the driveway in relation to the driveway at Transit Middle School. Jim Callahan noted that the area in question was designated a "school bus only" stacking area. He thought it would be appropriate to check with the school district to confirm this.

Pat Powers wondered if Mr. Massachio's client owns the entire parcel and if there were any plans in the future to construct private homes. Mr. Massachio confirmed that zoning was such that homes could be built in the future but that they had no current plans in that direction. They would "leave it as is for now." He did state that they were allowing for future access to the back.

Dave Donohue wanted to know where the lot line for the current project was. Mr. Massachio said the current project would extend about half way. Jim Callahan advised that the first residential lot was located at 500 ft. The lot line for this project extended to 468 ft. Jim Callahan said, "They're totally within the major arterial zone."

Dave Donohue wondered if they were purchasing the land or whether they were leasing it from the owner. He was told that they were purchasing the land. Mr. Donohue also wondered if there were subdivision application requirements, to which Jim Callahan responded that no applications pertained as long as they were not splitting the parcel.

Pat Powers questioned how access would be gained for any residents who decided to build in the future and she was told that the southern portion would be left open. Tim Pazda asked whether this would be a private street and what the requirements were as far as curb cuts on the street. He wondered how far away the nearest curb cuts would be. Jim Callahan responded that if it's considered an open development, there is a 100' separation between driveways within the zoning. Tim Pazda wondered if the possibility for future development had been studied. Mr. Massachio replied that right now, the way the plan is developed, it is showing you what the site would look like though the plan is dependent on what the DOT would require.

Jim Callahan, speaking for Wendy Salvati, mentioned that the Lakeshore Savings Bank approval included a 75' access to Highland Farms Drive to get to the traffic light. Jim Callahan stated that this connection should be analyzed. Tim Pazda asked Mr. Massachio whether they would be willing to consider a single entrance. Mr. Massachio replied that it would not be ideal, but they would be willing to take a look at it.

Jeff Grenzebach, pointing to the back of the site, questioned what type of lighting was planned. Mr. Massachio replied that they preferred minimal lighting for security purposes because it is too expensive to leave on all the time. "Most of the bright lighting is on the Transit Road side of the building."

Pat Powers brought up the subject of how the car dealers would be signaled. She mentioned that they would have to have a method that would not include a public address system or pagers in consideration of the neighbors in the rear of the property. Mr. Massachio said that was fine.

Further, Pat Powers questioned what the buildings would be constructed of. She recalled that the plans showed corrugated metal and she didn't believe that's one of the

materials that would be considered in that area. To clarify the requirements, Mrs. Powers read the text that cited the appropriate materials. She then asked whether both buildings would be constructed of the same materials. Mr. Massachio said that the accessory building was to be constructed of an architectural masonry and glides of metal strips. He said the only corrugated metal on the Suzuki building would be on the rear service area and that everything fronting Transit Rd. is a smooth metal panel.

Pat Powers asked if they were in a sewer district and if that would be applicable for the dealership and any future homes that might be developed. Mr. Massachio replied that he would need to verify that because they haven't really looked at residential development because there's no intention at this time to make that development.

Phil Sgamma commented on the facade not being very attractive. Mr. Massachio replied that the back portion of the building would be set back far enough on the site (approximately 250 feet back from the road) and the front portion would be the show room.

Pat Powers questioned Mr. Massachio where his dealership showroom would line up with the bank and stores as far as setbacks. Mr. Massachio said he believes it would be located slightly forward. Pat Powers continued by saying that this is a heavily treed lot, which would require several buildings to be demolished; reminding Mr. Massachio that a demolition permit will be required.

Pat Powers informed Mr. Massachio that the Board requests a tree survey be done for the entire parcel prior to concept approval. Pat Powers stated that the Board will be concerned with anything 6" or greater at DBH. Mr. Massachio stated that the northern portion has a good size setback on the building, so that portion would be retained as is.

Phil Sgamma advised Mr. Massachio that it would be beneficial for Mr. Massachio to show which trees are going to be saved or which trees are going to be used as a border or buffer.

Mr. Massachio acknowledged that he still has to increase the interior green space and work out the detention location on the site, but primarily is waiting for the Board to acknowledge the site as an appropriate development and the buildings/designs are acceptable.

Jeff Grenzebach questioned the amount of parking spots. Mr. Massachio stated that presently, the property shows 260 spots.

Pat Powers welcomed Jim Ball coming to Clarence. Pat Powers stated that the Board would like to give Mr. Massachio the opportunity to address the concerns that the Board expressed at this meeting. Pat Powers listed the concerns being:

- Reconfiguration with the driveways. If Mr. Massachio believes the DOT is going to ask him to line the driveway on Transit Road up with the school bus driveway across the street, the Board would like to see a plan showing that.
- Special Exception permit required; to be dealt with a Public Hearing at Town Board Level.

- Requesting additional green area along Transit Road, cross connection to Highland Farms Drive for future residential use to the rear.
- Tree survey of entire property.

Mr. Massachio questioned the exact amount of green space being requested. He asked if it is 25' or is there some room for adjustment. Pat Powers responded by saying there is some room for adjustment as an incentive toward the cross access. Pat continued by saying the Board can be a little bit flexible. Pat stated that she believes 25% green space is what the Board was asking for under the new zoning law.

Phil Sgamma stated that he is unclear on the setbacks. He questioned Mr. Massachio as to why he has two (2) buildings at various setbacks. Mr. Massachio explained that there is more display area in front of the show car dealership rather than in the accessory building. Mr. Massachio stated that they wanted that building more accessible to Transit Road, rather than it become deeper into the site, and for visibility of that accessory building.

Pat Powers clarified that the accessory building would be; the front setback minimum is 135' from centerline. Mr. Massachio believes they are past that.

Tim Pazda clarified that 25% green space would not apply in this case, because this is all one entire lot, giving Mr. Massachio closer to 50% green space. Tim Pazda stated that perhaps the Board is looking more for a green belt next to Transit Road.

Phil Sgamma questioned the impact of this business with the middle school across the street. Pat Powers stated that when the time nears, the Board would notify the Town of Amherst and send them copies of the plans for feedback.

Jeff Grenzebach questioned the store hours of the two (2) buildings. Mr. Massachio replied that the hours will vary, depending on success of business, but approximately; 9am-9pm – open Saturdays – closed Sundays.

Pat Powers informed Mr. Massachio that upon his return, the Board would expect;

- A concept check list for commercial projects; both are available in Planning and Zoning office.
- A development plan checklist when the time nears.

Tim Pazda stated that he would like clarification on the lighting. Mr. Massachio informed the Board that they would do a photo metrics of the property that will illustrate the actual foot-candles.

Phil Sgamma forewarned Mr. Massachio to expect some reaction from the Highland Farm neighborhood.

Pat Powers recapped any potential concerns; lighting, car alarms, non-sound systems and residential neighbors. Pat suggested to Mr. Massachio that the

more explanations of how these problems will be elevated, the more beneficial would be to him and the residents.

Jeff Grenzebach questioned the signage on the property. Pat Powers advised Mr. Massachio to show on his plans where the sign would be placed.

Roy McCready asked, regarding the residential area in the back, when it becomes developed, would it be with single-family homes or multiple family homes. Mr. Massachio replied that he is unaware of any projects at this time and the main concern is the front parcel.

**ACTION:** Pat Powers moved to table the project and give Mr. Massachio and Mr. Ball the opportunity to review the concerns that the Board discussed this evening.

Motion by Jeff Grenzebach, seconded by Phil Sgamma to table project for further review of concerns.

Pat Powers	Aye	Gerald Drinkard	Aye
George Van Nest	Aye	Jeff Grenzebach	Aye
Tim Pazda	Aye	Phil Sgamma	Aye
Roy McCready	Aye	Wendy Salvati	Absent

**MOTION CARRIED.**

**ITEM 4**

Local Law Review

**ACTION:** Motion by Phil Sgamma, seconded by Pat Powers to ask White and Smith to address concerns raised by Planning Board members.

Pat Powers	Aye	Gerald Drinkard	Aye
Tim Pazda	Aye	Jeff Grenzbach	Aye
Roy McCready	Aye	Phil Sgamma	Aye
George Van Nest	Aye	Wendy Salvati	Absent

**ITEM 5 Landscapes and Tree Law**

Long discussion on draft law. Jim Callahan will incorporate all comments received and prepare a 2<sup>nd</sup> draft.

**ACTION:** Motion by Jeff Grenzebach, seconded by George Van Nest to adjourn the meeting.

Meeting adjourned at 9:54 p.m.  
Patricia Powers, Chairman

