

Clarence Planning Board Minutes

Wednesday, September 20, 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

7040 Goodrich Road
Norm Castine

Requests Concept Approval for a proposed 4-lot
Open Development area plus one frontage lot.

Item 2

9095 Main Street
Dr. Michael Bloom

Requests Concept Approval for construction of a
new medical office building.

Item 3

Zoning Law changes

Discussion

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

Planning Board Members Present:

Patricia Powers
George Van Nest
Jeffrey Grenzebach
Timothy Pazda

Wendy Salvati
Richard Bigler
Gerald Drinkard

Other Town Officials Present:

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

Other Interested Parties Present:

Jeff Palumbo
Norm Castine

Brad Davidzik

Item 1

7040 Goodrich Road
Norm Castine

Requests Concept Approval for a proposed 4-lot
Open Development area plus one frontage lot.

DISCUSSION:

Jim Callahan provides the background on the project. The property is located on the west side of Goodrich Road, north of Martin Road. It consists of approximately 28 acres and is zoned Agricultural Rural Residential. A Negative Declaration under SEQR was issued on October 26, 2005.

Brad Davidzik, of Renaldo & Palumbo is representing Norm Castine. Mr. Davidzik said one concern that has been discussed regarding the project is five (5) acre parcels, there are four (4) five (5) acre parcels, the fifth parcel is the frontage lot and is actually 4.5 acres. This fifth lot meets the requirement of a minimum of two (2) acres for an Open Development Area. The proposal now includes a private road as opposed to the previous public road proposal. Mike Drescher's parcel will be connected to the private road, he currently has a curb cut where subplot one (1) meets the road, this will be closed, he will then tap into that private road. There is plenty of separation between where the proposed houses would go with regards to the lot lines of the homes on Goodrich Road and Martin Road; there is at least 200 feet.

Patricia Powers advises Mr. Davidzik that a Concept Plan Checklist is required to be received in the Planning and Zoning office by September 27, 2006. Similarly, when the project is up for Development Plan Approval, that checklist will be required as well. She asks what the setback is from the road to Mr. Drescher's driveway. Mr. Davidzik does not have this figure, however, the plan is then looked at closely and it appears to show a distance of 687'.

Tim Pazda voices his concern regarding the complaints that neighbors have had with regards to water problems on their property. He thinks this is still an issue and needs to have particularly close attention paid to it so that further problems are not created for those existing neighbors. Mr. Davidzik said this issue will be addressed to the fullest extent possible. David Donohue suggests asking the Town Engineer to pay special attention to drainage issue, even though they always look at it anyway. Wendy Salvati recalls the Town Engineer speaking to this issue so he is aware of the drainage problems in the area.

Gerald Drinkard asks if the 50' driveway shown on the plan is an accurate number. Mr. Davidzik said that is not accurate, they would rather have 20' wide pavement and a 36' wide right-of-way.

Patricia Powers reads the report from the Fire Advisory Board which indicates no hydrant locations in the cul-de-sac. Hydrants are required every 500'-600', one hydrant to be at the beginning or end of the cul-de-sac.

Mr. Davidzik explains the minimum lot size is 4.5 acres; the remainder of the lots are 5.2, 5.7, 5.0 and 5.1 acres.

Councilman Bylewski asks for clarification on the number of lots being proposed. Jim Callahan explains that the proposal is for five (5) additional lots, the one lot is the existing home. Mr. Drescher's lot has already received permission to subdivide. Patricia Powers clarifies further by explaining that the proposal is for a 4-lot Open Development Area plus one (1) frontage lot, this is lot number one (1) and faces Goodrich Road.

ACTION:

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

- the applicant shall pay special attention to the direction of the Fire Advisory Board comments, hydrants are required every 500'-600'.
- special emphasis on the drainage plan is brought to the attention of the Town Engineer.

ON THE QUESTION:

Wendy Salvati makes the applicant aware of the Tree Preservation Law, he must be aware that a permit is required to remove trees. She also brings attention to the requirement of maintaining eight inches (8") of topsoil on the portions of the site not covered by structures or roadways.

Patricia Powers	Aye	Wendy Salvati	Aye
George Van Nest	Aye	Richard Bigler	Aye
Jeff Grenzebach	Aye	Gerald Drinkard	Aye
Tim Pazda	Aye		

MOTION CARRIED.

Item 2

9095 Main Street
Dr. Michael Bloom

Requests Concept Approval for construction of a new medical office building.

DISCUSSION:

Jim Callahan provides the history of the project. It is located on the south side of Main Street, west of Barton Road. It consists of over an acre zoned Commercial. The existing office building was approved in 2002. The Zoning Board of Appeals has identified the setbacks on the design are acceptable. The applicant is seeking approval on a second medical building as designed.

John Garas, of Hopkins, Garas and Sorgi PLLC, is representing Dr. Bloom. Mr. Garas said one of the major concerns when this project was before the Planning Board in July 2006 was that this property abuts a residential area and the question was whether the 45' buffer requirement in the new code would apply to this proposed second building. The Zoning Board of Appeals has reviewed the issue and has interpreted the code to indicate that the 45' greenbelt area does not apply. There were also some neighbors that expressed concerns regarding harsh lighting at the existing site. There are photographs that have been submitted this evening showing that steps have been taken address the lighting issue. Hoods have been installed on the lights on the east side of the property to shield the lighting. The wattage on the exterior lights has been reduced.

Mr. Garas explains that a Landscape Plan has been submitted this evening showing the locations of trees and a berm.

Mr. Garas addresses the parking issue and said that Wendy Salvati thought that 78 parking spaces were required. The plan indicates 90 parking spaces. The building is 138'x 42' which makes it

over 5,000 square feet. Mr. Garas thinks there is no excess parking. Wendy Salvati agrees and said he needs the parking.

Gerald Drinkard asks if the landscape plan includes the commentary made by the Zoning Board of Appeals in terms of making the landscaping denser on the east side of the site. David Donohue said at Development Plan Approval the Planning Board will have to send a Landscaping Plan to the Landscape Review Committee for approval and to make sure it complies with any Zoning Board of Appeals requirements. Mr. Garas was not sure what the Zoning Board of Appeals had recommended; he thinks this is a Planning Board issue. He said the Landscape Plan is to enhance the vegetation on the existing berm on the east side of the property, not to expand the berm in anyway.

Tim Pazda compliments the applicant for addressing the lighting issue on the existing building.

Mr. Garas makes an educated guess that the light poles are twelve feet (12') high. He also explains that there will be no night hours at either one of the buildings. Mr. Garas is not sure if the lights in the parking lot are on all night or not, he will find out. Jim Callahan said the parking lot is not lit at night. Patricia Powers said the Planning Board would like to see the light standards for the new building to be shielded in exactly the same manner in which they addressed it with the existing building.

ACTION:

Motion by Jeff Grenzebach, seconded by Gerald Drinkard, to **recommend** Concept Plan Approval and refer the project to the Fire Advisory Board. The conditions of the lighting must be met per the discussion regarding the lighting standards; they are to be the same at the new building as at the existing building. It is also **recommended** that the Town Board issue a Negative Declaration as this action is not anticipated to result in any adverse impacts to the surrounding area.

ON THE QUESTION:

Gerald Drinkard asks if the septic system needs to be moved or expanded. Mr. Garas said the septic system does not have to be moved or expanded.

Jim Callahan asks Mr. Garas if the occupancy is for a specialist. Mr. Garas said, "That's right." There are six (6) to eight (8) patients a day.

Wendy Salvati said another condition needs to be met with regards to the lighting; the lights are to be shielded in the same way as the existing lights and they are not to be lit all night.

Jim Hartz suggests coordinating the sign for the new building with the existing building, there can not be an additional free standing sign. Mr. Garas said that is the plan. Rich Bigler asks if the sign lights are lit all night. Jim Callahan said they are on a timer.

Patricia Powers	Aye	Wendy Salvati	Aye
George Van Nest	Aye	Richard Bigler	Aye
Jeff Grenzebach	Aye	Gerald Drinkard	Aye
Tim Pazda	Aye		

MOTION CARRIED.

Item 3

Zoning Law changes

Discussion

DISCUSSION:

Jim Callahan has distributed a copy of the latest Proposed Zoning Law changes based upon the discussion held at the last Planning Board meeting.

ACTION:

Motion by Gerald Drinkard, seconded by Wendy Salvati, to **refer** the Proposed Zoning Law changes to the TEQR Committee.

Patricia Powers	Aye	Wendy Salvati	Aye
George Van Nest	Aye	Richard Bigler	Aye
Jeff Grenzebach	Aye	Gerald Drinkard	Aye
Tim Pazda	Aye		

MOTION CARRIED.

Patricia Powers explains the Planning Board will commence their review of the Sign Law at the October 4, 2006 meeting.

Meeting adjourned at 8:05 p.m.

Patricia Powers, Chairperson