

Town of Clarence
Planning Board Minutes
Wednesday December 12, 2007

Work Session 6:30 pm

Roll Call
Minutes

Update on Pending Items
Committee Reports

Zoning Reports
Miscellaneous

Agenda Items 7:00 pm

Item 1

Staybridge Suites
Major Arterial

Requests recommendation on Development Plan and Architectural approval for a proposed new hotel at 8005 Sheridan Drive.

Item 2

Four M's Development
Industrial Business Park

Requests recommendation on Development Plan and Architectural approval for a proposed Industrial Business Park at 10120 County Road.

Item 3

Dan Furmanek
Traditional Neighborhood

Requests Preliminary Concept Review of a revised Open Space Design Subdivision with public roads and connectivity at 8230 County Road.

Item 4

Dunkin' Donuts
Commercial

Requests recommendation on Development Plan and Architectural approval for a proposed new restaurant at 9430 Main Street.

Item 5

Eric Ogren
Major Arterial

Requests recommendation on Change In Use at 6051 Transit Road.

Item 6

Sign Permit Applications

Review.

Chairperson Patricia Powers called the meeting to order at 7:00 p.m. Deputy Town Attorney David Donohue led the pledge to the flag.

Planning Board Members Present:

Chairperson Patricia Powers
2nd Vice Chairperson Gerald Drinkard
Timothy Pazda
Richard Bigler

1st Vice Chairperson Wendy Salvati
Jeffrey Grenzebach
George Van Nest
Albert Schultz

Other Town Officials Present:

Director of Community Development James Callahan
Deputy Town Attorney David Donohue

Other Interested Parties Present:

Ron Schumacher
Jim Blum
Jerry Young
Jeffrey Palumbo
Jim Geiger
Jason Knight

H J Becker
Mark & Karla Meiler
Pete Johnston
Phil Silvestri
Mark Tufillaro
Gene Metzinger

Motion by Jeffrey Grenzebach, seconded by Gerald Drinkard, to **approve** the minutes of the meeting held on November 14, 2007, with the following changes:

-Page 177, the first two sentences shall reflect the word "Plan" be inserted after the word "Concept".

-Page 179, the first sentence shall reflect the addition of "in the rear" after the word "property."

-Page 180, second last paragraph, second sentence the word "know" is amended to "known".

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

MOTION CARRIED.

Item 1

Staybridge Suites
Major Arterial

Requests recommendation on Development Plan and Architectural approval for a proposed new hotel at 8005 Sheridan Drive.

DISCUSSION:

Jim Callahan provides the history on the project. The property is located on the southwest corner of Sheridan Drive and Transit Road and consists of 6.3 +/- acres. A Negative Declaration under SEQRA on the project was issued by the Town Board on August 22, 2007. Concept Plan Approval with conditions was recommended on September 5, 2007. A Special Exception Use Permit for the hotel was granted by the Town Board on November 28, 2007.

Jerry Young, of Young and Wright Architectural, explains that the Quaker Steak and Lube restaurant will be at a different location on Transit Road; it will not be at this site.

Patricia Powers said the project has all the necessary approvals from all the involved agencies.

Tim Pazda asked what will be at the site if not a Quaker Steak and Lube. Mr. Young said there had been no discussion on a replacement.

George Van Nest asked if the DOT reviewed the revised traffic study. Mr. Young does not know. Steve Aldrich from FRA has been trying to contact DOT the past few days, but to no avail.

Mr. Young said he would be able to meet with the Landscape Committee on Wednesday.

Wendy Salvati asks for clarification on the driveway and asked if the movements will be a right and a left turn in, but no left turn out of the site. Mr. Young said that is correct. The plan needs to reflect this. Mr. Young said a plan has been submitted that shows this change.

Mr. Drinkard refers to the Landscape Plan where it indicates a board on board fence along the eastern perimeter; the Landscape Committee does not recommend this. A fence can not be built in the 45' greenbelt. Mr. Drinkard suggests supplementing the 45' greenbelt and said it appears that the applicant has done this. He also suggests adding 6' Colorado Blue Spruce trees along the property line. Mr. Drinkard points out that there is a 45 degree drop on the property at Transit Road. There is a lime stone shelf were nothing can be planted. He suggests pachysandra be planted on the 45 degree angle. Mr. Young said the plan shows plantings all along this area; there will also be a keystone type retaining wall and on the parking lot side of the wall will be plantings.

Mr. Young confirms that the pole sign located at the very corner of the property will be removed, never to be replaced. Patricia Powers points out that the applicant is eliminating one sign at the sight, making a total of two (2) signs, where there used to be three (3). Mr. Young discussed the issue of no signs on the building with the applicant, however, there was no conclusion made. There are two (2) monument signs on the drawing and he intends to leave the drawing as is. The proposed signs are 7' high by 7' long with a stone base that replicates the building. The Keystone wall will also match the building.

ACTION:

Motion by Patricia Powers, seconded by Jeffrey Grenzebach, to **recommend** Development Plan and Architectural Approval for a proposed new hotel at 8005 Sheridan Drive subject to the following conditions:

- The Town Engineers letter of December 5, 2007.
- The corrected Traffic Study received in Planning and Zoning, which addressed the discrepancies in the original study.
- Future additions to the hotel or possible pursuit of the restaurant will require the applicant to return to the Town Board for an approved Concept Approval.
- An approved Landscape Plan is required prior to being placed on the Town Board agenda.
- Commercial Open Space Fee(s).
- The Traffic Study recommends that access points to Sheridan Drive and Transit Road each consist of one inbound and one outbound lane.
- The Planning Board recommends the Transit Road driveway will be constructed in such a way as to allow right turns only out of that access point on to Transit Road.

ON THE QUESTION:

Wendy Salvati said it appears that there are two (2) lanes in bound from Transit Road, this needs to be corrected. Peter Johnston, of William Schutt and Associates, said one (1) lane in and one (1) lane out is new to him. He has always shown two (2) lanes going into the site for safety reasons; however, two (2) lanes will not be painted.

The motion is supplemented with the following:

-Two (2) lanes turning into the site and one (1) lane exiting.

Patricia Powers and Jeffrey Grenzebach agree with the supplemented motion.

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

MOTION CARRIED.

Item 2

Four M's Development
Industrial Business Park

Requests recommendation on Development Plan and Architectural approval for a proposed Industrial Business Park at 10120 County Road.

DISCUSSION:

The applicant is not present.

ACTION:

Motion by Patricia Powers, seconded by Timothy Pazda, to **table** agenda item 2 until the end of the meeting.

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 3

Dan Furmanek
Traditional Neighborhood

Requests Preliminary Concept Review of a revised Open Space Design Subdivision with public roads and connectivity at 8230 County Road.

DISCUSSION:

Jim Callahan provides the background on the project. The property is located on the north side of County Road, east of Stahley Road and consists of 19 plus acres. The proposed Open Space Design Subdivision has been through several design modifications. The Town Board has referred the latest design with public roads and connectivity to the adjoining properties for Preliminary Concept Review.

Jeff Palumbo, of Damon & Morey, represents the applicant. He calls attention to a few changes that have been made to the plan, there has been an increase to the Open Space area at the northeast portion of the property from 5' to 45', there is a 200' setback as requested by the Board, the number of lots has been reduced from 45 to 36.

Mr. Drinkard refers to the exception lot on the plan, and suggests that it not be shown as an exception lot. Mr. Palumbo said Mr. Furmanek planned on using that lot for the model home. Mr. Pazda said it is clear that the Planning Board does not want that parcel to reflect an exception lot. Wendy Salvati said the Planning Board would like to see the front of the parcel let alone and be a natural entrance to the subdivision. Mr. Palumbo said the plan is for patio homes with a maximum of 2500 square feet, 1 to 1 ½ stories. Wendy Salvati said this fits the character of the area.

Mr. Drinkard suggests the walkability of the neighborhood be made a condition of the motion, Deputy Town Attorney David Donohue said this is a requirement of the Traditional Neighborhood District, thus it will apply.

ACTION:

Motion by Timothy Pazda, seconded by Wendy Salvati, to **refer** agenda item 3 to the TEQR Committee, the Fire Advisory Board and the Traffic Safety Committee.

ON THE QUESTION:

Jim Callahan clarifies that there now is a Traffic Safety Committee.

Mr. Drinkard asked if a subdivision is referred to the Landscape Committee. Various Board members answer by saying, "not necessarily".

The concern about the exception lot is reiterated; there should be no exception lot on the plan. Mr. Palumbo said he will pass this information on to the appropriate people.

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

MOTION CARRIED.

Albert Schultz refers to Section 131-5 (A) of the Town Code, which reads: All developments otherwise subject to subdivision and/or site plan review shall meet the requirements of this chapter. A landscape plan shall be submitted and approved as a part of the review procedures for all projects.

Item 4

Dunkin' Donuts
Commercial

Requests recommendation on Development Plan and Architectural approval for a proposed new restaurant at 9430 Main Street.

DISCUSSION:

Jim Callahan provides the background on the project. It is located on the north side of Main Street, west of Goodrich Road and consists of approximately 1.5 acres. A Negative Declaration under SEQRA was issued by the Town Board on February 14, 2007. Concept Approval with conditions was recommended on February 7, 2007, a Special Exception Use Permit was issued by the Town Board on March 14, 2007. A revised Concept Plan was reviewed by TEQR on November 19, 2007 and identified as being consistent with previous reviews, also identified was the previous issued Negative Declaration remains in force. The applicant is present requesting a recommendation on Development Plan and Architectural Approval as well as an approval for a lot split to create a separate lot for the Dunkin' Donuts separate from Wilson Farms.

Phil Silvestri, from Silvestri Architects, is representing the applicant. He explains that the new plan shows the location of the driveway as originally proposed, which aligns with the development directly across the street. He goes on to explain that the proposed building has been pushed back to align with the existing Wilson Farms, the driveway has been widened to 40', this provided the tankers the opportunity to pull in and after filling the underground tanks they are able to continue on through the site and exit. This plan has been well received by the TEQR Committee as well as Wilson Farms. The Town Board has asked the applicant to reconsider the coffee cup design on the building.

Gerald Drinkard explains that there was an approved Landscape Plan under the original Concept Plan. Since the Concept Plan has changed, Mr. Drinkard asked if the applicant submitted an updated Landscape Plan, Mr. Silvestri said yes. Mr. Drinkard points out the trees that are to be preserved and said the preservation will be a condition of the motion. Mr. Silvestri understands. Mr. Van Nest said if there is a mistake with this preservation the Board will recommend full enforcement of the Tree Law, Mr. Silvestri will relay this to all persons involved.

Jim Callahan explains the TEQR Committee discussed the issue of striping for the sidewalk from the Main Street sidewalk to the restaurant. They suggested, instead of just striping, using some type of material to slow traffic. There was also the issue of showing a possible connection to the adjacent property for access management.

Albert Schultz sites the Town Code for Signs which indicates only one (1) sign is allowed on the front of the building; one (1) sign is also allowed on the side of the building. There have been no submittals for signs, yet.

ACTION:

Motion by Jeffrey Grenzebach, seconded by Richard Bigler, to **recommend** Development Plan and Architectural Approval for a proposed new restaurant at 9430 Main Street subject to the following conditions:

- The Town Engineer's letter of August 30, 2007.
- An approved Landscape Plan is required prior to being placed on the Town Board agenda.

- Final drawing to show shared access to the plaza to the west.
- The sidewalk that connects to the street sidewalk to be of the design submitted to Planning and Zoning.
- Open Space Fee(s).
- The driveway is to line up with the driveway across Main Street.
- Trees to be saved must be protected by orange construction fencing during all phases of construction and far enough away to protect the root system to those trees; this includes the trees on the northwest side of the site.
- Approved lighting plan and hours of operation.

ON THE QUESTION:

Mr. Silvestri explains there will be light standards that will be located in the back area to light up the drive-thru area; he will submit a lighting lay-out. The Planning Board wants to see dark sky lighting, no drop lenses, etc.

Mr. Pazda asked Mr. Silvestri if he is open to the stone wall theory to be located in the front of the project site. Jim Geiger, representing the applicant, explains that he can not answer the question; the project has gone over budget, but he will ask the applicant.

Mr. Van Nest asked the Planning Board what the interest is in the stone wall. Wendy Salvati explains that they are trying to incorporate the stone walls along Main Street.

Jim Callahan explains that the Landscape Plan identifies a berm protecting the detention area; instead of a small berm introducing additional fill, the applicant could put a stacked stone wall that would provide the same type of amenity and hide the pond.

Patricia Powers confirms with Mr. Geiger that the design that is being reviewed this evening is the correct design being reviewed; it has not changed.

This item is on next weeks Town Board agenda, Wendy Salvati points out that Landscape Approval is required. Mr. Silvestri said the Landscape Plan has been submitted. An updated Landscape Plan will be submitted by Friday, as the Landscape Committee is meeting on that day.

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

MOTION CARRIED.

The lot split will be handled at the Town Board level.

Item 5

Eric Ogren
Major Arterial

Requests recommendation on Change In Use at
6051 Transit Road.

DISCUSSION:

Jim Callahan provides the background on the project. It is located on the east side of Transit Road, north of Clarence Center Road and consists of approximately 6.9 acres. The applicant is seeking approval to split the existing structure from the parent parcel and for a Change In Use to allow for a salon. A survey and site plan identifying the parcel with the building and parking lot layout has been submitted. The applicant is seeking a recommendation to the Town Board for the Change In Use and the Minor Subdivision.

Gene Metzinger is present on behalf of the applicant.

Mr. Drinkard asked if Mr. Metzinger knew if the proposed parking closest to Transit Road was removed from the plan. It was not. Wendy Salvati explains that the Planning Board would like to see the parking along Transit Road eliminated from the plan; the parking along the side of the building should be sufficient. The front should be landscaped. Mr. Drinkard explains that 8% of the internal parking needs to be landscaped. A revised plan needs to be submitted showing the elimination of the parking in front and the landscaping in the parking lot. Wendy Salvati counts 15 parking spots; this may be reduced to 12 spots with the landscaping requirement. If the applicant needs more spaces they can be added in the back.

Patricia Powers explains that two (2) motions need to be made this evening, one regarding the Negative Declaration and the other regarding the Change In Use. The project will not be on the Town Board agenda next Wednesday night.

Mr. Van Nest said it appears the applicant does not understand the process. The applicant should be present at the meeting where the discussion is taking place so he understands the conditions. A Landscape Plan is required and must be approved by the next Town Board meeting which is December 19, 2007. Mr. Van Nest and Ms. Salvati do not want to make a recommendation with conditions to the Town Board only to have the applicant come back and ask why the Board conditioned his property as such.

Mr. Ogren lives out of town. Mr. Van Nest suggests someone write a letter to the applicant explaining what the requirements are. He does not understand the point of moving a project and making a recommendation to the Town Board when the applicant may not understand the determination that will be made. Jim Callahan explains that the applicant was referred to the Planning Board by the Town Board to set conditions; if the Planning Board does not want to set conditions then the item should be tabled. Mr. Metzinger said the applicant will probably abide by the conditions set by the Planning Board because the only other option is to knock down the building and the applicant does not want to do that.

Mr. Van Nest voices his concern with regards to the applicant's absence; he said it doesn't seem to be proper procedure to act on something where there doesn't seem to be enough information on the part of the applicant, Wendy Salvati agrees. Mr. Callahan points out that this is an existing building. Mr. Metzinger indicates the applicant will meet the conditions set forth by the Town.

Mr. Drinkard said one (1) set of the Landscape Plan will be sufficient.

Deputy Town Attorney points out that the request for a Change In Use is not a request for a change in Zoning, the Code does not require that either the applicant or his attorney be present, it just requires someone to be present that can make decisions on behalf of the owner.

ACTION:

Motion by Patricia Powers, seconded by Jeffrey Grenzebach, to **recommend** a Negative Declaration for this Unlisted Action regarding agenda Item #5 based on the information and analysis that is contained in the Short Form EAF and any supporting documentation; the proposed action will not result in any significant adverse environmental impact.

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

MOTION CARRIED.

ACTION:

Motion by Gerald Drinkard, seconded by Jeffrey Grenzebach, to **recommend** the Town Board approve a Change In Use at 6051 Transit Road subject to the following conditions:

- Eliminate the front row parking near Transit Road.
- An approved Landscape Plan is required prior to being placed on a Town Board agenda. The Landscape Plan must be a blueprint certified by the arborist and the architect who created it.
- Lighting standards and hours of operation.

ON THE QUESTION:

Mr. Bigler suggests requiring the applicant to be in attendance at the next meeting. Gerald Drinkard suggests the Landscape Plan include curbing around the islands and around the building, walk areas and parking areas.

Mr. Metzinger said there is a potential tenant.

Mr. Van Nest said the Planning Board is actually recommending Development Plan Approval at the Concept Plan Approval stage and then asks for confirmation of this. Mr. Callahan said that is not the case, the proposal is a Change In Use for an existing building.

Mr. Bigler suggests the applicant provide information with regards to the light standards and hours of operation; this shall be added as a condition.

Mr. Pazda voices his concern with this proposal; he said the Planning Board has tabled other projects for reasons far less than this one.

Mr. Callahan clarifies the Zoning Law and explains that the Town Board authorizes Changes Of Use when the building has been vacant for more than twelve (12) months. This building is vacant; therefore, the new occupant can not go in the building until the Town Board issues a Change In Use.

Wendy Salvati reads the Town Board Minutes dated September 26, 2007: Eric Ogren requests a Change-In-Use from vacant to retail at 6051 Transit Road. James Hartz said the location is on Transit Road, north of Clarence Center Road in the Major Arterial Zone. The applicant is proposing to parcel it off. Mr. Ogren said the building will remain as is and he would like additional parking in the front. The purpose is for retail use and is currently for sale. Councilman Bylewski added that the type of occupant will dictate the proper number of parking spaces required. Mr. Ogren said so far he has a florist, a food broker and a dentist interested. The building is 2,800 sq. ft. Motion by Councilman Kolber, seconded by Councilman Bylewski to refer the request for a Change-In-Use from vacant to retail at 6051 Transit Road to the Planning Board for review to include landscaping, parking design, drainage and land use access. Upon roll call – Ayes: All; Noes: None. Motion carried.

Ms. Salvati said in order to review these things the Planning Board must treat the proposal like a site plan; they do not have enough information. She asked how a recommendation can be made on the drainage with no information. Mr. Callahan explains that the drainage has already been approved by the Town Engineer; it was approved when the applicant did the clearing in front, which is how the permit was obtained.

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

MOTION FAILED.

Patricia Powers said the applicant now has the option to go to the Town Board; he should have a Landscape Plan prepared, and show the elimination of the parking spots up front as discussed.

Item 2

Four M's Development
Industrial Business Park

Requests recommendation on Development Plan and Architectural approval for a proposed Industrial Business Park at 10120 County Road.

DISCUSSION:

Jim Callahan provides the background on the project. It is located on the north side of County Road west of Strickler Road and consists of approximately 4.2 acres. A Negative Declaration under SEQRA was issued on the project on August 22, 2007, Concept Approval was recommended with conditions on September 5, 2007.

Jason Knight of Greenman-Pedersen and Mark Tuffiaro of Four M's Development are present. Mr. Knight said the site plan has been revised eliminating parking in the back; the parking spaces have been reduced from 60 to 44. Mr. Knight will resubmit a stamped Landscape Plan that reflects the suggested changes made by the Landscape Committee. The revised site plan will show the setback dimensions as requested by Patricia Powers. Mr. Knight explains that the building currently listed as

number 6 will reflect 100' off the rear yard setback and building number 5 will be approximately 104' - 106'.

Mr. Drinkard suggests the applicant elevate the north side and heavily tree the area with Colorado Spruce and a mixture of other trees. The landscaping of the property should be done at the same time as the construction of the first building. Trees should be on the other side of the berm as well.

This project is on next week's Town Board Agenda; Patricia Powers said the revised Engineer's drawings, which are to include the dimensions, need to be in the Zoning office by Monday December 17, 2007. Ms. Salvati asked the applicant to show where the hedgerow ends near the driveway.

Ron Schumacher, adjacent neighbor to the proposed project site, voices his concern with the lighting on the proposed buildings. Mr. Knight explains there will be no lights on the rear of the buildings numbered 5 and 6, which is to the back of the site. Wendy Salvati points out that through a previous approval any lights or wall packs on the building have to be shielded down. Mr. Schumacher is also concerned with the tree density and size; he is advised that the Landscape Committee will review this concern. He suggests orange fencing be placed around the hedgerow to create a boundary during construction.

ACTION:

Motion by Patricia Powers, seconded by Timothy Pazda, to **recommend** Development Plan and Architectural Approval for a proposed Industrial Business Park at 10120 County Road subject to the following conditions:

- The updated plan must be submitted to the Planning and Zoning office no later than Monday December 17, 2007.
- The Town Engineer's letter dated October 24, 2007.
- An approved Landscape Plan.
- Eliminate eight (8) parking spaces at the northern most end of the property.
- No lights on the northern rear walls and all lights are to be shielded.
- The northern hedgerow at the rear of the property will be protected by orange construction fence during all phases of constructions. These areas are to remain undisturbed; there will be significant penalties if the hedgerow is damaged in anyway. The southern portion of the sight is to be similarly protected.
- No outside storage.
- The retention pond is to be dry and mowed as needed.
- Commercial Open Space Fee(s).
- Revised full Development Package must be submitted prior to being placed on a Town Board agenda.

ON THE QUESTION:

Ms. Salvati asked the applicant to delineate the extent of the front hedgerow on each side of the driveway on the plan. The Landscape Plan must be approved prior to being placed on the Town Board agenda.

Chairperson Patricia Powers appreciates everyone's patience, cooperation and work ethic. She is most proud of the certification of the Planning Board long before it became mandatory. She will miss working with all the members of the Planning Board.

Jim Blum agrees with all that has been said regarding the accomplishments of the Planning Board and Chairperson Powers.

Ann Case said it has been a privilege to work with Chairperson Powers, her leadership has been exemplary. As a Planning Board, collectively, Ms. Case said they are outstanding. She thanks Chairperson Powers for what she has done for the community.

Henry Becker points out that the Planning Board is the last resort for the residents to be protected during land development, he thanks the members for that.

Meeting adjourned at 9:03 p.m.

Carolyn Delgato
Senior Clerk Typist