

Town of Clarence  
Planning Board Minutes  
Wednesday, December 13, 2006

Work Session (6:30 PM)

- |                           |                     |
|---------------------------|---------------------|
| ➤ Roll Call               | ➤ Committee reports |
| ➤ Minutes                 | ➤ Zoning reports    |
| ➤ Sign review             | ➤ Miscellaneous     |
| ➤ Update on pending items | ➤ Agenda Items      |

Agenda Items (7:30 PM)

**Item 1**

Arthur Fuerst  
Commercial

Requests Development Plan Approval for a proposed coffee shop drive-thru at 9450 Main Street.

**Item 2**

Amendment to the Master Plan 2015  
Adequate Public Facilities Local Law

Recommendation to the Town Board.

**Item 3**

Sign Law

Discussion.

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

Planning Board Members Present:

Patricia Powers  
Jeffrey Grenzebach  
Timothy Pazda

Richard Bigler  
Gerald Drinkard

Planning Board Members Absent:

Wendy Salvati

George Van Nest

Other Town Officials Present:

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

## Other Interested Parties Present:

Peter Casilio  
Phil Silvestri

Arthur Fuerst

Motion by Jeff Grenzebach, seconded by Tim Pazda, to approve the minutes of the meeting held on November 8, 2006, as written.

Patricia Powers	Aye	Richard Bigler	Has not arrived yet
Jeff Grenzebach	Aye	Gerald Drinkard	Aye
Tim Pazda	Aye		

MOTION CARRIED.

**Item 1**

Arthur Fuerst  
Commercial

Requests Development Plan Approval for a proposed coffee shop drive-thru at 9450 Main Street.

**DISCUSSION:**

Jim Callahan provides the history on the project. The property is located on the north west corner of Main Street and Goodrich Road and consists of just over one (1) acre. A Negative Declaration under SEQRA was issued. A Special Exception Use Permit (SEUP) was issued by the Town Board for the drive-through facilities on June 14, 2006.

Phil Silvestri, from Silvestri Architects is present, as well as Arthur Fuerst, the applicant.

Patricia Powers thanks the applicant for submitting the Development Plan Checklist in a timely manner.

**ACTION:**

Motion by Patricia Powers, seconded by Jeff Grenzebach, to **recommend** Development Plan Approval for agenda item #1 subject to the following conditions:

- The Town Engineers letter dated September 27, 2006.
- The existing building to be resurfaced to match the new building.
- A sidewalk that directly connects to the sidewalk on Main Street.
- Outside tables will require an Outside Dining Permit.
- Shared Access with Wilson Farms.
- SEUP for the multiple drive-throughs, this was approved on June 14, 2006.
- The approved Landscape Plan.
- No parking in front of either structure.
- No parking within the front setbacks.
- The dumpster is to be screened from public view.
- All rooftop mechanicals to be enclosed in material that matches the structure.
- Commercial Open Space Fee(s).

**ON THE QUESTION:**

Gerald Drinkard clarifies the second condition by saying both buildings will be done simultaneously.

Patricia Powers	Aye	Richard Bigler	Aye
Jeff Grenzebach	Aye	Gerald Drinkard	Aye
Tim Pazda	Aye		

MOTION CARRIED.

**Item 2**

Amendment to the Master Plan 2015  
Adequate Public Facilities Local Law

Recommendation to the Town Board.

**DISCUSSION:**

Jim Callahan explains that the Clarence Town Board is developing local legislation to require adequate public facilities to be in place or planned prior to approving new developments. Prior to acting on the proposed Adequate Public Facilities Local Law, general amendments to the adopted Master Plan 2015 are recommended to support the proposed legislation. The proposed changes have been submitted to the Planning Board and are presented for final recommendation to the Town Board. A Negative Declaration under SEQRA has been issued by the Town Board on the draft amendment. There has been one small amendment made to the draft under Community Goals; the wording under item number 10 is folded into item number 9. These changes allow the Town to move forward in pursuing a legislation that would address the adequacy of facilities without really changing the overall goals and intent of the Master Plan.

**ACTION:**

Motion by Jeff Grenzebach, seconded by Rick Bigler, to **recommend** agenda item #2, as drafted, to the Town Board.

**ON THE QUESTION:**

Gerald Drinkard asks when the appropriate time would be to make a change in the Master Plan in order to clarify a point. He refers to the Economics section and states that “Adelphia” needs to be changed to “Time Warner” cable company. Jim Callahan will make this amendment. Councilman Bylewski said these types of changes would be appropriate at the annual review.

Councilman Bylewski suggests capitalizing the “T” in the word “town” throughout the entire document. He also suggests changing the wording on page 24 due to the fact that there is only a draft for the Parks and Recreation Master Plan; he suggests using the word “Town” instead.

Jim Callahan clarifies the motion by saying the recommendation is for the changes as drafted.

Patricia Powers	Aye
Jeff Grenzebach	Aye
Tim Pazda	Aye

Richard Bigler	Aye
Gerald Drinkard	Aye

MOTION CARRIED.

### Item 3

Sign Law

Discussion.

### DISCUSSION:

Jim Callahan explains that the Planning and Zoning Department has prepared a draft Sign Law update for consideration by the Planning Board. He is looking for broad comments on the draft, including proposed regulations within all districts, types and sizes, setbacks, temporary signs, electronic reader boards, changeable copy signs, etc.

Gerald Drinkard said the Town's definition of "sign" needs to include reference to "permanent" and "temporary" signs.

Tim Pazda asks about potentially increasing fines for violators. Jim Callahan suggests putting in higher penalties in the next draft. David Donohue explains that, in his experience in prosecuting, it is difficult to enforce the fines.

Gerald Drinkard refers to page 4, item B(1), and suggests inserting the words "at their place of business" after "one building sign". He questions the next sentence regarding the no limit on the size of the sign. Mr. Drinkard suggests referring to the Town Code Book section 181-4, this section deals with Major Arterial District and has a 40 square foot limit. David Donohue points out that the number of tenants need to be taken into consideration when dealing with a plaza. Jim Callahan agrees that there should be a limit but it should not be 40 square feet. David Donohue suggests the limit be based upon the number of tenants. Councilman Bylewski suggests a "benchmark" number and still have the language indicating the Planning Board may deviate from the number. Jim Callahan will work on appropriate language.

Gerald Drinkard wonders if the "Fees" and "Penalties" section should be combined. After further discussion the sections will remain as is.

Tim Pazda suggests the Sign Review Committee be explained with regards to who makes up the Committee.

Gerald Drinkard refers to page 10, item F (4) with regards to "the sign may be up to 500 square feet" and said measurement seems to be excessive. Jim Callahan explains this is for a "big box" sign, similar to a Wal-Mart sign, which are only allowed in the Major Arterial zone.

David Donohue refers to page 12 under Penalties for Offenses (2) and suggests the wording, "Each day such violations continues shall constitute a separate violation" be separated into its own sentence.

Councilman Bylewski said there is a concern from some of the Town Boar members with regards to signs in the right-of-way. Some signs are permitted in the right-of-way and the Town has to be careful when enforcing the Sign Law.

**ACTION:**

Motion by Tim Pazda, seconded by Jeff Grenzebach, to **table** agenda item #3 to allow time for the new draft to be drawn up.

**ON THE QUESTION:**

Jim Callahan said the new draft will be ready after the first of the year. Images will be included in the draft.

Patricia Powers	Aye	Richard Bigler	Aye
Jeff Grenzebach	Aye	Gerald Drinkard	Aye
Tim Pazda	Aye		

MOTION CARRIED.

Meeting adjourned at 8:05 p.m.

Patricia Powers, Chairperson