

Town of Clarence  
One Town Place, Clarence, NY 14031  
**Planning Board Minutes**  
Wednesday March 1, 2017

**Work Session 6:00 pm**  
Status of TEQR Coordinated Reviews  
Review of Agenda Items  
Miscellaneous

**Agenda Items 7:00 pm**

Approval of Minutes

**Item 1**

Lia Honda  
Major Arterial

Requests approval for a Site Plan Amendment and Architectural Style for a proposed addition to the existing dealership at 4891-4917 Transit Road.

**Item 2**

Harris Hill Commons  
Residential Single Family

Requests an Amendment to the previously approved Development Plans to reduce the rear yard setback for all lots.

**Item 3**

David DeRose  
Traditional Neighborhood District

Requests a Change In Use from vacant to catering business at 10750 Main Street.

Vice-Chairman Richard Bigler called the meeting to order at 7:00 p.m. Councilman Paul Shear led the pledge to the flag.

Planning Board Members present:

1<sup>st</sup> Vice-Chairman Richard Bigler  
Steven Dale  
Jason Geasling

Timothy Pazda  
Jeffrey Buckley

Planning Board Members absent: Chairman Robert Sackett  
2<sup>nd</sup> Vice-Chairperson Wendy Salvati  
Gregory Todaro

Town Officials Present:

Director of Community Development James Callahan  
Assistant Director of Community Development Jonathan Bleuer  
Councilman Paul Shear  
Deputy Town Attorney Steven Bengart

Other Interested Parties Present:

David DeRose	Robert Lauffenburger	Caleb Hamlin
Dan Hamlin	Dennis Murphy	

In the absence of Chairman Robert Sackett, 2<sup>nd</sup> Vice-Chairperson Wendy Salvati and Gregory Todaro, alternate Planning Board member Jason Geasling will have voting privileges on all agenda items this evening.

Motion by Timothy Pazda, seconded by Steven Dale, to **approve** the minutes of the meeting held on November 9, 2016, as written.

Jason Geasling	Aye	Jeffrey Buckley	Aye
Steven Dale	Aye	Timothy Pazda	Aye
Richard Bigler	Aye		

MOTION CARRIED.

Motion by Jeffrey Buckley, seconded by Steven Dale, to **approve** the minutes of the meeting held on February 1, 2017, as written.

Jason Geasling	Aye	Jeffrey Buckley	Aye
Steven Dale	Aye	Timothy Pazda	Abstain
Richard Bigler	Aye		

MOTION CARRIED.

Vice-Chairman Bigler explained the protocol for the meeting noting that Mr. Callahan will explain the project. The applicant will be given the opportunity to add comments to the project. The Board will ask questions on the project. The audience will be invited to ask questions or add comments on the project. The applicant will be asked to answer any questions or address any comments heard from the audience. The Board will then take an action on the project.

**Item 1**

Lia Honda  
Major Arterial

Requests approval for a Site Plan Amendment and Architectural Style for a proposed addition to the existing dealership at 4891-4917 Transit Road.

**DISCUSSION:**

Mr. Callahan provide the background on the project noting that it is located on the east side of Transit Road just north of Sheridan Drive. It is an existing automotive dealership. The applicant is seeking approval for renovations to the site plan and the buildings. This Action is considered a Type II Action under the State Environmental Quality Review Act (SEQRA) and requires no further Action. The Planning Board is the final approval authority on this item.

Tom Johnson, of D.R. Chamberlain Corporation, is present and explained that they want to tear down the existing showroom and expand on it by 20' to the west. They also provide an addition 54' by 30' for vehicle delivery. They will renovate the front parking providing extra greenspace, curbing and a

front “show” pad. There will also be renovations inside the building such as relocating bathrooms and waiting areas.

Mr. Dale asked if the applicant has given any thought to limiting people from pulling through from one to the next isle, they would have to make a sharp turn to get out. Mr. Johnson said they were limited with actual blacktop space and an existing curb along Transit Road. Since the initial meeting they had with the Planning Board Executive Committee they changed the design to incorporate a better design to enter and exit the site. Mr. Dale clarified his question saying as the cars come down and pull into one of the parking spots, they are liable to pull all the way through and then be faced with a rather sharp turn to get out. In response to Mr. Pazda’s question regarding curbing, Mr. Johnson said there will be no curbing there, nor will there be parking blocks.

Mr. Pazda asked if the parking spaces closest to Transit Road will be used for new car display. Mr. Johnson said yes, those spots will be full most of the time. Mr. Pazda said if those spots are full there cannot be any pull-through. Mr. Dale agreed it would not be so much of an issue on the Transit side, but the two sections in between is what he is concerned with.

Mr. Johnson said they anticipate replacing all the light standard heads on the entire site, they will be dark sky compliant and LED.

**ACTION:**

Motion by Timothy Pazda, seconded by Jeffrey Buckley, to **approve** the amended site plan and elevations for Lia Honda located at 4891-4917 Transit Road as per the submitted drawings from D.R. Chamberlain dated February 9, 2017 and received in the Planning and Zoning Office on February 13, 2017, with the following conditions:

1. Subject to review and approval by the Town Building and Engineering Department of required building permits.
2. Subject to Landscape Committee review and approval of a Landscape Plan prior to Building Permit issuance.
3. Subject to Open Space and Recreation Fees on the required building permits.
4. All lighting at the site will be dark sky compliant.

**ON THE QUESTION:**

Mr. Johnson understands and agrees with the conditions.

Jason Geasling	Aye	Jeffrey Buckley	Aye
Steven Dale	Aye	Timothy Pazda	Aye
Richard Bigler	Aye		

MOTION CARRIED.

**Item 2**

Harris Hill Commons  
Residential Single Family

Requests an Amendment to the previously approved Development Plans to reduce the rear yard setback for all lots.

**DISCUSSION:**

Jim Callahan provided the background on the project noting that it is located at the southwest corner of Greiner and Harris Hill Roads. This is a previously approved Open Space Design Development. The applicant is seeking an amendment to the previously Development Plan approval to identify a 30' rear yard setback as opposed to the current 45'. The Planning Board has final approval authority on this amendment.

Ken Zollitsch, of Greenman Pedersen, Inc, is present and said he is requesting an amendment for the rear yard setback for all the lots in the Harris Hill Commons Development. This development falls within the Open Space Design Development Overlay District which allows the developer to set the setbacks throughout the entire development to their liking. When this project was originally conceived it was more of a traditional single family home development with 2400 square foot 2-story homes. The project approvals have been in the works for 10 years, the current group of developers sought a different product which is more of a patio style/ranch home. Ranch homes have a bigger footprint within the lot itself and they are coming into issues with hitting that rear yard setback. The change would only affect 6 lots that are in Phase I, that have already been map-covered. Mr. Zollitsch clarified that the amendment is for the entire development. The placement of the rear yard setback does not impact any adjoining owners, most of the lots back up to open space. The only lots that back up to other lots are the proposed corner lots and that is already something someone would consider when purchasing these lots.

Mr. Buckley asked who would enforce a violation of the setback, the Homeowners Association (HOA)? Mr. Zollitsch said yes however he does not anticipate there will be any violations. The Homeowners Association controls what goes on within the lots.

Mr. Pazda said his biggest concern is encroachment on the Open Space. Mr. Zollitsch said the Open Space is deed restricted, HOA controlled and will be maintained by the HOA in terms of lawn service. Anything that is not shown as a lot and is preservation and open area will not be disturbed.

Mr. Dale said it is his understanding that the 30' is still acceptable within the Code. Mr. Callahan said with the Open Space Design Development, clustering and preservation of Open Space is encouraged. With the reduction in lot size they make it variable, usually with a lot size reduction there will be a reduction in setbacks as well.

Dan Hamlin, of 8320 Sheridan Drive, asked if the homes will be closer to Glenwood Drive. If they are, Mr. Hamlin would strongly oppose the change as it would encroach on the character of the lots.

Robert Lauffenburger of 4965 Glenwood Drive, voiced the same concern that Mr. Hamlin did with regards to the homes and if they would be closer to the property lines. He is not clear as to what "reducing the rear yard setback" means. He is also questioning how much of the existing vegetation will remain. Vice-Chairman Bigler said the part that is not drawn in on the plan as a lot is to be left natural.

Mr. Zollitsch said there will be no change in the natural preserved open space that was already approved by this Board. The change is within the approved lots themselves. There is the potential that a house would be built further back which would result in it being closer to the adjacent property. They are going from a 45' setback to a 30' setback. However, just because they are decreasing the rear yard setback doesn't mean that every home will take up the entire buildable area. The standard lot in that area is 140' deep with a 35' front setback and a 30' rear setback making it about 65'-70' deep house. That is the only

area that would be impacted near the neighboring residents, and because it is a cul-de-sac they will be angled and not directly parallel with any of the homes on Glenwood.

Vice-Chairman Bigler asked how much open space there will be between the neighbor’s lot and the improvement lots. Mr. Zollitsch said this is between the back of the lots and the property line. The narrowest point is about 25’ and it will be preserved, plus another 30’ minimum, before the house.

Mr. Pazda stated that if the lot line is reduced, the rear setback is reduced, it doesn’t automatically mean that the house is going to be pushed back closer to the back line, it has to maintain the front setback. It just opens up that space in case the home is a little bit bigger. However it does not change the fact that the house could be closer to the neighbor’s property.

Mr. Pazda asked if the two lots closest to Glenwood on the cul-de-sac are larger. Mr. Zollitsch said due to the pie shape of the lots, they open up and are wider at the back yard, it’s just the nature of the cul-de-sac.

**ACTION:**

Motion by Steven Dale, seconded by Jason Geasling, to **approve** the updated Development Plans for Harris Hill Commons Open Space Design Subdivision establishing the rear yard set-back line at 30’ for all lots and maintaining all other conditions of approval as previously established including a 30’ easement along the Harris Hill Road right-of-way.

**ON THE QUESTION:**

Mr. Zollitsch understands and agrees with the conditions.

Jason Geasling	Aye	Jeffrey Buckley	Aye
Steven Dale	Aye	Timothy Pazda	Aye
Richard Bigler	Aye		

MOTION CARRIED.

**Item 3**

David DeRose  
Traditional Neighborhood District

Requests a Change In Use from vacant to catering business at 10750 Main Street.

**DISCUSSION:**

Mr. Callahan provided the background on the project noting that it is located at the northwest corner of Main Street and Salt Road. It is an existing vacant building located in the Clarence Hollow Traditional Neighborhood District. Applicant is renovating the structure and is present to request a Change In Use to a catering business. Per the Zoning Law, the Planning Board has authority to approve changes in occupancy.

David DeRose is present and stated that he and his wife wanted to add something complimentary to the area. They would like to make former sanctuary building into a catering center that would be available for rental. They will not be caterers, they will rent the space to restaurants or caterers. They would put a commercial kitchen in the back.

Mr. Pazda asked if they have applicants lined up. Mr. DeRose said yes, and went on to explain that his wife is a sustainable grass beef farmer in Akron with 125’ acres and 70 head of grass-fed beef. They never eat grain. The restaurants that purchase the beef currently, such as Gerties and the Bistro in Clarence, would be their primary customers. After their current customers are given the opportunity to use the facility they would open it up to others as well. It will be an on-site catering and serving facility.

Stephanie Savage, of 5000 Salt Road, asked what the parking situation would be.

Mr. DeRose said the Town owns a parking lot on the east side of Salt Road, he has had discussions with the Town to use this lot. It is easier to cross Salt Road than it is Main Street. There is street parking available and they could also do valet parking. They have contacted the local businesses in the area to discuss parking. He does not know how much parking is available on the property because they have not done a layout yet. The facility will hold about 100 people.

Mr. DeRose said the facility hours will typically be in the evenings. On-site parking spaces have not been figured out yet, but they are working with their architect, Dave Sutton.

Mr. Pazda said he is excited to see the redevelopment of this property.

**ACTION:**

Motion by Jeffrey Buckley, seconded by Steven Dale, to **approve** the Change-In-Use at 10750 Main Street from vacant to a catering business with the following conditions:

1. Subject to review and approval by the Town Building and Engineering Departments on required building permits.
2. Subject to Open Space and Recreation fees on required Building Permits.

**ON THE QUESTION:**

Mr. DeRose said he is not familiar with the Open Space and Recreation fees. Mr. Callahan explained that is a standard condition with all commercial building permits. Mr. DeRose understands and agreed with the conditions.

Mr. Pazda asked what the facility’s name will be. Mr. DeRose said “The Brick Hall in the Hollow.” It is noted in the church records that after the brick church was built, it became known as the “Brick Church”.

Mr. DeRose said they will contract the work out.

Jason Geasling	Aye	Jeffrey Buckley	Aye
Steven Dale	Aye	Timothy Pazda	Aye
Richard Bigler	Aye		

MOTION CARRIED.

Meeting adjourned at 7:31 p.m.

Carolyn Delgato  
Senior Clerk Typist