

Town of Clarence
One Town Place, Clarence, NY 14031
Planning Board Minutes
Wednesday June 7, 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

Spot Coffee Drive-Thru
Major Arterial

Requests a Recommendation for a Special Exception Use Permit for a drive-thru at an existing restaurant located at 5205 Transit Road.

Item 2

Dr. Khawar
Traditional Neighborhood District

Requests a Building Permit, Architectural and Site Plan Approval for an office renovation at 8433 Main Street.

Item 3

Multi-Family Code

Discussion.

Chairman Robert Sackett called the meeting to order at 7:00 p.m.

Director of Community Development James Callahan led the pledge to the flag.

Planning Board Members present:

Chairman Robert Sackett
Timothy Pazda
Steven Dale
Jason Geasling

1st Vice-Chairman Richard Bigler
Gregory Todaro
Jeffrey Buckley

Planning Board Members absent: Wendy Salvati

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: Anjum Rahman

In the absence of Planning Board member Wendy Salvati, alternate Planning Board member Jason Geasling will have full voting privileges this evening.

Motion by Gregory Todaro, seconded by Timothy Pazda, to **approve** the minutes of the meeting held on May 17, 2017, as written.

Jason Geasling	Abstain	Jeffrey Buckley	Aye
Steven Dale	Aye	Gregory Todaro	Aye
Timothy Pazda	Aye	Richard Bigler	Aye
Robert Sackett	Aye		

MOTION CARRIED.

Chairman Sackett explained the protocol for this evenings meeting noting that Mr. Callahan will introduce each agenda item, the applicant will have the opportunity to add information regarding the project. The Board will ask the applicant questions relative to the project. Members of the audience will be provided the opportunity to comment on the project. The applicant is asked to answer any questions the members of the audience had. When appropriate, Chairman Sackett or Mr. Callahan will answer questions, as well. The Board will then take action as they see fit.

Item 1

Spot Coffee Drive-Thru
Major Arterial

Requests a Recommendation for a Special Exception Use Permit for a drive-thru at an existing restaurant located at 5205 Transit Road.

DISCUSSION:

Mr. Callahan provided the background on the project noting that it is located on the east side of Transit Road, south of Greiner Road. It is an existing restaurant. Per the Zoning Law the Town Board may consider the request with a Special Exception Use Permit (SEUP). The project has been referred to the Planning Board for review and comment.

James Boglioli, attorney for Benderson Development, is present and explained that site used to be a used car dealership and has been converted to Spot Coffee and Firehouse Subs. There are two (2) curb cuts on Transit Road and three (3) curb cuts to the shopping center, M & T Bank is on one side and Autozone is on the other. The proposal is to add a drive-thru for Spot Coffee. DOT approached the applicant to reduce the curb cuts in the back of the property to a single curb cut to slow traffic down, the project accomplishes this goal. They are proposing to create a driving lane along the back. All the work is from the back of the store on. The current Spot Coffee door is being removed and replaced with a bump-out for the drive-thru, the stacking will go around the corner, and landscaped islands will be added. Currently greenspace at the site is non-conforming, this plan brings it to 8%, which complies with the code requirement. The access door for Firehouse subs will have striping and cross marks, as the Chairman asked for in a previous meeting. The code requires eight (8) spots for cars in the stacking lane, the plan exceeds that by four (4), bringing the total to twelve (12) for the stacking lane. Spot Coffee will expect only three (3) to four (4) vehicles stacked at one time. This is a good use because Firehouse Subs is closed in the morning when Spot Coffee will have their drive-thru business. There will not be a lot of vehicle conflict in this area.

Mr. Todaro asked where the order board is, Mr. Boglioli said it is in the area of the generator and the sign. The Town Engineer had a comment regarding providing a striped area adjacent to the building so the pedestrians can come out and not step right to the drive lane, so now there is a 5' striped area and the pedestrians can go to the crosswalk and right across to the parking lot.

Mr. Buckley asked if the applicant would agree to a Stop sign prior to the crosswalk. Mr. Boglioli said he proposed a Yield sign but he has no problem swapping it out for a Stop sign.

Mr. Pazda asked where the traffic is going to originate from. Mr. Boglioli said his best guess is that some will come from Transit Road, but a lot of internal capture from the parking in the back.

Mr. Dale asked if the applicant would be willing to stipulate that each and every pedestrian walkway intersecting the proposed Spot Coffee drive-thru lane will be marked with a permanent sign stating "Yield to Pedestrians Crossing" not a Stop sign. Mr. Boglioli said he will put in either sign that the Board wants. There is only one pedestrian crossing and it is already striped on the plan. Mr. Dale asked if it is wide enough to accommodate both doors. Mr. Boglioli said yes. The other door is not a restaurant door, it is a door to the kitchen. This is where deliveries come in as well. Mr. Buckley is ok with the sign being changed to a pedestrian walkway sign, his intent was to get a driver to stop and look before crossing the crosswalk area. Chairman Sackett clarified that the Board is asking for a "Yield" sign. Mr. Boglioli said that is already the plan.

Mr. Geasling asked for confirmation that the order board is prior to the Yield sign, Mr. Boglioli said yes it is. Mr. Geasling went on to say that based on the graphic it looks like the order board is at the second vehicle. Mr. Boglioli said he will work on moving it back.

Mr. Pazda wants to know how the new access lines up with the existing drive ways. Mr. Geasling said it is basically where the center one is, although it does not line-up exactly and it is not shown on the overall plan.

ACTION:

Motion by Gregory Todaro, seconded by Richard Bigler, to **recommend** to the Clarence Town Board approval of a Special Exception Use Permit for a drive-thru facility at Spot Coffee located at 5205 Transit Road as per the submitted drawings from Carmina Wood Associates dated 5/23/17 and received in the Planning Office on 5/31/17. Conditions of approval are as follows:

1. Landscape Approval as per 6/1/17 design.
2. Subject to review and approval by the Town Building and Engineering Department on required Building Permits.
3. All pedestrian walkways to be striped and hatched.
4. A "Yield to Pedestrian" sign is incorporated into the drive-thru.
4. Subject to Open Space and Recreation Fees.

ON THE QUESTION:

Mr. Boglioli said he understands and agrees with the conditions.

Mr. Pazda referred to the two hash marks in the lower left hand corner of the plan and asked if that is the proposed cross access plan the is being waited for. Mr. Boglioli said yes. He went on to explain that he

met with the owner of AutoZone on September 16, 2016 and offered to grant them cross access across the front and wanted to discuss the fee. DOT would like cross access along the front of all three (3) sites, Benderson is also amenable to that. AutoZone never responded to the offer to cross access across the front nor did they respond to a discussion for the fee, however they did advise that they want cross access to the back. Benderson is not willing to grant access to the back because they do not want truck traffic coming around the main ring road and backing into the site. Benderson told AutoZone they are willing to have cross access across the front; Benderson has not heard from AutoZone since. DOT's eventual goal is to close every other driveway across the front along those properties.

Jason Geasling	Aye	Jeffrey Buckley	Aye
Steven Dale	Aye	Gregory Todaro	Aye
Timothy Pazda	Aye	Richard Bigler	Aye
Robert Sackett	Aye		

MOTION CARRIED.

Item 2

Dr. Khawar
Traditional Neighborhood District

Requests a Building Permit, Architectural and Site Plan Approval for an office renovation at 8433 Main Street.

DISCUSSION:

Mr. Callahan provided the background on the project noting that it is located on the south side of Main Street, west of Harris Hill Road. It is an existing medical office building located in the Harris Hill Traditional Neighborhood District. The applicant is seeking permits to renovate the property. The Town Board has referred the project to the Planning Board for final action on the proposal.

George Bonnes, the contractor for the project, is present and noted that they have submitted all that has been asked for including a new colored rendering. They were able to locate the septic system and made the adjustment as to what the parking lot is going to be. They will install the sidewalk and the stone wall along the front of the property as the Board suggested.

Chairman Sackett asked for details on the parking. Mr. Bonnes said it will be what is indicated on the drawing, there will be no parking in front on Main Street where the original parking was, that will be eliminated. The current plan accurately depicts how the applicant will develop the site. Chairman Sackett said a sufficient base is required for the stone wall, he asked what Mr. Bonnes' intention is for that base. Mr. Bonnes said he will take whatever suggestions the Board provides, as he has seen bases done different ways. He is willing to install a sufficient base to support the wall.

It is clarified that the final version of the plan is dated June 2, 2017 and is what is being displayed at the meeting.

Mr. Dale noted the handicap parking and ramp in the back of the property, he asked if the applicant would be willing to put a sign in the front of the property saying that there is handicap parking in the rear. Mr. Bonnes said absolutely.

Mr. Pazda said this is a heavily treed lot and asked if they will all be removed. Mr. Bonnes said nothing will be taken down from the front of the property, but there are two (2) or three (3) of trees in the back

that will be removed because they overhang the building and the applicant want to keep them away from the structure. There is no plan to take anymore down.

It is noted that Dr. Khawar is present. There is a letter on file signed by Dr. Khawar giving Mr. Bonnes the authority to speak on his behalf for the project.

If the request is approved at this meeting, they can move forward to the Building Department.

ACTION:

Motion by Timothy Pazda, seconded by Steven Dale, to **approve** the architectural style and site plan amendments for the proposed modifications to the existing medical office building located at 8433 Main Street, as per the submitted site plan and building elevations from Mark Dean Architects dated June 2, 2017, with the following conditions:

1. Removal of the pull-in parking along Main Street and including replacement with grass field, sidewalk and 2’-3’ stacked stone wall with proper base, as identified in referenced site plan.
2. Foundation plantings along the building front where feasible.
3. Subject to Erie County Health Department approval for any on-site sanitary facility modifications.
4. Subject to review and approval by the Town Building and Engineering Department on required Building and PIP Permits.
5. Subject to Open Space and Recreation Fees.

ON THE QUESTION:

Mr. Bonnes questioned condition #5. Mr. Callahan noted that they are standard fees as part of the Building permit fees.

Mr. Bonnes understands and agrees with the conditions.

Jason Geasling	Aye	Jeffrey Buckley	Aye
Steven Dale	Aye	Gregory Todaro	Aye
Timothy Pazda	Aye	Richard Bigler	Aye
Robert Sackett	Aye		

MOTION CARRIED.

Item 3

Multi-Family Code

Discussion.

DISCUSSION:

Mr. Callahan noted that the Multi-Family Housing Code is part of the Zoning Code chapter 229 of the Town of Clarence. The Planning Department and the Planning Board Executive Committee have been working on a draft revision of the Zoning Law for the Multi-Family Housing section, the Special Exception Use Permit portion of the code. To date numerous revisions have been reviewed including a full Planning Board work session. The draft is now ready for formal review and recommendation to the Town Board.

Mr. Callahan noted that pertinent applicants and attorneys have been notified with regards to the Multi-Family Code being on the agenda this evening.

Chairman Sackett said the Planning Board has had extensive discussions on the Multi-Family Code, as well as one work session dedicated to the topic.

ACTION:

Motion by Richard Bigler, seconded by Steven Dale, to **recommend** to the Clarence Town Board to proceed with the adoption process, including 239-m and SEQRA review, of the proposed amendments to the Multiple Family Housing section of the Town Zoning Law as per the 6/7/17 final Planning Board draft.

Jason Geasling	Aye	Jeffrey Buckley	Aye
Steven Dale	Aye	Gregory Todaro	Aye
Timothy Pazda	Aye	Richard Bigler	Aye
Robert Sackett	Aye		

MOTION CARRIED.

Meeting adjourned at 7:26 p.m.

Carolyn Delgato
Senior Clerk Typist