

Town of Clarence
Planning Board Minutes
Wednesday, February 7, 2007

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

Benderson Development
Major Arterial

Requests Preliminary Concept Review of a proposed commercial structure for retail, office and restaurant use at 5965 Transit Road.

Item 2

Dunkin' Donuts
Commercial

Requests Concept Approval of a new restaurant/drive-thru at 9430 Main Street.

Item 3

Steven and Joyce Bakowski
Industrial Business Park

Requests Concept Approval of a new self-storage facility at Lakeside Industrial Business Park.

Item 4

Walgreen's
Commerical

Requests Concept Approval of a new drug store and office building at 9217 Main Street.

Item 5

Sign Law Review

Discussion.

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

Planning Board Members Present:

Patricia Powers, Chairperson
Gerald Drinkard, 2nd Vice Chairperson
Richard Bigler

Wendy Salvati, 1st Vice Chairperson
Timothy Pazda

Planning Board Members Absent:

Jeffrey Grenzebach

George Van Nest

Other Town Officials Present:

James Callahan, Director of Community Development
Councilman Scott Bylewski

Other Interested Parties Present:

Lois Daigler	Dennis Raquet
Gary Zunner	Joyce Bakowski
Jeff Palumbo	Jim Rumsey
Rod Prosser	Don Swanson
Jim Geiger	Raj Patel

Motion by Gerald Drinkard, seconded by Timothy Pazda, to **approve** the minutes of the meeting held on January 24, 2007, as written.

Patricia Powers	Aye	Wendy Salvati	Abstain
Gerald Drinkard	Aye	Timothy Pazda	Aye
Richard Bigler	Aye		

MOTION CARRIED.

Item 1

Benderson Development
Major Arterial

Requests Preliminary Concept Review of a proposed commercial structure for retail, office and restaurant use at 5965 Transit Road.

DISCUSSION:

Jim Callahan provides the history of the project. The property is located on the east side of Transit Road, south of Clarence Center Road and consists of just over 3 acres. It is zoned Major Arterial along the frontage, it contains about 224' of road frontage along Transit Road. The Master Plan identifies the frontage area in a Commercial classification. The applicant was referred from the Town Board on January 17, 2007 and is present to introduce a new commercial structure for the submitted site plan.

Jeff Palumbo, who is representing the applicant and Jim Rumsey, from Benderson Development, are both present.

Mr. Palumbo explains that there has been a change since the project was originally submitted. The building has been moved off the north property line, which makes the distance 45' off the property line, this increases the buffer. Elevations of the building and pictures showing all four sides of the building are on display for all to view.

Mr. Rumsey describes the building as being one story and having a pitched roof with dormers. There will be signage above the window on the store front.

In response to Patricia Powers's question, Mr. Palumbo said it is possible that a medical office may be located in the building; however, there are no tenants at this time. Patricia Powers makes sure

that the applicant is aware of the difference in required parking spaces if the building includes a medical office use. Mr. Rumsey said the plan currently shows the parking ratio as 1 per 200, if a medical office were to go in the building, the plan would change by reducing the other uses, probably the retail area, of the building.

Mr. Rumsey said the retention pond will be on the north side of the building.

Patricia Powers asks what the applicant's intentions are for breaking up the long wall, what is the landscaping or architectural plan. Mr. Rumsey said foundation plantings can be put against the building along the sidewalk. He can also add trees, but this will depend on the configuration of the detention pond.

Mr. Rumsey said the maximum building height allowable, per Town Code, is 45', this proposed building is approximately 30' in height.

Mr. Drinkard makes sure the applicant is aware of the increased parking requirement for a medical office use in the building. The applicant is aware of the requirement.

Patricia Powers states the greenspace for the entire site is planned at 54%, the applicant confirms this figure.

Mr. Rumsey did not depict the entire parcel on the plan because the project will not impact the back part of the parcel. The trees in the back of the property will remain; only a portion of the trees are wetlands. Mr. Rumsey said the wetlands have recently been delineated.

Wendy Salvati would like to see the row of parking that is along the road eliminated; this would provide a greater extend of green along the roadway, however the wetlands may be an issue. Master Chong's does not have any parking in front of the building. Mr. Palumbo said the other problem, besides the wetlands, is that one use may be a restaurant and people like to be as close to the front door as possible.

Mr. Drinkard said it would be a great advantage to have a sidewalk connector and asks if the applicant would be willing to do this. The applicant has no objection to a connecting sidewalk, nor is there an objection to a shared access road. Mr. Palumbo said the question is, because of the wetlands, where could the access road go. Wendy Salvati said the applicant must also be aware of the location of Master Chong's detention pond when planning the access road, Master Chong's detention pond is in the front of the building. Patricia Powers would like to see the applicant come back to the Planning Board with suggestions on how the access road will be addressed. Mr. Rumsey said he is willing to work with Master Chong to work out the access road.

Wendy Salvati voices her concern with the parking, particularly the lot that has been extended out to the back and what is proposed along the front. She is willing to forgo her concerns with the back because she is aware that is the only place the parking can go. She wants to see more green out in front. Mr. Rumsey said it has a lot to do with the uses and what type of tenants will be in the building.

In response to Mr. Drinkard's question, Mr. Rumsey said there is no indication of what type of restaurant would go in the building; potential tenants have shown interest in office use.

Mr. Drinkard voices his concern with parking in the back of the building, he said lighting will be needed for safety, however it may disturb neighbors. The wattage of the lights would have to be low, the lights would have to be shielded and should not be 20' high. Mr. Rumsey suggests 12' high lights.

Patricia Powers asks what the distance is between the building and the property line. Mr. Rumsey said it is approximately 300'.

Wendy Salvati asks if the applicant has looked at other ways to configure the building. Mr. Rumsey said this is the most logical plan given the measurements of the site. Wendy Salvati suggests the applicant consider a two-story office building, the parking can be reshaped, and more greenspace would then be available.

Mr. Rumsey confirmed that on the northern most property line in the front, where the parking ends is planned for future shared access. The applicant does not own the corner.

Lois Daigler, 8041 Clarence Center Road, is told that the retention pond is proposed on the north side of the building. Ms. Daigler said that means the drainage will go into her backyard. She is totally against the proposed location of the pond. She states that the area has a problem with water if the ditches are not kept open and if this project is not done right the residents in the area will be in trouble. There is a drain that runs through her back yard, through other various properties and then out to Transit Road. The Laurel Park development is creating a lot more water on Ms. Daigler's daughter's property, which is south of the project site. Ms. Daigler also wants to know what type of restaurant will be going in at the site. The applicant does not know yet. Ms. Daigler does not have a problem with lighting nor the building. Patricia Powers explains that no applicant is allowed to displace water from their property on to any other property. The applicant will address this issue. Ms. Daigler prefers not to have a "Roadhouse" type restaurant behind her, the type with loud music at night.

Mr. Palumbo said the drainage flows naturally now, however, with development the water can be controlled. The proposed pond will be designed **not** to flow over and will meet the engineering requirements of the Town. Mr. Palumbo stated the applicant will pay particular attention to the drainage, lighting and noise issues.

Gary Zunner, of 8060 Roseville Lane, does not like a lot of light and asks that the applicant **not** put in 20' light poles in. Mr. Zunner asks what the distance is between the end of the proposed parking lot and the property line. Mr. Rumsey said it would be just over 200'. The parking lot would not be on any wetlands. Mr. Drinkard asks Mr. Zunner if his property gets wet, Mr. Zunner explains that after a heavy rain or the melting of snow the water spreads to the north. He feels the ideal way to drain the site is to have it run to Transit Road. He thinks the proposed building looks nice and he's sure there will be upscale tenants in the building. He asks that the Planning Board keep in mind that in 10 years the building will not be new and tenants change.

Dennis Raquet, of 8035 Clarence Center Road, has similar concerns with regards to the water drainage and the lighting issues as previously stated. He asks if a berm or a one block wall will be built at the back of the building. Mr. Rumsey said there is a wall and, based on the Planning Board's comments, landscaping will be added to this area as well. In response to Mr. Pazda's questions regarding elevation, Mr. Raquet said his property is higher than Benderson's property. Ms. Daigler said the retention pond would be on a sand hill.

Mr. Pazda voices his concern with regards to the recent changes on this proposed project. He will be looking very close at what is proposed during Concept Approval and what is proposed during Development Approval.

ACTION:

Motion by Richard Bigler, seconded by Wendy Salvati, to **table** the proposed commercial structure for retail, office and restaurant use at 5965 Transit Road to allow the applicant time to address the issues that have been addressed at this meeting.

ON THE QUESTION:

Wendy Salvati asks the applicant to consider possible ways to reconfigure the building and change the location of the detention pond. This would allow more greenspace out front while still accommodating the applicant's needs.

Mr. Bigler suggests the applicant provide some type of the lighting plan when he returns to the Planning Board.

Patricia Powers	Aye	Wendy Salvati	Aye
Gerald Drinkard	Aye	Timothy Pazda	Aye
Richard Bigler	Aye		

MOTION CARRIED.

Patricia Powers explains that the original agenda for this meeting has been amended to reflect the deletion of the Stiglmeier project because the applicant was unable to attend the meeting; it was agenda Item #1.

Item 2

Dunkin' Donuts
Commercial

Requests Concept Approval of a new
restaurant/drive-thru at 9430 Main Street.

DISCUSSION:

Jim Callahan provides the history on the project. It is located on the north side of Main Street, west of Goodrich Road, adjoining the existing Wilson Farms. The property exists of approximately 1.5 acres and is zoned Commercial. The project was initially referred by the Town Board on July 12, 2006 and introduced to the Planning Board on August 2, 2006. A Negative Declaration under SEQR was recommended by the TEQR Committee on January 22, 2007. The applicant is present seeking Concept Approval on the amended design.

Jim Geiger is representing the applicant, Raj Patel. Mr. Patel is present, along with Rod Prosser, the engineer from Lakeside Engineering.

Patricia Powers thanks the applicant for submitting the Concept Approval checklist, the general requirements and the Development Approval checklists.

Mr. Prosser shows a rendering of the 1800 square foot building to the Planning Board members. This will be a satellite store, no baked goods will be prepared at this location, the goods are brought in from a main producing store in Lockport. Mr. Patel said there will be no ice cream sold at this store.

Mr. Drinkard asks what the height of the exterior lights will be. Mr. Prosser said he would like to install 20' steel pole lights. He goes on to explain that all lighting will be full cut-off lighting, no projecting lights and shielded wall packs. Wendy Salvati wonders if the lighting standards need to be 20' high. Mr. Prosser said he can review the lighting standards if it pleases the Planning Board. Patricia Powers suggests the applicant look at the light poles that are west of the project site, Mr. Prosser will look at the lights and review what is going on in the neighborhood with regards to lighting standards, as well. Mr. Prosser said if a 16' height standard will meet the approval of the Board he will redesign based on that figure.

Wendy Salvati asks the applicant to bring the height of the ground sign down from 12' to 6', Mr. Prosser agrees.

Mr. Drinkard asks where the snow will go when the lot is plowed. Mr. Prosser explains there is a large area in the front and there is some area in the rear of the parking area. Wendy Salvati said the snow can not be pushed on to the landscaping.

In response to Wendy Salvati's question regarding reusing some of the trees on site, Mr. Prosser said they will not be reusing the trees; they will put in new trees. After further discussion regarding the trees, Mr. Prosser said he will take another look at reusing the trees.

Patricia Powers said, in response to a request from the Planning Board, the applicant has shifted the design to the west in order to separate the drive-thru lane from the parking area. The height of the sign needs to be reduced. There will be an attempt to save the trees on the east of the site. A sidewalk is to be installed from the front door of the building connecting to the existing sidewalk on Main Street. Mr. Prosser will check the percentage of greenspace. The building material will be Drivit.

Wendy Salvati asks if the applicant has alternative designs for the building, she would like to review them. Mr. Prosser said there are alternative designs and he will submit them to the Planning and Zoning Office tomorrow (February 8, 2007).

Mr. Geiger asks that the project move along because it is time sensitive. He also points out the sign on the plan that indicates Dunkin' Donuts only, no Baskin Robbins.

Patricia Powers explains that the Planning Board is looking for a building design that fits in with the character of the Clarence community.

Mr. Pazda voices his concern regarding moving this project along by recommending approval of Concept Plan it without seeing the alternative design of the building. Patricia Powers explains that the layout is not being changed, the site plan is not being changed, just the design of the building.

Mr. Prosser has no problem with providing the alternative building design plan to the Planning and Zoning Office by Monday of next week, which is February 12, 2007.

ACTION:

Motion by Gerald Drinkard, seconded by Wendy Salvati, to **recommend** Concept Approval for a new restaurant/drive-thru at 9430 Main Street with the following conditions:

- Review the light standards, which includes the height of the poles, shielding the lighting and no drop lenses.
- The height of the sign will be reduced.
- The applicant will be presenting alternative exterior architectural building plans to the Planning and Zoning Office by February 12, 2007.
- A Special Exception Use Permit (SEUP), approved by the Town Board, will be required for the proposed drive-thru. The SEUP process can begin once the SEQR review is completed.
- The greenspace calculations need to be done, making sure they meet the requirements.
- Review the reuse of the trees on the site.

Patricia Powers	Aye	Wendy Salvati	Aye
Gerald Drinkard	Aye	Timothy Pazda	Aye
Richard Bigler	Aye		

MOTION CARRIED.

Item 3

Steven and Joyce Bakowski
Industrial Business Park

Requests Concept Approval of a new self-storage facility at Lakeside Industrial Business Park.

DISCUSSION:

Jim Callahan provides the history on the project. It is located on the south side of County Road, west of Goodrich Road in the Lakeside Industrial Business Park. It consists of approximately 7 acres and is zoned Industrial Business Park. The project received a recommendation for a Negative Declaration under SEQR on January 22, 2007.

Don Swanson, of APEX consulting, is representing the applicant. Mr. Swanson explains that the layout of the site has changed slightly in that the buildings are now proposed in a west/east direction; this is a result of meeting with experts. There is also an increase in storage space, but a decrease in the amount of asphalt pavement, the amount of greenspace remains the same.

Patricia Powers said the Planning Board will require a Concept Plan checklist within one week. At the appropriate time, a Development Plan Checklist will be required as well.

Mr. Swanson confirms that the greenspace remains at 35.2%.

Mr. Drinkard asks for an explanation on how moving trucks will maneuver around the site, since the layout has changed. Mr. Swanson said a template has been used on this site to ensure easier traffic flow for all users. A tractor trailer can navigate around the entire parameter of the site.

Mr. Swanson confirms that there is no change in the setback for the proposed project.

Mr. Swanson explains the lighting standards. There will be wall pack units installed on the façade of each building. The lighting is on a timer for a certain period of time, after this time the lighting goes off, if someone were to access the site at this time there is a motion detector that would be activated.

Mr. Drinkard questions what clients might be storing at this facility and asks if there is a list of acceptable and not acceptable items that the client will be made aware of. Mr. Swanson advises the Board that as part of the agreement to lease storage space it is specifically stated (in the lease agreement) as to what can and can not be stored. Mrs. Bakowski said the contracts are drafted by the NYS Self Storage Association.

In response to Mr. Bigler's question regarding the lighting of the buildings, Mr. Swanson explains that the only lighting that would be left on for any duration of time, for security purposes would be the light along the front of the office area of the first building; all the other buildings would have wall pack units.

It is not the applicant's intention to have people coming into the facility at late hours of the night, Mrs. Bakowski explains that the facility would have hours until 8:00 p.m. or 9:00 p.m.; if a tenant has extenuating circumstances the applicant can grant access to that individual only. Mrs. Bakowski would like to have lighting on all night just for safety purposes, she does not want it lit up to make it look like they are open for business; whatever the Planning Board suggests is fine with her, she just doesn't want the site dark at night. Mrs. Bakowski suggests a lit flag pole.

Mr. Drinkard asks if a tenant could run a business out of the storage place. Mrs. Bakowski explains that there is no power, electrical outlets or lighting inside the storage buildings, it is not her intent to have any type of business operating from the storage units. She describes an example of a tenant who may be a pharmaceutical representative who keeps inventory in the storage unit; this is a popular tenant, thus one reason for the climate controlled storage units.

Wendy Salvati is not in favor of a lighted flag pole at the site. She suggests soft security lighting in front of the building. Mr. Bigler agrees. Mrs. Bakowski has no problem with this suggestion. There will be an alarm system on the front building.

Mr. Swanson states that the buffer on the northerly end to the property line is 80'.

Jim Callahan asks if there will be any outdoor storage such as storage of vehicles or recreational vehicles. Mrs. Bakowski said she does not know if that type of storage is allowed. Patricia Powers said the Planning Board would rather not see this type of storage. Mrs. Bakowski said she does not plan on having old cars or boats as items in storage.

Patricia Powers recaps Phase I, saying the office building (building "A") and the landscaping at the western most property line are part of this phase. Mrs. Bakowski refers to the site plan and said that buildings "B" and "C" are part of Phase I as well. Mr. Swanson said Phase II will be 4 more buildings and a climate controlled building; Phase III will be everything else on the plan, full build out is anticipated at approximately 5 years. Mrs. Bakowski hopes for Phase II within a year. The pavement will be laid appropriately to accommodate the buildings at each phase.

Patricia Powers refers to the Fire Advisory comments in which they approved a previous plan. The plan was only approved if there was a minimum of four hydrants, a possible dry hydrant at

retention pond, a sprinkler in the climate controlled building and a Knox Box placed on the office building. Mr. Swanson questions the sprinkler requirement. Mr. Pazda suggests the Fire Advisory review the project again due to the changes made to the lay out.

ACTION:

Motion by Wendy Salvati, seconded by Gerald Drinkard, to **recommend** Concept Approval for a new self-storage facility at Lakeside Industrial Business Park with the following conditions:

- The plan is to be referred to Fire Advisory for further review.
- The landscaping on the western property line is to be included in Phase I.
- The lighting is to be 100 watt wall packs with shielding; the lights will be on timers and motion sensors. The lighting along the front of the office is for security.
- Phase I includes building "A, B and C" along with the landscaping previously listed.

Patricia Powers	Aye	Wendy Salvati	Aye
Gerald Drinkard	Aye	Timothy Pazda	Aye
Richard Bigler	Aye		

MOTION CARRIED.

Item 4

Walgreen's
Commerical

Requests Concept Approval of a new drug store
and office building at 9217 Main Street.

DISCUSSION:

Jim Callahan provides the history of the project. The property is located on the south side of Main Street at the Sheridan Drive/Thompson Road intersection. It consists of approximately 13.3 acres and is zoned Commercial along the Main Street frontage. The project was introduced to the Town Board on October 11, 2006, to the Planning Board on November 8, 2006 and the TEQR Committee recommended a Negative Declaration on January 22, 2007.

Jeffrey Palumbo and Jim Rumsey are representing the applicant. Mr. Palumbo explains the proposal. The project site is just under 4 acres; however, the total acreage owned by the client is just under 14 acres. The proposal is for 2 separate buildings, one would be a Walgreen's Pharmacy that measures approximately 14,600 square feet with 98 parking spots assigned to it. The second proposed building has changed from a 10,000 square foot office building to an 8,000 square foot office building, due to this change the buffer has been increased on the east side of the property to 45'. There is also a decorative stone wall as requested. The traffic study and the engineer's report have both been submitted.

Mr. Palumbo refers to the proposed driveways, which had no restrictions, on the original plan. The driveway at the west end of the property is uncontrolled, in terms of a traffic device and the driveway to the east is controlled by a traffic light. Since the original plan was modified to show the driveway to the west as a "right-in/right-out" only. The original plan was reviewed by Benderson with DOT and the DOT had no objections at that time. The DOT has not yet responded to the "right-in/right-out" plan. Mr. Palumbo understands that there may be some discussion as to limiting the

driveway to “right-in” only. DOT had no objections to the original plan because they thought it was an economical use of the parking lot given the location of the drive-thru.

Mr. Drinkard said in the context of traffic on Main Street he thinks the west driveway has the potential of creating accidents.

Patricia Powers explains that George Van Nest, who could not attend this meeting, sent an e-mail and she reads it as follows:

“This project will drastically alter the traffic patterns at the intersection of Main and Sheridan. The intersection is geometrically unique to begin with and may not be able to handle the increased traffic at a suitable, as opposed to adequate, level of service. There are also significant traffic safety issues which could be created by the project. Unless, the Town can independently determine that the traffic flow will not be adversely affected by this development, I am apposed to the project at the proposed location. The Town’s traffic experts and/or an independent traffic consultant, along with TEQR should review this project prior to granting any approval. Regarding the need for a market study: while the property owners have the ability to use their land consistent with zoning, is there a national or local study which states that every community needs a chain drug store every 3-5 miles? It seems that the companies are intent upon the degree of market saturation and frankly, I am not sure that the community needs it or wants this density of drug stores. I would be curious about the applicant’s response.”

Mr. Palumbo explains that there is an independent traffic study that was prepared and submitted, it concludes that the traffic impact expected from development of the proposed pharmacy and office building at the Main Street/Sheridan Drive/Thompson Road intersection in Clarence, New York has shown that the existing network can accommodate the projected traffic volumes with the associated mitigating highway improvements. There is also a list of 4 items that the applicant has no objection to: construct proposed main site drive opposite and aligning with Thompson Road to facilitate left turning and through movements. The other items listed have to do with the timing of the signals and such. Mr. Callahan points out that the TEQR Committee has reviewed the traffic study and based upon that traffic study, along with the wetland and archeological study, has recommended a Negative Declaration. He also states that the DOT was in the discussions regarding the traffic study that was submitted.

Mr. Palumbo replies to Mr. Van Nest’s comment regarding a pharmacy on every corner by saying that it is really a function of the market, not the Planning Board.

Patricia Powers reads another comment from Mr. Van Nest’s e-mail having to do with the architecture; if the project does proceed, the prominent location dictates that the store cannot be a standard design. It will be one of the most visible locations in this area of the Town. As a result, the architectural details will need to be refined to fit with the character of the Town and the zoning code. Mr. Palumbo said the plan is to use limestone to fit in with the surrounding neighborhood.

Wendy Salvati is not in favor of the second driveway and states that DOT is not the deciding factor. She would like to see the traffic come in and out one central entrance through the traffic signal. If the second entrance was eliminated the applicant could provide more greenspace at the site. Mr. Palumbo said Walgreen’s will never agree to one driveway, if the second driveway is eliminated they won’t do the project, if the second driveway is a “right-in and right-out” they can live with that. Mr. Palumbo said he can’t see how the second driveway, right-in and right-out, hurts anything, it improves the internal circulation. He explains that you don’t want people having to cut through a parking lot to

get to the drive-through. Wendy Salvati said cars are not going to be queuing up for the pharmacy. Councilman Bylewski said up to four (4) cars queue up at the Rite-Aid Pharmacy across the street from the site. He also suggests some of the congestion, which may build up at the eastern entrance, could be relieved if the second entrance is put in.

Mr. Palumbo explains another advantage for the second entrance is for emergency access; it is better to have two methods of ingress and egress than one. Another advantage would be for the trucks that are servicing the facility.

Councilman Bylewski suggests moving the driveway to the east to increase the greenspace that the Planning Board is looking for.

In response to Mr. Pazda's question regarding the "right-in/right-out" only driveway, Mr. Palumbo indicates that there will be a median to direct the traffic appropriately. Mr. Palumbo also responds to Councilman Bylewski's suggestion by saying the project would lose parking spaces if the driveway is moved to the east.

Mr. Drinkard said if the second driveway with the "right-in/right-out" turn helps the traffic flow than it is a better way.

Patricia Powers asks for details on the proposed limestone wall in front of the building, it is not a continuous wall. Mr. Rumsey explains that the plan is for the wall to have separations in it and landscaping would be placed within the separations. Patricia Powers asks if the applicant would consider a stone wall such as the one that is front of the Clarence Town Park east on Main Street. It is a continuous wall with perennials planted along the front of it. Mr. Rumsey does not see a problem with this suggestion.

Patricia Powers asks if Walgreen's has alternative plans for the building architecture. Mr. Rumsey said he is still trying to obtain Walgreen's acceptance on this current style. He explains that the stone wall was to be made of the same material as the building. Wendy Salvati suggests no cap on the stone wall; the wall should be made of similar material as the wall that is in front of the Bank of Akron on Main Street. The Planning Board is asking for the wall to be made of real stone. Originally, Mr. Rumsey designed the wall to match the building; however, he will redesign the wall.

Mr. Bigler advises the representatives to explain to the applicant that they will make more money in Clarence if they make their building to Clarence's expectations. He said that it has been proven that people will go to a nice looking store to purchase their products.

Mr. Rumsey asks for clarification regarding the material used for the building and the wall. It is confirmed that the building material is acceptable; however the wall must be of real stone.

Wendy Salvati asks where the sign will be located. The sign is on the right side as you are exiting the main drive. Mr. Rumsey will come in with a coordinated sign plan; it will be a monument sign and made up of the same material as the wall, no LED. The applicant is then advised that only the name of the store is acceptable for the sign that is to be placed on the building; no "pharmacy" and no "photos".

Mr. Pazda asks what the other proposed building looks like. The materials and architecture for the other building will be similar to the Walgreen's building.

Patricia Powers reviews the wetlands buffer measurement, stating that it is 100', Mr. Palumbo confirms. She also states that there is a 45' setback for the mobile home park. Greenspace is acceptable. The Planning Board wants a solid continuous stone wall made of natural rock; stacked up stones, no cap.

Patricia Powers advises the applicant to submit the lighting standards. Wendy Salvati reminds the applicant to have shielded and recessed lighting.

Patricia Powers requests a schedule of the delivery trucks, there should be no trucks making deliveries in the middle of the night or early morning, this would disturb the neighbors in the mobile home park. Due to the proposed drive-through, a Special Exception Use Permit (SEUP) is required.

In response to Mr. Pazda's question regarding shared access, Mr. Palumbo explains that they would lose some of the parking if a shared access road was put in. Mr. Rumsey will verify a shared access drive with Walgreen's. He does not see it as being a problem.

Mr. Rumsey confirms that the mechanicals will be on the roof and hidden from view.

Mr. Rumsey will e-mail the detail of the lighting plan to the Planning and Zoning Office on Thursday February 8, 2007. Mr. Pazda suggests the applicant mimic the decorative Clarence Hollow street lights. Mr. Rumsey will look into different lighting styles.

Mr. Pazda would like to see the second building match more with the Walgreen's. Mr. Rumsey will redesign the second building. He will also suggest to Walgreen's that a clock be placed on the building; no digital read out.

ACTION:

Motion by Gerald Drinkard, seconded by Patricia Powers, to **recommend** Concept Approval for a new drug store and office building at 9217 Main Street with the following conditions:

- A sidewalk to Main Street.
- A continuous natural rock wall with no cap across the front.
- Mechanicals on the roof are to be hidden from view.
- A Special Exception Use Permit (SEUP) is required, to be taken care of at the Town Board level.
- The lighting detail is to be presented within one week.
- The Concept Plan checklist to be submitted within one week.
- The Development Plan checklist to be submitted at the appropriate time.
- The façade on the office building is to closely match the Walgreen's building.
- A schedule of delivery trucks.
- Shared access.
- Clock to be installed as discussed.
- The Planning Board is not in favor of two driveways; a compromise point may be an "in" only at the second driveway.
- The Planning Board awaits comments from the DOT.

ON THE QUESTION:

Mr. Bigler does not care for the façade of the front building. He asks what will go inside the glass area of the proposed building. Mr. Rumsey said the Walgreen's logo will go inside the glass area; it will be set back 10-15 feet inside the area.

Patricia Powers	Aye	Wendy Salvati	Aye
Gerald Drinkard	Aye	Timothy Pazda	Aye
Richard Bigler	Nay		

MOTION CARRIED.

Item 5

Sign Law Review

Discussion.

DISCUSSION:

The Planning Board members have reviewed the proposed Sign Law changes and agree to send it to TEQR.

ACTION:

Motion by Timothy Pazda, seconded by Wendy Salvati, to **forward** the proposed Sign Law changes to the TEQR Committee for review under SEQRA.

Patricia Powers	Aye	Wendy Salvati	Aye
Gerald Drinkard	Aye	Timothy Pazda	Aye
Richard Bigler	Aye		

MOTION CARRIED.

Meeting adjourned at 10:20 p.m.

Patricia Powers, Chairperson