

Clarence Planning Board Minutes

Wednesday, March 15, 2006

Work Session (6:30 PM)

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

Agenda Items (7:30 PM)

Wendy Salvati, First Vice-Chairperson, called the meeting to order at 7:30 PM. Councilman Scott Bylewski led the pledge to the flag.

Planning Board Members Present:

Wendy Salvati
Gerald Drinkard
Richard Bigler

Jeffrey Grenzebach
Timothy Pazda

Planning Board Members Absent:

Patricia Powers
Philip Sgamma

George Van Nest

Other Town Officials Present:

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

Other Interested Parties Present:

Joseph Sorrentino
Mark Nigro

Jim Pellow
Pastor Karl Eastlack

ACTION:

Motion by Gerald Drinkard, seconded by Timothy Pazda, to approve the minutes of the meeting held on February 15, 2006, with the following changes:

- Page 53, third paragraph, the sixth line down is corrected to read, "A Department of Environmental Conservation **accepted** wetlands delineation is also required."
- Page 55, item number four (4.) is corrected to read "**Natale** Builders..."
- Page 56, third full paragraph, the second question is corrected to read, "Will they completely **redesign** the proposal?"

Wendy Salvati	AYE	Jeff Grenzebach	AYE
Gerald Drinkard	AYE	Tim Pazda	AYE
Richard Bigler	AYE		

MOTION CARRIED.

Wendy Salvati welcomes Richard Bigler to the Planning Board as the new alternate member. Mr. Bigler will be sitting in for the absent members this evening.

Item 1

Cesare Banach
Residential Single-Family

Requests Concept Approval for a proposed office and warehouse at 8500 Roll Road.

DISCUSSION:

Jim Callahan provides the history on the project. It is located on the north side of Roll Road and on the west side of Harris Hill Road (extended). The property consists of approximately six (6) acres and is zoned Residential. In June 2005 the applicant received a Use Variance to allow commercial uses on the property. The applicant has received a Negative Declaration on the project under the State Environmental Quality Review Act; it was issued by the Town Board in February 2006. The applicant is present seeking Concept Approval on the project.

Cesare Banach is present. Tom Theilman, of Urban Engineers, is also present. There is no further information on the project. The current plan reflects all of the items the Planning Board has discussed with the applicant. The parking has been moved outside of the front yard setback. The building in the front has been set off forty-five feet (45') from the property line on the east; the building in the back is twenty-five feet (25') off the property line, which actually exceeds the zoning requirement. The required parking has been met.

Jeffrey Grenzebach asks if the road will be available to cut into Harris Hill Road for any future extension. Tom Theilman advises one reason for the turn around is to allow for a simple extension leading to the new roadway when it is built. Cesare Banach will try to dress up the entrances on the side and front.

Gerald Drinkard asks if the plans have advanced for stormwater handling. Tom Theilman has approached the Erie County Health Department and instruction has been provided on designing a sand filter system for the site. The stormwater design is started and a meeting will be set up with Joe Latona, the Town Engineer. The stormwater detention area is north of the warehouse building. The sand filter would be on Roll Road.

Since the applicant received a Use Variance, Timothy Pazda asks if both the Residential Code and the Commercial Code must be met. Jim Callahan advises it is per site plan review and said the underlying zoning classification would have to be met. One of the main issues would be the established setback. In terms of the front setback, it was established by the existing use. In terms of the side, it was increased forty-five feet (45') on the front building to accommodate a future extension of Harris Hill Road. The parking requirements are per Commercial Code.

The parking code requirement for medical use is twice what is needed for a professional office. Right now, the project meets the parking code for a professional office, therefore no medical use would be allowed. Mr. Banach understands this.

Wendy Salvati notes the comments from the Fire Advisory. All two-way driveways must be a minimum of twenty-four feet (24') wide to accommodate the required fire apparatus. A waterline and hydrant system capable of providing adequate fire protection will be required on the site. Mr. Theilman received the comments as well and has incorporated the requirements into the plan.

Timothy Pazda suggests the applicant install a Knox-Box on the building, the Fire Advisory Board usually recommends this. A Knox-Box is a box on the outside of a building where a key is kept to access the building in case of an emergency. The building can only be opened through Amherst Fire Control. Mr. Banach is planning to have a central alarm system.

Mr. Banach has an updated drawing of the building and will forward it to the Planning Board. The front building will be stone and glass, wide winged on the overhangs as to overhang the sidewalks and a center entrance with a recessed front. Mr. Banach has a floor plan as well. The back building will be a decorative brick or decorative black; he wants it to fall into the landscape. The front building will be aesthetically pleasing from both sides. When Harris Hill is extended the back building will be dressed-up as well.

ACTION:

Motion by Jeffrey Grenzebach, seconded by Gerald Drinkard, to recommend Concept Plan Approval on agenda Item 1 with the following conditions:

- a checklist for Development Plan Approval is required at the time of submission.
- full approval of the Landscape Design is required; emphasis is put on good landscaping for the front and side of the building.
- the project is subject to Open Space Fees.
- the required laterals be installed, so that at a future date, the site can be hooked to Clarence Sewer District Number Six (6).
- provide a future connection to the parking area shown on the plan so that it can be connected to any future extension of Harris Hill Road.
- meet the requirements from the Fire Advisory Review.

Wendy Salvati	AYE	Jeff Grenzebach	AYE
Gerald Drinkard	AYE	Tim Pazda	AYE
Richard Bigler	AYE		

MOTION CARRIED.

Item 2

Eastern Hills Wesleyan Church
Residential Single-Family

Requests Concept Plan Approval for construction of a 27,607 sq. ft. addition to existing facility at 8445 Greiner Road.

DISCUSSION:

Mark Nigro, Executive Pastor at Eastern Hills Wesleyan Church is present. Jim Pellow, consultant to the church is present as well.

Jim Callahan provides the history on the project. It is located on the south side of Greiner Road, just west of Harris Hill Road. It consists of approximately thirty-four (34) acres and zoned Residential Single-Family. Phase One, representing the existing church, was approved on April 12, 2000. A Negative Declaration on the full build out of Phases One and Two was issued by the Town Board on October 27, 1999. The applicant is seeking approval for development of the additional square footage as noted to the existing facility. This represents the introduction of the addition to the Planning Board.

Jim Pellow addresses the Planning Board. The project is being constructed in phases. Phase One is completed as noted. Phase Two A (2A), part of Phase Two, is being submitted tonight. The addition is approximately 27,000 square feet on the first level and 8,200 square feet in basement space. The budget for the project is approximately 4.25 million dollars. The proposed site work includes the completion of the ring road; it will facilitate any firefighting activities and general site circulation. No additional parking is required as the addition is child orientated. Convenience parking spots are proposed for the prayer chapel and the book store conversion. The landscaping is proposed to the west side of the addition to visually screen an existing home and the public park.

The addition is approximately one hundred sixty eight feet (168') from the west property line and three hundred feet (300') from the closest residence. Richard Bigler asks if these calculations include both phases of the plan or will they be moved back further with the next phase. Mr. Pellow advises when Phase Two B (2B) is completed there will be approximately one hundred feet (100') from the west property line.

The new addition consists of an expanded nursery, multi-purpose room, a kitchen, a small prayer chapel, a meeting room, toilet facilities, and a concourse with café seating. Improvements to the existing first floor plan include the new text studios and the book store. The basement area, which is below the multi-purpose space, contains mechanical and storage space.

The new exterior elevations visually tie themselves to the existing elevations through the use of similar materials including brick, horizontal band of synthetic plaster in line with the existing band and insulated vinyl panels.

The aerial perspective on display is looking from the south towards Greiner Road, the arched roof above the concourse is noted, it will be in line with the existing arched window.

The multi-purpose room is approximately twenty five feet (25') in height; it is not a two-story building. Gerald Drinkard voices his concern with the height of the building in proximity to the residences. Mr. Drinkard also notes the wooded area on this section of the site and says it appears the

proposal may take this away. Mr. Pellow states the architect is putting in new plantings to shield the construction from the residential area. The plan is for approximately eleven (11) evergreen trees and it will take a while for them to grow.

Gerald Drinkard points out there will be night activities during the week at the facility and there will be headlights traveling through the ring road, this can be bothersome. Mr. Pellow advises this is one of the reasons for the new plantings on the outside perimeter of the ring road. The height of the building will be lower than the existing building.

Timothy Pazda makes sure the applicant is aware that this proposal will require a Special Exception Use Permit. The applicant is aware.

The expanded nursery facilities are not intended to be a five-day a week certified school. The applicant offers Sunday school and other programming for the children while the parents are attending a service within the building. The nursery facility is currently at capacity. There are three (3) services on the weekend. The 11:00 a.m. Sunday service has a slight higher attendance than the other two (2) services. The total attendance is approximately three thousand (3,000) people.

Timothy Pazda addresses the traffic concerns that were discussed at the Town Board meeting and asks the applicant if he has had an opportunity to review the concerns. Mr. Pellow states the church has two (2) means of egress from the site, one goes to Greiner Road and the other goes to Harris Hill Road. The church also employs a police officer to facilitate traffic outflow on to Greiner Road. The church has a coffee area in the atrium space to further fractionalize some of the outflow. There is a traffic burst for approximately fifteen (15) to twenty (20) minutes that the church works hard to deal with. Their goal is to be a good neighbor.

Timothy Pazda advises that many things have changed since the Negative Declaration was issued in 1999. He voices his concern regarding the preservation of greenspace; it appears that this proposal takes out a good portion of viable greenspace. Mr. Pazda asks how flexible the applicant is with the proposed plan.

Mr. Nigro indicates that they have been working on Phase Two A (2A) for a long time. He advises there were a number of places they looked at to put the facility and took into consideration where it would be most suitable for the town. The facility was built at the current site on purpose with the intention of expansion.

Timothy Pazda suggests redesigning the road to leave as much of the vegetation as possible. Mr. Pazda also suggests the Planning Board look at Phase Two B (2B).

Wendy Salvati voices a concern regarding drainage for the proposed plan. Currently the drainage is routed around the woodland area; the drainage scheme would have to be modified. Once the drainage is modified there will not be much woodland area left, this is a serious concern.

Senior Pastor Karl Eastlack speaks to the Planning Board. Pastor Eastlack states all this information was originally known by the Planning Board and the Town Board. The whole purpose of getting the full build out in 1999 and 2000 was that they did not want the Town to be surprised. These issues were not issues back then. The Boards understood that there would be a line of trees to break out the view from the neighbors, a footprint of the property was provided to the Boards as well as the plan for the ring road and parking. The proposed plan is within the original footprint. The Town sent

the church down a path and Pastor Eastlack would be concerned if the Town now reneges on this plan. The applicant is not requesting anything beyond what was requested in 1999.

The Negative Declaration was issued on the full build out of the church plus the additions. According to the Zoning Law a church is allowed in the Single-Family Residential zone up to 10,000 square feet with approval from the Town Board. A church over 10,000 square feet requires the Special Exception Use Permit; the Planning Board could recommend approval of this.

Pastor Eastlack is willing to address the greenspace issue with the Town. The church owns approximately thirty four (34) acres and much of that is still solid woods.

Timothy Pazda advises that each phase of the plan needs to be reviewed by the Planning Board and asks if the applicant is willing to make some accommodations regarding the preservation of greenspace.

Pastor Eastlack says the Planning Board is discussing Phase Two B (2B) which is not on the proposal. If the Planning Board is not asking the applicant to adjust Phase Two A (2A), then Pastor Eastlack is content. Phase Two (2B) could be seven (7) to ten (10) years away, the discussion can be held then.

Phase Two B (2B) should be considered with Phase Two A (2A). The drainage should be considered now.

The ring road will be in place with Phase Two A (2A).

The other Eastern Hills Wesleyan Church facility on Greiner Road will remain as is.

The proposed multi-purpose room will be used for banquets, a fellowship hall and children's programming.

Gerald Drinkard asks if the egress road that goes out on to Harris Hill Road is a temporary road. Pastor Eastlack states that property belongs to Windsor Ridge Partners and they built the road on the church's behalf, in order to provide a second egress for the site.

Jim Callahan asks for analysis on the type of vegetation located in the wooded area, how significant are the trees? Mr. Pellow advises that approximately twenty percent (20%) of the wooded area is made up of specimen trees.

The area of the plan that is closest to the neighboring residences is a one story building.

Joe Sorrentino, of 5260 Via Del Sole, speaks to the Planning Board. Mr. Sorrentino is a licensed real estate broker and does a considerable amount of business at Loch Lea Estates. Mr. Sorrentino has questions regarding the impact this proposal has on traffic, noise and drainage. He asks what the elevation of the parking lot is as opposed to the single-family residences located near the site. Mr. Sorrentino and his neighbors were originally told that all traffic exiting the church would be on Harris Hill Road. He is also concerned with the activities that may be held at the multi-purpose room, will there be a large number of cars exiting the facility late at night? To what degree is multi-purpose? Would the church consider erecting a fence to act as a barrier? He hopes that when construction takes place there will be more consideration for the residents than there has been in the past.

Mr. Pellow advises the proposed addition will not increase the amount of traffic. The addition is for the children of the people who are in the sanctuary. Timothy Pazda asks for a summary of the projected growth for the church. Pastor Eastlack advises in the fall of 2001 the attendance was approximately 2,100, they are now at 2,900. The sanctuary has room to grow, but the rest of the facility is tight, thus the reason for Phase Two. The seating capacity in the sanctuary is 2,200. This site has always been an ingress/egress site, there were no discussions regarding entrance one way and exiting another. The road going to Harris Hill is not being taken away, it will be enlarged.

Mr. Sorrentino asks if there will be an increase in signage along Greiner Road. Wendy Salvati advises there will be no reason to grant further signage. Town permits will need to be acquired for temporary signs.

The multi-purpose room will provide banquet facilities for events such as weddings or dinners for the church members. The capacity of the banquet facility is three hundred (300) to four hundred (400) people.

Timothy Pazda states the Planning Board is not against the project, they are asking many pointed questions as they do with all other applicants. Mr. Pazda's concern is that the applicant is asking for Concept Approval on Phase Two A (2A) and this phase, in effect, is going to take everything out and Phase Two B (2B) has not been considered yet.

Wendy Salvati suggests looking at both phases now so the applicant will not have to come back to the Planning Board in five years to have the second phase approved for Concept Approval. David Donohue advises a "footprint" is required for approval of Phase Two B (2B). The applicant would have to come back to the Planning Board in the future for Development Plan of the building. Mr. Donohue advises this is a segmentation issue, which means the Town is required to know what the build out will be. Jim Callahan points out that a Negative Declaration was issued on the full build out.

Pastor Eastlack says the Town Traffic Plan required the traffic to flow as shown on the plan.

The four residents closest to the church were notified of this meeting.

Gerald Drinkard is not sure the Planning Board can make the applicant go to the engineering extent on Phase Two B (2B). Wendy Salvati advises the applicant can obtain Concept Approval now, and then come back for Development Plan Approval for Phase Two B (2B) in the future.

Pastor Eastlack thinks the largest issue is the three hour window were the traffic is heavy. He has discussed the issue with the police man who directs the traffic and has advised him to give preference to the people from Loch Lea.

Gerald Drinkard suggests preserving the woods as much as possible.

Wendy Salvati recommends the applicant meet with the Executive Committee on a Tuesday morning; they can make an appointment through the Planning and Zoning Office.

Timothy Pazda recalls the fact that many questions were brought up at the Town Board meeting, however, the minutes were not available for review. Mr. Pazda asks Councilman Bylewski if he thinks those questions have been addressed at this meeting. Councilman Bylewski says most of the concerns have been addressed. He also wants to point out that there is a Sunset Provision for Concept

Plan Approval under the new Zoning Code. There are certain conditions that can be set, as long as they are reasonable, over and above what is stated in the Zoning Code. Councilman Bylewski would like to see a resolution stating if there is Concept Plan Approval given to a phase that is not yet before the Planning Board, some mention of that can be made as one of the conditions through the Special Exception Use Permit process.

Pastor Eastlack was not prepared to have Phase Two B (2B) reviewed this evening. He prefers that Phase Two B (2B) not be reviewed at this time. The road and the drainage plan in Phase Two A (2A) will remain the same once Phase Two B (2B) is planned. Phase Two B (2B) will not change the road or drainage plan. He thinks Phase Two B (2B) will complicate what he has brought to the Planning Board for approval this evening.

ACTION:

Motion by Timothy Pazda, seconded by Jeffrey Grenzebach, to TABLE agenda Item 2, pending further information, including a tree survey. This project will be referred to the Fire Advisory Board.

ON THE QUESTION:

Jim Callahan suggests an analysis of the trees, thus the requirement for a tree survey. Mr. Callahan also suggests the project be referred to the Fire Advisory Board for review.

Gerald Drinkard asks if this situation re-opens SEQR. Jim Callahan states SEQR is strictly a Town Board action. Wendy Salvati indicates that the Planning Board could only recommend SEQR if they thought it was required.

The traffic flows can be analyzed by the Planning Board as previously approved.

Wendy Salvati	AYE	Jeff Grenzebach	AYE
Gerald Drinkard	AYE	Tim Pazda	AYE
Richard Bigler	AYE		

MOTION CARRIED.

Meeting adjourned at 8:48 p.m.

Wendy Salvati, First Vice-Chairperson