

Clarence Planning Board Minutes  
Wednesday, August 17, 2005

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)

Patricia Powers, Chairperson, called the meeting to order at 7:30 PM.

Planning Board Members Present:

Patricia Powers  
George Van Nest  
Jeff Grenzebach

Wendy Salvati  
Roy McCready  
Tim Pazda

Planning Board Members Absent:

Phil Sgamma

Gerald Drinkard

Other Town Officials Present:

Councilman Scott Bylewski  
James Callahan, Director of Community Development  
James Hartz, Asst. Director of Community Development  
Anne Case, Deputy Supervisor  
David Donohue, Deputy Town Attorney

Other Interested Parties Present:

Bill Schutt  
Jim Blum  
Phil Silvestri  
Nick Piestrak

Andrew Terragnoli  
Arthur Fuerst  
James Geiger  
Christine Pfund

Motion by Jeff Grenzebach, seconded by Tim Pazda, to approve the minutes of the meeting held on August 3, 2005, as written.

Patricia Powers	AYE	Wendy Salvati	Abstain
George Van Nest	Abstain	Roy McCready	AYE
Jeff Grenzebach	AYE	Tim Pazda	AYE

ALL AYES. MOTION CARRIED.

**Item 1**

First Niagara Bank  
Major Arterial

Requests Development Plan approval for the construction of a 2,688 sq. ft. bank on an out parcel at 4435 Transit Road (The Shops at Main/Transit).

Discussion:

Jim Callahan gave a brief description of the project which is located on the northeast corner of Main and Transit as an out parcel of the Shops at Main/Transit, which received final approvals last week. It is zoned Major Arterial. The project has received a negative declaration, concept approval and a special exception use permit for the drive-thru facility. Master Plan does identify this area in a Commercial zone. The applicant is here seeking recommendation on development plan.

Bill Schutt, Wm Schutt & Associates, introduced himself to the Board. Chairman Powers offered Mr. Schutt thanks from the entire Board for his assistance at the last Planning Board meeting. There was a communication problem with a gentleman in the audience regarding the Strickler Estates project, and Mr. Schutt took the time to meet with him to answer his questions.

Mr. Schutt said that, based on a meeting with Mr. McCready and Connie Lydon, there has been a change in a species of one particular tree. They are more than willing to change the tree based on Mr. McCready's recommendation. Mr. McCready said that the final approvals will be out by Friday.

There were no further comments or questions from the Board or audience members.

Action:

Motion by Wendy Salvati, seconded by Jeff Grenzebach, to recommend development plan approval for the construction of a 2,688 sq. ft bank on an out parcel at 4435 Transit Road (First Niagara Bank) subject to the following conditions:

1. Subject to the conditions of the Town Engineer's letter of August 16, 2005;
2. Subject to the commercial open space fee; and
3. Would have an approved landscape plan prior to being placed on a Town Board agenda.

Patricia Powers	AYE	Wendy Salvati	AYE
George Van Nest	AYE	Roy McCready	AYE
Jeff Grenzebach	AYE	Tim Pazda	AYE

MOTION CARRIED.

**Item 2**

International House of Pancakes  
(I.H.O.P.)  
Major Arterial

Requests Concept Plan approval for the construction of a 4,993 sq. ft. restaurant on an out parcel at 4445 Transit Road (The Shops at Main/Transit).

Discussion:

Jim Callahan gave a brief description of the property which is located as an out parcel at the Shops at Main/Transit and is a neighbor of the previous applicant. It is zoned Major Arterial. Master Plan identifies this area in a Commercial classification. This is the initial review of this out parcel by the Planning Board for consideration of concept approval.

James Geiger was present to represent the owners and operators of the restaurant. He expressed his gratitude to the Board on behalf of the owners; they appreciate the opportunity to be a part of this community. They are looking forward to this project and to serving pancakes to the Town residents.

Andrew Terragnoli, of Lauer-Manguso Architects, was also present to represent the project. He anticipated the building permit being issued by October 1<sup>st</sup> and construction ending by early 2006.

Pat Powers expressed her appreciation for the Concept Approval Checklist which was submitted. She added that Fire Advisory reviewed and approved the project on July 18, 2005 with the recommendation to install a Knox box. Mr. Terragnoli said that he would take care of that request.

Tim Pazda asked if the restaurant would ever be closed. Mr. Geiger stated that it would open between 6 and 7 in the morning and close around 10 or 11 at night, later on the weekends.

There were no further questions or comments from the Planning Board or audience members.

Action:

Motion by Jeff Grenzebach, seconded by Tim Pazda, to recommend to the Town Board a negative declaration on this project.

Patricia Powers	AYE	Wendy Salvati	AYE
George Van Nest	AYE	Roy McCready	AYE
Jeff Grenzebach	AYE	Tim Pazda	AYE

Motion by Roy McCready, seconded by Wendy Salvati, to recommend concept approval on this project with the following conditions:

1. The Knox box will be installed;
2. An approved landscape plan be provided; and
3. A development plan for a commercial project will be forthcoming.

Patricia Powers	AYE	Wendy Salvati	AYE
George Van Nest	AYE	Roy McCready	AYE
Jeff Grenzebach	AYE	Tim Pazda	AYE

MOTION CARRIED.

**Item 3**

Arthur Fuerst  
Commercial

Requests Concept Plan approval and a Special Exception Use Permit for a new 800 sq. ft. drive-thru coffee shop at 9450 Main Street.

Discussion:

Jim Callahan gave a brief description of the property which is located on the northwest corner of Main and Goodrich. It is approximately one acre in the Commercial zone. Master Plan identifies the area in a commercial classification. The applicant is seeking review of a revised site plan, incorporating comments received at the last Planning Board review of the project.

Phil Silvestri, Silvestri Architects, and Arthur Fuerst, the owner of Executive Cleaners, introduced themselves to the Board. Mr. Silvestri thanked the Board for their comments on the project; as a result, he brought in a revised plan to show them. He is much happier with the plan, especially regarding traffic flow, aesthetics, and improving the corner. Per the Board’s recommendations, the existing house, driveway, and curb cut will be demolished. (He visually showed the Board the various changes that were made to the plan.) He added that the existing oak trees would be preserved. He said that they have reviewed the plan with the neighbor, Ron Grimm (Grimm Construction), and he is in favor of the project as long as a berm of Austrian pines is added along the rear of the property. The plan also shows an area for connection to the adjacent site (to the west).

Pat Powers said, “This is the first time that the entire Planning Board has had a chance to review this new plan; I’m sure there will be questions.”

Mr. Silvestri added that they will be applying for two variances – one for frontage along Goodrich, which is less than 300 ft., and one for the side yard setback near the coffee shop. His hope is that the Board will give conditional approval based on getting the variances from the Zoning Board of Appeals.

Pat Powers said, “Unfortunately, we can’t do that. The best thing we can do for you this evening is to deny your project, so that you can have access to the Zoning Board of Appeals to seek those variances.”

Tim Pazda asked about the plans for parking. Mr. Fuerst said that the parking was intended for the employees and customers of the coffee shop and cleaners. Mr. Silvestri added that the parking spaces exceed the minimum required by the zoning ordinance. Wendy Salvati said, “you have twice as much parking as you need.” Mr. Fuerst estimated that employees would use 10 of the parking spaces. Wendy Salvati asked, “Where will

you put your septic systems?" Mr. Silvestri stated that there were several options, but they haven't met with the septic engineer to decide.

Mr. McCready described an option (using the site plan) to locate the septic system. He also expressed his concerns about the radius of the drive-thru, as it may be difficult for vehicles with trailers to maneuver around. There was additional discussion regarding the parking and the access to the drive-thru.

Jeff Grenzebach asked about the facade and if the two buildings would match. Mr. Silvestri said that the existing building would be resurfaced with a stucco-type material to look like the new building.

Wendy Salvati asked about site drainage. Mr. Silvestri stated that they would probably use deep wells. Jeff Grenzebach asked Mr. Silvestri if the driveway would be striped with arrows and he replied yes. Pat Powers said that she appreciated the plan showing the potential for shared access. Tim Pazda stated that he felt the demolition of the house was a good decision. Mr. Fuerst said that it was not an easy decision as his son lives there. Pat Powers asked the applicant if he planned to store snow on the green spaces and he replied yes. She added that, down the road, an outside dining permit for the patio would be required. There were no further comments or questions from members of the Board or audience.

Action:

Motion by Jeff Grenzebach, seconded by Roy McCready, to DENY concept approval for this project because:

1. A variance is required for the side yard setback (The plan shows 17 ft; 25 ft. is required.); and
2. According to the zoning code, section 3.7.5, frontage of 350 ft of frontage on each street of a corner lot is required (The property lacks the frontage on Goodrich Road and the frontage on Main Street is a non-conforming lot.)

On the Question?

Councilman Bylewski suggested that the Board's recommendations regarding the drive-thru access and the elimination of parking be part of the motion.

Tim Pazda asked the applicant is there was any way that the coffee shop could be moved over to avoid needing a variance.

Phil Silvestri said that it's necessary because Mr. Fuerst wants to have a service drop on the west side of the cleaners. A discussion ensued regarding various ways to reconfigure the layout in order to avoid requesting a variance.

Patricia Powers	AYE	Wendy Salvati	AYE
George Van Nest	AYE	Roy McCready	AYE
Jeff Grenzebach	AYE	Tim Pazda	AYE

MOTION CARRIED.

**Item 4**  
Dominic Piestrak  
PURD

Requests Development Plan approval, including construction of approximately 350 feet of Stonecliff Court, for Spaulding Lake Part IV Phase 5 for 7 PURD lots.

Discussion:

Jim Callahan explained that this is the last portion of road construction within the Spaulding Lake Subdivision. The area is zoned PURD, and Master Plan identifies it as Residential. The proposal is for finishing off Stonecliff Court which would consist of approximately 7 PURD lots.

Nick Piestrak, Dream Settings Development, was present. He stated that they have eliminated two lots off of the court to make each lot bigger. There were no questions from members of the Planning Board or audience.

Action:

Motion by Wendy Salvati, seconded by Jeff Grenzebach, to recommend Development Plan approval for the construction of approximately 350 feet of Stonecliff Court for Spaulding Lake Part IV Phase 5 for 7 PURD lots with the following conditions:

1. Subject to all conditions listed in the Town Engineer’s letter of May 9, 2005;
2. Subject to the Town Engineer’s attached letter which was received in Planning and Zoning on August 16, 2005; and
3. Subject to recreation and open space fees.

Patricia Powers	AYE	Wendy Salvati	AYE
George Van Nest	AYE	Roy McCready	AYE
Jeff Grenzebach	AYE	Tim Pazda	AYE

MOTION CARRIED.

**Item 5** Subdivision Law.

Comments received to be incorporated and/or identified into Draft 6 include the following:

- Comments received from Phil Sgamma in memo dated 8/15
- Comments forwarded by Wendy Salvati at Planning Board Executive Meeting
- Adding determination of suitability for accepting fee instead of recreation land
- Page 8 – Major Subdivision: Add purpose to Concept Plan (aka sketch plan)
- Page 13 – clarify paragraph on Conditional Approvals

- Page 16 – clarify section on double frontage/reverse frontage lots
- Page 19 – add/clarify coordination with Master Sewer Plan
- Page 20 – add: verification of source of any required fill
- Page 21 – clarify pedestrian access walkways: “could include sidewalks”
- Page 25 – add determination of suitability language
- Page 26 – add language to require Town Board to identify rationale for accepting payments in lieu of recreation land

A long discussion concerning the minimum size of open development lots was left to have the Town Board make a final determination.

Action:

Motion by Pat Powers, seconded by Jeff Grenzebach, to refer Subdivision Law, Draft 6, to the Town Board for review and eventual adoption.

Patricia Powers	AYE	Wendy Salvati	AYE
George Van Nest	AYE	Roy McCready	AYE
Jeff Grenzebach	AYE	Tim Pazda	AYE

MOTION CARRIED.

Meeting adjourned at 8:55 p.m.

Patricia Powers,  
Chairperson