

Town of Clarence
Planning Board Minutes
Wednesday, October 4, 2006

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

Steven and Joyce Bakowski Mini-Storage
Industrial Business Park

Requests Preliminary Concept Plan Review for the construction of a mini-storage facility on County Road, west of Goodrich Road.

Item 2

Goodrich Farms Subdivision
Residential Single-Family

Requests Preliminary Concept Plan Review for an Open Space Development Design for a subdivision on the east side of Goodrich Road, north of Keller Road.

Item 3

Timothy Krantz
Agricultural Rural Residential

Requests Concept Plan Review for a 4-lot Open Development Area with two (2) frontage lots at 9086 Lapp Road.

Item 4

Lia Honda
Major Arterial

Requests a Temporary Conditional Permit and a Special Exception Use Permit to convert existing retail space to an automotive sales operation at 4917 Transit Road.

Item 5

Sign Law

Preliminary review discussion.

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

Planning Board Members Present:

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

Wendy Salvati, 1st Vice Chairperson
Jeffrey Grenzebach
George Van Nest

Other Town Officials Present:

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

Other Interested Parties Present:

Henry Becker
Ron Talboys
Nancy Prell
Jody Pollot
Kevin Curry
Jim Lawrence
Pat Adams
Nick Adams
Carol Deahn

Donna Wanamaker
Margaret Talboys
Charlene Prell
Lindsay Allen
William Chae
John Wright
Ben Adams
Tori Adams
David Gallagher

Motion by Gerald Drinkard, seconded by Tim Pazda, to approve the minutes of the meeting held on September 6, 2006, with the following correction:

-Page 191, the last condition set on the Creekwood Meadows Subdivision was based on an inaccurate measurement. The correction shall read, "The setback is to be 200' as per the current Subdivision Regulations and the setback is to be left in its current vegetative state."

Patricia Powers	Aye	Gerald Drinkard	Aye
Jeffrey Grenzebach	Aye	Timothy Pazda	Aye
George Van Nest	Aye	Richard Bigler	Abstain

Wendy Salvati was not present when the vote was taken.

MOTION CARRIED.

Motion by Patricia Powers, seconded by Tim Pazda, to approve the minutes of the meeting held on September 20, 2006, as written.

Patricia Powers	Aye	Gerald Drinkard	Aye
Jeffrey Grenzebach	Aye	Timothy Pazda	Aye
George Van Nest	Aye	Richard Bigler	Aye

Wendy Salvati was not present when the vote was taken.

MOTION CARRIED.

Item 1

Steven and Joyce Bakowski Mini-Storage
Industrial Business Park

Requests Preliminary Concept Plan Review for the construction of a mini-storage facility on County Road, west of Goodrich Road.

DISCUSSION:

Patricia Powers explains that this item has been removed from the agenda. The applicant’s representative has filed a letter with the Planning and Zoning Office requesting to be removed from this evening’s agenda.

Item 2

Goodrich Farms Subdivision
Residential Single-Family

Requests Preliminary Concept Plan Review for an Open Space Development Design for a subdivision on the east side of Goodrich Road, north of Keller Road.

DISCUSSION:

Jim Callahan provides the history of the project. The property is located on the east side of Goodrich Road, north of Keller Road. It consists of 16 plus acres, it is zoned Single-Family Residential and is located within Clarence Sewer District #2. The Master Plan identifies the area as a Residential Classification. The proposed subdivision was introduced to the Town Board on September 12, 2006 where it was referred to the Planning Board to consider an Open Space Design Development. This represent the first time the project is introduced to the Planning Board.

Michael Metzger, of Metzger Civil Engineering, is representing the applicant. Mr. Metzger explains the project is approximately 16.6 acres. It is zoned Residential Single-Family which allows 20,000 square foot lots minimum size and 125’ minimum width. Originally, in 2004, Mr. Metzger submitted a plan for his client which was for a code compliant 37-lot subdivision. This original plan was submitted just prior to the moratorium and the code changes, thus this project was not acted upon. The current plan shows 23 lots, which is compliant with the code. The minimum Open Space requirements have been met. The road comes into the subdivision from Goodrich Road, there is an inner loop and then goes out to Deerview. There is also an access to Keller Road. The applicant also submitted an Open Space Design, which is what the Town Board referred to the Planning Board for review. The client’s preference is for the conventional subdivision. The Open Space Design comes in on Goodrich Road, loops around and goes back out on to Goodrich Road. This Open Space Design has 31 lots. The Open Space is adjacent to the right-of-way and wraps around the proposed homes.

The plan reflects approximately 8.4 acres of Open Space, which is just in excess of the total land area. The calculation for the allowed density is printed on the plan and shows 32 lots are allowed.

Patricia Powers explains that the Planning Board will only be looking at the Open Space Design as directed by the Town Board.

Gerald Drinkard asks if the Planning Department has calculated a density yield yet. Jim Callahan said, "No." Mr. Drinkard said that the 31-lot figure is then theoretical and explains that when the yield is calculated it is important to remember those things that need to be taken out such as woodlands, wetlands and any encroachment on sewer lines, these are just a few. Mr. Drinkard voices his concern with the lift station located at the corner of Goodrich Road and Keller Road. The station was at capacity some time ago, the Planning Board needs to know the current status of the lift station before going forward with this proposal.

Tim Pazda asks why the number of lots differs between the two drawings on display and why there is no proposed road going out to Deerview in the Open Space Design Development. Mr. Metzger said the road going out to Deerview was eliminated because it did not lend itself well to an efficient lay out. Mr. Pazda asks why there are more lots being proposed on the Open Space Design. Mr. Metzger said that in the original design there are no density constraints, under the Open Space Design the engineer is restricted to calculation. He also explains that the lots located south east of the project are separate lots. It is unknown if these lots are legal lots of record.

Mr. Metzger said there are two (2) drainage ditches that run across the site; the lower one is a pass through ditch that takes drainage from other areas. The other ditch is a localized collecting ditch. There is quite a pitch from one side of the site to the other. Mr. Metzger has every confidence that the drainage will be accommodated without any difficulties. He confirms that one of the ditches connects to piping that is underground.

George Van Nest asks if the drainage ditches are subject to easements. Mr. Metzger said there are no easements on them now, the Town currently maintains them.

Gerald Drinkard voices his concern regarding the ditches draining significant amounts of water east and south of the property. The Planning Board has no idea how much water this site is dealing with. This is an issue that needs to be taken into consideration when calculating the density.

George Van Nest refers to the Open Space Design Development Overlay regulation section 4.0 subsection B (6) (i) and (ii); potentially the drainage easement or right-of-way will be subtracted out of the density calculation. Gerald Drinkard said without having done the engineering how can an accurate density calculation be made.

Mr. Metzger said the water is piped up until very near the property and he would probably pipe it as well, and make it part of the storm drainage system of the project itself.

There has not been a full survey submitted to the Planning office, Mr. Metzger will provide a copy.

David Donohue asks if there are any easements for the utilities that run through the property. Mr. Metzger suspects there is one for the gas line.

Gerald Drinkard suggests walking the site prior to calculating the density yield; there seems to be a significant amount of woodland area. David Donohue suggests a tree survey as well.

Wendy Salvati suggests an updated property survey prior to the Planning office calculating the density yield.

Tim Pazda suggests reading the September 13, 2006 Town Board minutes into the record. Patricia Powers reads:

“Patrick Development requests Concept Review of proposed subdivision, Goodrich Farms, on the east side of Goodrich Road, north of Keller Road. James Callahan said the property consists of approximately 16.5 acres zoned Residential Single-Family. The property is located within Clarence Sewer District No. 2.

Michael Metzger said his client submitted an application in 2004 for a 37-lot development and no action was taken. They have prepared a plan in compliance with the new regulations for a 23-lot subdivision. They also submitted an open space design for 31 lots. Both plans provide an excessive amount of greenspace.

Supervisor Hallock said they prefer the open space design. Councilman Weiss said the private road offers no public benefit.

Councilman Bylewski said questions were raised about the sewer capacity and the availability of the infrastructure. These issues will have to be addressed.

Councilman Kolber asked if the pipeline goes through there. Mr. Metzger said it does not affect the project.

Councilman Bylewski said there is a preference for open space design developments.

Motion by Councilman Bylewski, seconded by Supervisor Hallock to refer the request for Concept Review of a proposed subdivision, Goodrich Farms, on the east side of Goodrich Road, north of Keller Road as the open space development design to the Planning Board. On the question, Councilman Bylewski said the review should be of the open space and not the regular subdivision. Town Attorney Steven Bengart said all the comments made tonight are to be included. Supervisor Hallock added the capacity of all the facilities, not just sewers. Upon roll call – Ayes: All; Noes: None. Motion carried.”

Mr. Metzger said he has had discussions with the Town Engineer regarding the sanitary sewer and he is aware that the Town is currently conducting a study of Sewer District #2 to look at capacity issues, they also discussed the Keller Road pump station, the station is also currently under review. He will certainly abide by the Town Engineers requests.

Wendy Salvati refers to the Zoning Code Section 4.3 (B) (6) which reads the permitted number of dwelling units shall in no case exceed the number of units that could be permitted if the land were subdivided into lots conforming to the minimum lot size and density requirements of this chapter. Therefore the maximum amount of lots allowed is 23. David Donohue said it might be less than 23 lots because some of the land was eliminated around the entrances. Mr. Metzger clarifies that the code goes on to show there actually is a formula in the code that is to be used in determining what that as of right use is. Wendy Salvati said the code still states that in no case can you receive what you could get through conventional design. Mr. Metzger said they were not looking to maximize the yield but provide a design in the conventional lay out.

Nancy Prell and Charlene May, both residents of Clarence, address the Board. Tim Pazda explains that the first plan is not what is being considered tonight. If the first plan is ever considered

Ms. Prell and Ms. May would like to be notified so they can voice their concerns with the proposed road. Some of their concerns are the increased traffic, especially with so many children in the area. Ms. May provides a signed petition which is opposition to the proposed roadway, the signature are that of the neighbors. The petition is now part of the file. Ms. Prell wonders, with all the developments going up, how Clarence can not become another Amherst, she thinks we already are. Why does the Town of Clarence let builders come in and take more and more land and build on it? Patricia Powers explains that the owner of the property has the right to develop the property; the Planning Board's job is to review the projects and try to come up with a "win-win" situation. She explains that there will be no action taken on this project this evening due to the need for additional information.

David Donohue explains that during the recent moratorium, which lasted approximately 18 months and expired a few months ago, the Town Board came up with a Master Plan, which revised many laws to try come up with a reasonable and good use of land; you can not put in a permanent moratorium. This was done on public notice and people came in and made comments. Ms. Prell asks what rights her and her neighbors have to stop the development. Patricia Powers said she and her neighbors have the right to come to all the public meetings and express their concerns. She also explains the procedure of moving the project through all the appropriate boards and advises that the Planning Board is a recommending body only. Ms. Prell asks if she needs to hire a lawyer, the Planning Board members said it is her decision if she wants to hire a lawyer or not.

George Van Nest provides another example of why Clarence is not Amherst. As part of the moratorium process and the amendments to the Zoning and Subdivision Codes, the Town of Clarence now has an Open Space Design Code, which is what is being looked at this evening. Prior to the moratorium there was no Open Space Design and the first plan on this project would have been the one under consideration. This new Open Space Design is much more community friendly and tries to preserve open space to strike a balance between preserving community character, open space and the natural features while still allowing developers to build on the property that individuals own and have a right to develop.

Jim Lawrence, of 9585 Keller Road voices his concern regarding the drainage in the area. Mr. Lawrence points out the drainage ditches in which all the water from the area goes to. He had a 12" drain pipe on his property, however, this size did not work well and he had a 16" drain pipe installed underneath his complete property. The area flooded and the County put in a 16' drain pipe across the road, this pipe barely handles the water when there is a good rain storm. The pipe that is west of his property is at capacity. He points out on the map where the water converges and then runs off; this water comes from other areas. Mr. Lawrence would like to be involved when the "walk-thru" of the property takes place. He points out a wetlands area on the map. If the lift station is at capacity what are the options, does the Town buy a new lift station? Gerald Drinkard said the developer would be responsible.

John Wright, of 6466 Deerview Court, voices his concern regarding the drainage. Part of his property goes into the detention pond; he estimates that about half of the pond is on the project site in question. This area is usually always wet. He was told by the Town that it is the responsibility of the land owner to clean the detention pond, however the Town has cleaned the pond.

Pat Adams, of 6472 Deerview Court, explains that the back of her lot is covered in water. Her concern is with more concrete and more pavement where is the water going to go, probably into the yards and the retention pond.

Ben Adams, of 6472 Deerview Court, agrees with Jim Lawrence regarding the drainage issue. Mr. Adams said when it rains there is a 10' in diameter area that pools in the back of his property. He wants to make sure the drainage issue is addressed. Mr. Adams also said if the road were to be put in, that would become an issue as well.

Nick Adams, of 6472 Deerview Court, explains that he plays in the area in question. He has seen fish, frogs, crayfish, deer, badgers, foxes and raccoons; he wonders what will happen to them if the area is developed. Mr. Ben Adams said it is a learning experience for the children.

Tori Adams, of 6472 Deerview Court, explains that there is a hill in the area that she uses for sledding in the winter and would like to keep it.

Nancy Latona, of Goodrich Road, explains that she and her neighbors submitted a petition of objection regarding the Essex development that was being discussed a couple months back. Ms. Latona said trying to pull out onto Goodrich Road is horrific and the danger of having another road come into this area is just an accident waiting to happen.

Carol Deahn, who lives on the corner of Deerview and Keller Road, agrees with the comments made by Jim Lawrence. She is not for the road going out onto Deerview; it would be very dangerous; there are many children back there. Her father originally owned that property and years ago there was a subdivision plan for 153 lots, it was to go through from Goodrich Road to Keller Road. Then the gas line went through and Ms. Deahn's father took it to court. It was in court for about 15 years and by the time it was out of court Ms. Deahn's father was too old and he sold the property. In her opinion, she doesn't feel anyone has the right to stop the developers from developing this parcel, she believes the subdivision was approved and filed with the county. She said that something must be done with the drainage. She and some of her neighbors were flooded half way up their front yards this past spring. Ms. Deahn said the trees that are in the wooded area on the site are soft Maple and she removes three (3) to five (5) of them a year because the wind blows them down; they are dangerous and are of no value.

Henry Becker, of 9490 Keller Road, said the water that is in the area is a big problem and voices his concern with regards to the drainage issue.

Mark Roberts, of Deerview Court, agrees with the serious drainage problem and the increased traffic problems that an additional subdivision will cause. He explains that most of the developments in the area have a similar type lay-out; the proposed plan is not conducive to the area. He also said the proposed plan may have homes that are \$150,000-\$200,000 as compared to the current homes which are at \$500,000; this will bring the value of the entire area down.

Mr. Weiss, of Keller Road, asks what the lot sizes are for the proposed plan. He was under the impression that the minimum frontage was now 100', he sees, on the plan, that the lots are at 70' frontage. Jim Hartz explains that the minimum frontage is 125' in that zone, however, in an Open Space Design, with preserving 50% of the site, the minimum square foot area for a lot is 5,000 square feet, the configuration of the dimensions of the lot is not considered. Mr. Weiss said this increases the density and creates other problems with infrastructure, schools, roads and drainage. He thought one of the reasons the Town went to the 100' minimum lot size was so the density would not be as great, and now we are back to the greater density. David Donohue explains that the density can not exceed the density if the developer did a normal build out.

Tim Pazda reiterates that this is not the ultimate lay-out; this is just the concept plan.

Jim Lawrence asks if there is a rough calculation for the number of students per home. He said there are currently 700 students at the Clarence Center Elementary School and they are using every room available in the school, there is no more room available. He is concerned with the additional students the proposed plan will bring. He also agrees that the traffic is another issue that needs to be addressed. Jim Hartz explains that a few years back there was a consultant contracted with the Town and the report from that consultant showed an average of one (1) student per household in the Town. This is information based in the Master Plan. Mark Roberts said this proposed development is conducive to families and he thinks it will bring in more than one (1) student per household. Jim Hartz explains that when the study was done the Pinebreeze subdivision was looked at, there were 130 homes and the study reported 130 school age children within the subdivision. Jim Lawrence said in the Deerview area there are 20 homes and 42 children.

Mike Metzger explains that many times when preparing a plan with known drainage problems he can often improve those situations and rectify the matter. Mr. Metzger said it sounds like most of the drainage problems heard tonight are on lands that are upstream from this project site. He will do all he can take care of the drainage issues on his client's property. He understands that he needs to work with the Town Engineer regarding the drainage issues and the project must have a positive impact on the area.

Mr. Metzger refers to the pond that was previously discussed and explains that it is a man-made pond, not a natural depression. It was put there for the balance of the development.

Through discussions with the Town Engineer, Mr. Metzger said the Town Engineer's understanding of what is proposed for the Essex sanitary sewer system is that it is **not** coming to the Keller Road pump station; they (Essex) are proposing a pump station of their own. Wendy Salvati believes they were going to make improvements to the Keller Road pump station.

Regarding the maintenance of the ditches, Mr. Metzger explains that the Town asks permission of the land owner to clean out the ditches.

Mr. Metzger addresses the issue of the number of school age children in the proposed subdivision and explains that the proposal would be more of a conventional subdivision and would probably develop into something like a patio home project. He has found that the number of school age children in this type of project is very small, close to zero. Typically, this type of subdivision would house "empty-nesters".

Jim Callahan explains that once the Zoning office has calculated the density, a revised plan would probably need to be submitted, at which time the public would be notified and the Board would hear their comments on that specific design. He asks any individuals who are interested to keep in contact with the Planning and Zoning Office where they can find the most updated information. This information is also available on the website and the Planning Board agenda is published in the Clarence Bee Newspaper. Patricia Powers suggests that one or two interested people be designated as a spokesperson(s) for the concerned group of neighbors, this will curtail the inundation of phone calls to the Planning and Zoning Office.

ACTION:

Motion by Patricia Powers, seconded by Gerald Drinkard, to **table** agenda Item 2 to provide the Planning and Zoning Department and the Planning Board time to verify the density yield. The Planning Board also requests a Tree Survey, an updated Survey of the property, a Wetland Delineation. At the appropriate times, the Planning Board requires the Concept Plan Approval Checklist and the Development Plan Approval Checklist.

Patricia Powers	Aye	Wendy Salvati	Aye
Gerald Drinkard	Aye	Jeffrey Grenzebach	Aye
Timothy Pazda	Aye	George Van Nest	Aye
Richard Bigler	Aye		

MOTION CARRIED.

Item 3

Timothy Krantz
Agricultural Rural Residential

Requests Concept Plan Review for a 4-lot Open Development Area with two (2) frontage lots at 9086 Lapp Road.

DISCUSSION:

Jim Callahan provides the history on the project. The property is located on the north side of Lapp Road, west of Heise Road. It consists of 130 plus acres and is zoned Agricultural Rural Residential, an agricultural flood zone. The project was originally introduced to the Town Board on May 10, 2006 and to the Planning Board on June 7, 2006. A Negative Declaration under SEQR was issued by the Town Board on September 27, 2006.

Don Swanson, of APEX Consulting, is representing the applicant. The applicant, Timothy Krantz is present. Mr. Swanson said the project remains the same, as Mr. Callahan described it.

Patricia Powers explains that a Concept Plan Checklist is due by next week and at the appropriate time a Development Plan Checklist is required.

Mr. Swanson confirms that there are no sewers on this project and it will be a private road.

Patricia Powers asks where the fire hydrants will be located. Mr. Swanson does not have the topographic information to determine the locations. He assures the Planning Board that the hydrants will be at a distance that satisfies state code. Patricia Powers asks what the distance is from Lapp Road to the cul-de-sac. Mr. Swanson said the cul-de-sac is approximately 1,443 feet long, this may result in three (3) or four (4) hydrants.

Mr. Swanson confirms that a Homeowners Association will be required.

George Van Nest refers to the letter regarding the wetlands and wonders if it was sent to the applicant, it was not. Patricia Powers explains that what Mr. Van Nest is referring to is an e-mail that was sent to Jim Callahan from John Whitney, District Conservationist of the USDA Natural Resources Conservation Service. The e-mail indicates that the USDA Natural Resources Conservation Service holds a Wetland Reserve Program conservation easement (a.k.a. "Warranty Easement Deed") on part

of the property impacted by this proposed six (6) home subdivision. Mr. Swanson said there is no impact. Mr. Van Nest said that the letter pointed out certain restrictions and concerns about access and restriction against use of the wetlands; this is an issue between the applicant and the property owner. Mr. Swanson understands that when the Homeowners Association is filed these are legal issues that will have to be addressed.

When the applicant comes back to the Planning Board with a Development Plan Wendy Salvati asks Mr. Swanson to come back with an updated property map to clarify the dimensions of the land. Mr. Swanson agrees.

Councilman Bylewski would like to make the applicant aware of the fact that the fire company may request that the system be a looped system for fire fighting purposes, this may entail some additional infrastructure costs.

For clarification purposes, George Van Nest asks if the wetlands located at the bottom of the map on display will be broken off and attached to another parcel. Mr. Swanson said he believes it already is broken off. Wendy Salvati said the area is already being conserved as part of the previous Open Development Area.

Regarding the water line issue, Jim Callahan explains that the Town has to follow the Open Development Law and the Erie County Water Authority Law.

ACTION:

Motion by Tim Pazda, seconded by Wendy Salvati, to **recommend** Concept Plan Approval for agenda item 3 with the following conditions:

- the fire hydrants and the loop system will be considered and dictated by the Fire Advisory Board.
- the Home Owners Association agreement needs to be submitted to the Town Attorney's office prior to the project being placed on the Town Board agenda for Development Plan Approval.
- Concept Plan checklist must be submitted.
- Open Space and Recreation fees are to be paid.

Patricia Powers	Aye	Wendy Salvati	Aye
Gerald Drinkard	Aye	Jeffrey Grenzebach	Aye
Timothy Pazda	Aye	George Van Nest	Aye
Richard Bigler	Aye		

MOTION CARRIED.

Item 4

Lia Honda
Major Arterial

Requests a Temporary Conditional Permit and a Special Exception Use Permit to convert existing retail space to an automotive sales operation at 4917 Transit Road.

DISCUSSION:

Jim Callahan provides the history on the project. It is located on the east side of Transit Road, north of Sheridan Drive and consists of approximately $\frac{3}{4}$ of an acre. It is zoned Major Arterial, the applicant is proposing an expansion of the existing automotive sales operation, a Public Hearing has been set for October 11, 2006. The applicant is present for a recommendation on the proposed expansion.

The applicant, William Lia is present along with Pat Bittar, project manager from Wm. Schutt & Associates, P.C. Mr. Lia explains that the correct address for the project is 4917 Transit Road. He also explains that two (2) plans have been submitted; one is the ultimate plan and the other is the current proposed use. He is under contract to purchase the property and hopes to close within the next two (2) weeks. There is a tenant currently on the property with a lease that runs until August 2007, this is the reason for the Temporary Conditional Permit for the next twelve (12) months, this allows the applicant to try and work something out with the tenant or to terminate the lease and allow the tenant to move on. The additional inventory display would show approximately fifty (50) more parking spots. The building at the proposed project site will be demolished.

Gerald Drinkard voices his concern regarding the landscaping of the current building and the proposed project site. Mr. Lia has not looked at a landscaping plan as of yet, however he would like the site to read as one (1) site, thus the landscaping would reflect this. There is a four foot (4') to six foot (6') grade difference between the sites.

Gerald Drinkard points out the current plan calls for two (2) curb cuts. The Planning Board has discussed the curb cuts and suggests the applicant put in one (1) curb cut, total for both properties. Mr. Lia said with the difference in grade between the two (2) sites, he was hoping to get a curb cut on each site. He explains that to the rear of the site the land levels off and there is access there. Wendy Salvati voices her concern with the curb cut to the north of the property. Tim Pazda asks if the applicant would be willing to have shared access with Wal-Mart. Mr. Lia is willing.

Mr. Lia has not had any discussions with the current tenant.

Patricia Powers advises the applicant that, after the building is demolished and the sales area is expanded, the new plan must show at least twenty-five percent (25%) greenspace, the Planning Board needs to see a signage plan, the elimination of multiple curb cuts on Transit Road must be addressed by the applicant, a Landscape Plan is also required. Once the applicant has a new plan it needs to go before the Town Board for their review, it would be appropriate at that point for the Planning Board to recommend a Special Exception Use Permit (SEUP).

Mr. Lia said it is his understanding that the current Zoning Code requires him to have the SEUP to be able to operate any type of automotive sale operation at the site, so the Temporary Conditional Permit (TCP) without the SEUP effectively eliminates any use of the site. Jim Callahan explains that

the Town Board has the option of approving a TCP that would allow the automotive sales on a temporary basis.

ACTION:

Motion by Gerald Drinkard, seconded by Tim Pazda, to **recommend** that the Town Board issue a Temporary Conditional Permit (TCP) with the following conditions:

- the TCP will be for a period of one (1) year for the sale of automobiles.
- the parking lot will be paved and striped.
- there will be no raised displays.
- no vehicles on display in the right-of-way.

ON THE QUESTION:

Gerald Drinkard asks if there will be an additional sign at the site. Mr. Lia advises an additional sign would be good for business; he will review the current Sign Law.

Patricia Powers	Aye	Wendy Salvati	Aye
Gerald Drinkard	Aye	Jeffrey Grenzebach	Aye
Timothy Pazda	Aye	George Van Nest	Aye
Richard Bigler	Aye		

MOTION CARRIED.

Jim Hartz explains the sign permit process and advises the applicant to submit a sign permit application with a copy of the design to the Planning and Zoning Office to be reviewed by the Sign Committee.

Item 5

Sign Law

Preliminary review discussion.

Discussion ensued regarding the Sign Law. The Planning Board viewed the presentation on current signs in the Clarence area. The Planning and Zoning Office intern, Courtney Creenan, prepared the sign presentation and Patricia Powers thanks her for her work. Review of the Sign Law will be on the next Planning Board meeting agenda, the Planning Board members are encouraged to review the draft prior to the meeting.

David Gallagher, of Gallagher Printing, explains that signs are something that business owners need in order to stay in business. He also said we need to have signs in order to find an address we are looking for. He does not want to be a violator. He agrees that all signs should look the same; however, it is impossible to achieve this. If an agreement is made by all parties involved regarding a concept for signs, he would go along with it. Mr. Gallagher does not have a sign out on the road.

Meeting adjourned at 10:01 p.m.

Patricia Powers, Chairperson