

Town of Clarence
Planning Board Minutes
Wednesday, November 8, 2006

Work Session (6:30 PM)

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

Agenda Items

Item 1

Arthur Fuerst
Commercial

Requests Development Plan Approval for a drive-thru coffee shop at 9450 Main Street.

Item 2

Steven & Joyce Bakowski
Industrial Business Park

Requests Concept Review for a proposed self-storage facility in Lakeside Industrial Business Park.

Item 3

Dr. Bloom/Clarence Crossroads Medical Center
Commercial

Requests Development Plan Approval for a medical office building at 9095 Main Street.

Item 4

Benderson Development
Commercial

Requests Preliminary Concept Review for a proposed Drug Store/Office Building at 9217 Main Street.

Item 5

Russell Gullo
Traditional Neighborhood

Requests Concept Review for a proposed retail nursery store at 6825-6843 Transit Road.

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
Gerald Drinkard
Timothy Pazda
Richard Bigler

Wendy Salvati
Jeffrey Grenzebach
George Van Nest

Other Town Officials Present:

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

Other Interested Parties Present:

Steven Kirk	Henry Becker
Debra Popp	Jamie Popp
Joyce Bakowski	Steven Bakowski
Don Swanson	Ann Redmond
David Gallagher	Russ Gullo
Len Satola	Jeff Palumbo
Jim Rumsey	Kim Fiddler
Phil Silvestri	Peter Casilio
Andy Moreno	Arthur Fuerst
John Garas	Akos Seres

Motion by Gerald Drinkard, seconded by Jeff Grenzebach, to **approve** the minutes of the meeting held on Wednesday October 4, 2006, as written.

Patricia Powers	Aye	Wendy Salvati (has not arrived yet)	
Gerald Drinkard	Aye	Jeffrey Grenzebach	Aye
Timothy Pazda	Aye	George Van Nest	Aye
Richard Bigler	Aye		

MOTION CARRIED.

Patricia Powers congratulates Richard Bigler on his appointment as a full member of the Planning Board. She also congratulates Tim Pazda on his election to the New York State Planning Federation Board of Directors.

Patricia Powers explains that the Planning Board meeting that was scheduled for October 18, 2006 was cancelled due to circumstances beyond the Board’s control; the Planning Board regrets any inconvenience it may have caused.

Item 1

Arthur Fuerst
Commercial

Requests Development Plan Approval for a drive-thru coffee shop at 9450 Main Street.

DISCUSSION:

Jim Hartz provides the history of the project. It is approximately one (1) acre in size, located on the corner of Goodrich Road and Main Street. The property is zoned Commercial. The applicant received a Special Exception Use Permit from the Town Board in June 2006. The Town Engineer has signed off on the project.

Phil Silvestri, of Silvestri Architects, Peter Casilio, of Casilio Companies, Arthur Fuerst, owner and Andy Moreno, from Tredo Engineers, are all present. Mr. Silvestri said the project has received the Town Engineer's approval, the DOT's approval and approval from the Health Department with regards to the septic system. A color rendering of the project has been submitted and depicts the site quite accurately. The landscaping on the rendering is accurate and shows a berm along Main Street and Goodrich Road. Some existing trees are being maintained as much as possible. The Executive Cleaner's building will be renovated to match the architectural style of the Goodrich Coffee & Tea building.

Patricia Powers said that this plan is different from the one that was submitted at Concept Approval. The site plan shows the detention pond along the front and the side of the site. The Planning Board tried to impart, from the beginning of this proposal, that too much was being planned for this particular site. Based on the information that the Executive Planning Board Committee reviewed on November 7, 2006 there are larger detention ponds than originally submitted, there is a larger area for on-site sanitary facilities than originally envisioned, there are landscaping changes. Another change is the encroachment to the property to the north by realigning the driveway closer to the adjoining use. The functional plan of the lay-out with all of the impervious surfaces are now incorporated in the plan. Mr. Silvestri said the latest plan was submitted on September 28, 2006. The plan that is on display is a previous plan and is not the most up to date. Mr. Casilio clarifies that the correct site plan was delivered on September 28, 2006.

Jeff Grenzebach asks what the depth of the detention ponds are and if they are wet or dry. Mr. Moreno said ponds are designed to be dry and the maximum depth is four feet (4'). The pond will be hollowed out and outlets to the Main Street sewer system.

Mr. Moreno said the berm in the front is 2 ½' and the berm on the side and rear is 3'.

Gerald Drinkard asks if the applicant has had a chance to look at the plan with regards to preserving the trees since the October 2006 storm. Mr. Casilio looked at the site this afternoon and said, in his opinion; the one tree that was being preserved in the proposed island should survive. He also said there is one error on the plan which shows a tree on Goodrich Road, this tree is now under a power line.

Rick Bigler points out that the rendering does not show the buildings and other structures that surround the site; it depicts a park-like setting as its surroundings. Mr. Casilio said the rendering depicts the applicant's site. Mr. Bigler said by not rendering the surrounding buildings it does not look the same. Mr. Casilio said he doesn't know if anyone has ever been asked to render a building that is not part of the project. Ron Grimm owns property next to the site and it was his request that the berm be put in. Mr. Tredo said there is no fence proposed.

Mr. Bigler asks about the lighting. The plan, currently, does not show any site poles. Mr. Bigler said the poles should be shown.

Gerald Drinkard explains that the Landscape & Tree Ordinance requirement is for each tree that is removed, two (2) need to replace it. He asks if the applicant knows what the final ratio is for the landscape plan. Mr. Casilio said a tree survey was done on this property, at the time of the survey he happened to meet Matthew Balling (TEQR Chairman) at the site. They looked at the trees and the one tree that Mr. Balling felt should be saved is the one that is in the proposed island. Many of the trees were soft wood and susceptible to insects. There is another tree that they would have liked to save,

however, it is in the septic system area and can not be saved. Mr. Casilio did not know that there is a 2:1 ratio for trees. They have found two trees worth saving at the site and the design is adding many other trees.

Wendy Salvati said the berm in the back measures 8' at its widest point and 5' at its narrowest point. She explains that, typically, berms have a 1' in 3' slope, therefore, this berm would have to be 18' wide and there is not enough room, it can not be a 3' berm. Mr. Tredo anticipated a 2' in 1' berm and it will be mulch. Mr. Casilio points out that the berm on the rendering and the Concept Plan as of March 30, 2006 both show a mulched berm.

Tim Pazda refers to the Special Exception Use Permit (SEUP) that the Town Board approved with conditions regarding the trees. He said that with each successive rendition of the plan they are seeing less and less trees. Mr. Silvestri said there is only one less tree, and that is where the septic system is located.

Wendy Salvati asks what the applicant will do with the snow; it can not be put in the detention basin.

Mr. Silvestri explains that the façade of the cleaners will be renovated at the same time as the construction of the new building.

Mr. Silvestri said the snow will be pushed near the septic field.

Patricia Powers explains that there is a question as to whether the applicant meets the terms of the SEUP that was granted by the Town Board. The Traffic Study that was conducted has not been located and reviewed by the Planning Board. She suggests tabling the project to allow the Planning Board time to review the correct plan. Mr. Silvestri said he submitted 5 copies of the plan on September 29, 2006, Jim Hartz notes that these drawings are in the file.

Jim Hartz explains if the traffic study is not in the file, it is with a counsel member. Wendy Salvati said she needs to see the traffic study because when the SEUP was approved by the Town Board one of the conditions was that the project meet the guidelines outlined in the traffic study.

Rick Bigler asked if the location of the driveway has changed. It is confirmed that there has been a change to the driveway. Mr. Bigler asks if the DOT has reviewed the change. Jim Hartz explains that during the TEQR review the plan was sent to DOT with the traffic study. The DOT's distance calculations were based on that plan, not the new plan which is an increase of that distance. Mr. Bigler also points out that there is no lighting on the plan.

ACTION:

Motion by Patricia Powers, seconded by Rick Bigler, to **table** agenda item #1 to allow time for the material discussed to be gathered and reviewed.

ON THE QUESTION:

Gerald Drinkard said that it appears there are thirty (30) trees being removed, however, there are not sixty (60) trees proposed to replace them. He said the print actually shows a total of twelve (12). This needs to be reconciled.

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

MOTION CARRIED.

Arthur Fuerst said the delays are not from him, they are from the people in the Town and it is not fair. He has been working on this project for the last seventeen (17) months and it seems like there is a problem every step of the way. He does not understand. Patricia Powers understands Mr. Fuerst's frustration; however, she said there have been many changes made to the proposal.

Wendy Salvati voices her concern saying the rendering looks good because it looks like it is out in the middle of a field, but if all the other uses that surround it are shown, then it puts it in perspective, then she sees a lot of building and pavement. Mr. Casilio said people don't come before the Board with renderings of the surrounding properties. He said documents have been lost, documents have not been forwarded to the DOT and there was never a discussion of a 2:1 ratio for trees. Wendy Salvati said she is not asking the applicant to render the surrounding properties, she said the rendering does not show reality. Mr. Casilio asks how much reality can be shown. The rendering shows a mulch berm, this was on the Development Plan that was submitted in September 2006. The applicant would have shown the lighting plan on the drawing if they knew it was going to be requested. Mr. Moreno said they have a lighting plan, but it is on the electrical site drawings and he does not have those with him this evening. Mr. Silvestri said he can submit the electrical drawings to the Planning/Zoning office first thing tomorrow morning.

Mr. Casilio refers to the concern about the change in location of the driveway. The original concern was that the driveway was too close to the intersection, the change has moved the driveway north which is further away from the intersection, so it is an improvement. This is a County road and Mr. Silvestri said it has been approved by the County.

Mr. Fuerst asks for specifics on what the Planning Board needs to approve this project. Patricia Powers said they need a lighting plan, an approved Landscape Plan; a Development Plan checklist within one week, there is to be a sidewalk from the property to the sidewalk on Main Street. The sidewalk is shown on the drawing but it is not shown on the site plan.

Gerald Drinkard said the Landscape Plan that he is looking at from 9-29-06 shows a berm with lawn, it does not show mulch. Mr. Moreno explains there is no lawn designation until west of the berm and into the detention basin, but for the berm itself, all three of them, there is no indication that it is lawn, it should be mulch.

George Van Nest suggests the applicant, if interested; make an appointment to meet with the Executive Planning Board Committee to discuss any outstanding items so that any information requested can be submitted in advance of the next regular Board meeting.

The mechanicals will be placed on the roof of the building, Patricia Powers explains that they must be hidden or concealed in material that matches the structure itself. Mr. Moreno said the dumpster enclosure is currently a wood fence and is directly behind the coffee shop; Patricia Powers said it must be hidden from public view.

It is confirmed that the roof lines are flat on both buildings. Jeff Grenzebach reads from the Town Code which says the roof lines shall not be flat; this is under the Architectural Standards section of the code.

Wendy Salvati said the rendering does not show cross access. Mr. Moreno said they are not going to pave that now, Patricia Powers said it has to be shown on the plan. Mr. Moreno said it is shown on the site plan as a future connecting drive.

Patricia Powers reads a list of conditions that would have applied if the project was moved forward this evening:

- Development Plan Checklist to be submitted within one week.
- Conditions of the Town Engineer's letter of 9-27-06.
- The existing building to be resurfaced to match the new building, done simultaneously.
- A snow removal plan.
- A sidewalk that directly connects to the Main Street sidewalk.
- Outside tables will require a special permit.
- Shared access with Wilson Farms.
- A Special Exception permit for the multiple drive-ins (this was approved on June 14, 2006).
- An approved Landscape Plan.
- Open Space fees.
- No parking in front of either structure.
- No parking within the front setback.
- Dumpster to be screened from public view.
- No flat roof lines.
- All rooftop equipment shall be enclosed in material that matches the structure.
- Trees removed must be replaced at a ratio of 2:1.
- Lighting plan.

Mr. Silvestri asks for an interpretation of the Town Code which says there shall be no flat roof lines. Jim Hartz said that is for the Town Board to interpret.

Item 2

Steven & Joyce Bakowski
Industrial Business Park

Requests Concept Review for a proposed self-storage facility in Lakeside Industrial Business Park.

DISCUSSION:

Jim Hartz provides the background on the project. It is located on the new Lakeside Industrial Business Parkway, just off County Road. It is a seven (7) acre site, zoned Industrial Business Park. The applicant is proposing approximately 77,000 square feet of storage space and a 1,400 square foot office building.

Don Swanson, of APEX Engineers, is representing the applicant. He explains that the project will be engineered as one whole project, but would be built out in multiple phases. The first phase of the project includes the entrance drive, parking, the 1,400 square foot office building and the first two

units on the north and east side of the parcel. The retention pond would also be constructed during this phase, as well as the landscape buffer along the western property line. Mr. Swanson is showing a 50 foot turning radius in the event a tractor-trailer is being used, however, he explains that most people use smaller straight-bodied trucks. If the applicant finds that this turning radius is not necessary, it may be used for a smaller rectangular building.

Mr. Swanson has calculated the percentage of greenspace for the property at 35.2%. He knows that the Town is trying to achieve 25% greenspace in certain areas and asks if this pertains to the Industrial zone. Wendy Salvati replies, "Yes." Mr. Swanson explains the buildings are steel frame metal-skin buildings. Joyce Bakowski shows a sample of the building material and passes it to the Planning Board members for them to view.

Mr. Swanson said all lights will be handled via wall pack units on each building. The proposal is for either 100 or 150 watt wall pack with cut-off shields. Mr. Swanson does not think the lighting plan showed any light leaving the site. There will be no light on the backside of the larger building at the west of the site; there will be light only on the east side of that building. The lights will not be on 24 hours a day, they are on motion sensors. The lights will be on photo cells for a certain period of time, after which time the lights will go off and if a client has the right to utilize or access the facility a motion detector will trip the light on. There is a closed circuit television set monitoring the entire facility.

Mr. Swanson said the landscaping along the westerly property line will be included in Phase I of the project.

Mrs. Bakowski said, for safety purposes, there would be some lighting on the outside of the building that will be on for 24 hours. Mr. Swanson thinks the lighting design consisted of a goose neck architectural fixture over the entrance to the building, with very low wattage. There is a gate with a control pad that needs to be accessed in order to enter the site; the Bakowski's will provide PIN numbers to their clients in order to access the site.

Steve Kirk, who owns the land west of the project site, thanks the Board and the applicants for following his request for a 100 foot greenspace buffer. He asks the applicants what control they will have over their tenants/customers with regards to storage of potentially hazardous materials. Mrs. Bakowski explains that each tenant will sign a lease contract which specifically states restrictions against storage of hazardous materials and any type of food items. The surveillance cameras will help monitor what is being stored as well. She explains that this is a highly regulated business.

Tim Pazda said the Fire Advisory Board would probably recommend a Knox Box near the door of the main entrance so that the site can be accessed in case of an emergency. Mr. Swanson understands this recommendation.

ACTION:

Motion by Gerald Drinkard, seconded by Tim Pazda, to **refer** agenda item #2 to the TEQR Committee for site specific investigation, the Fire Advisory Board and the Traffic Safety Committee.

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

Dr. Bloom/Clarence Crossroads Medical Center Commercial Requests Development Plan Approval for a medical office building at 9095 Main Street.

DISCUSSION:

Jim Hartz provides the background on the project. The project is on a two (2) acre parcel in the commercial zone. The plan shows approximately 40% greenspace, it is a 3700 square foot medical office building located immediately behind the existing office building. The project was referred to the Town Board and received a Negative Declaration from that Board on September 27, 2006. The project has been approved through the Town of Clarence Engineering Department.

John Garas is representing the applicant. The owner, Akos Seres, is present as well.

Gerald Drinkard said the landscaping recommendations made by the Landscape Review Committee have been met and he thanks the applicant.

Debbie and Jamie Popp, of 4440 Barton Road, are present. Debbie Popp voices her concern regarding the existing building saying there is not a sufficient buffer between her home and the building. Her daughter suffered health problems during the construction of the existing building and Debbie Popp feels this second building should not be built at this location. She said the traffic will increase and cause more congestion. She voices her concern regarding the lighting of the building; it is lit all night long. Mrs. Popp asks about the greenspace requirement, Patricia Powers explains that the proposal meets the greenspace requirement. Mrs. Popp said she does not have a sufficient fence; she hears car alarms and horns at 6:30 am. She wants a sufficient buffer between her property and the applicant's site.

Patricia Powers explains the proposal shows one doctor to occupy the building with 6-8 patients a day.

Tim Pazda explains that there have been no changes to this proposal since the concept plan approval. George Van Nest said this is the fourth time this plan has been before this Board so it has had a thorough review.

Jim Hartz explains that the Zoning Board of Appeals heard the greenspace issue and ruled that because there is existing pavement they are not going to require the applicant to rip out the existing pavement and plant grass to meet the requirements of the new Zoning Law.

Gerald Drinkard points out that the current Zoning Law asks for certain landscaping and the plan reflects these requirements.

Mr. Garas said that although it was not required by the terms of the site plan for the existing building, a fence was erected on the east side of the property. He explains that the building lights are on all night due to security reasons; there have been security problems in the past. The wattage of the building lights have been reduced in response to the concerns expressed in a past meeting.

Dick Keller thanks the applicant for shielding the lighting at the site, he notices a difference. He also notes that the applicant has cleaned up the brush that started growing through to his side of the fence.

ACTION:

Motion by Tim Pazda, seconded by Rick Bigler, to **recommend** Development Plan approval for a medical office building at 9095 Main Street with the following conditions:

- Development Plan checklist must be submitted within the next week.
- Subject to the conditions of the Town Engineers letter dated October 30, 2006.
- The lighting plan in the new building is to be addressed the same as the existing lights, which includes hoods.
- The wattage on the exterior building lights to remain reduced.
- No “all night” building lights, other than security lights.

Mr. Garas asks for clarification on the lighting condition and explains that there have been two (2) break-ins at the existing building and since the all night lighting has been installed there have not been any break-ins. He doesn't know if he can agree to turn all the exterior lights off at any point in time. Rick Bigler said he could configure the wiring so there could be late night lighting and the building lights could be on a timer, after business hours perhaps there could be shielded wall packs located strategically throughout the building. Some of the lighting is decorative and some are for security. Patricia Powers advises the applicant to be prepared to address the lighting issue when the project goes before the Town Board and continues with the conditions:

- Subject to the conditions of the approved Landscape Plan dated September 26, 2006.
- Subject to the Commercial Open Space fees.

ON THE QUESTION:

George Van Nest suggests altering the size of the fence at the existing building, after further discussion it is determined that the fence is eight feet (8') high, and this is the limit.

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

MOTION CARRIED.

Item 4

Benderson Development
Commercial

Requests Preliminary Concept Review for a
proposed Drug Store/Office Building at 9217
Main Street.

DISCUSSION:

Jim Hartz provides the history on the project. The site is just over thirteen (13) acres. The first 750 feet are zoned Commercial and is adjacent to the manufactured home park to the east. The project would involve a 14,630 sq. ft. retail pharmacy as well as a 10,000 sq. ft. office building. The submitted plan shows to entrances and some parking in the front yard. The project was referred from the Town Board on October 11, 2006.

Jeff Palumbo, from the Law Firm of Renaldo and Palumbo, is representing Benderson Development. Jim Rumsey, Architect, and Kim Fiddler of Benderson Development are present as well. Mr. Palumbo explains that the applicant will go before the Zoning Board of Appeals on Tuesday, November 14, 2006 with regards to the front yard setback. He also explains that if the applicant were to comply with the no parking in the 80' setback requirement, the building would be placed back so far that no one could see it coming from either direction, the housing would block the view on one side of the building and the restaurant would do the same on the other side. They have tried to limit the parking spaces in front of the building; Mr. Palumbo explains that it is important to Walgreen's to have parking in front of the building. They have also tried to align the driveways as best as possible, one is across from Thompson Road and one is at the intersection of Main Street and Sheridan Drive. He understands that the Planning Board will not move forward with an approval this evening due to the pending determination of the Zoning Board of Appeals. Mr. Palumbo said the detention pond and septic will be at the rear of the property.

George Van Nest voices his concern with the increased traffic this project will generate. Mr. Palumbo said Walgreen's is desirous of this location because of the existing traffic and the fact that they could be located at a controlled intersection. He feels the traffic is primarily there already and for the most part people driving by will stop in. He realizes the proposal will increase traffic, but he thinks the signalization will allow it to work properly. Mr. Palumbo knows it will have to be reviewed by the Traffic Safety Board.

Mr. Palumbo said the office building will be independent of the Walgreen's; a separate office building completely. He explains that the proposed Walgreen's building is aligned as such to keep the drive-thru as far away from the residents as possible, which meant that the office building would be located closer to the residences.

Wendy Salvati reads from the Town Code: any commercial use shall not be located adjacent to a residential use unless separated by a minimum of a 45' greenbelt. She voices her concern saying she sees a "sea of parking". Jim Rumsey explains that at Main Street and Sheridan Drive, on the applicants property, behind the property line, there is 30' of green, plus an additional 9', or so, outside the property line. The property is designed to be heavily landscaped along the residential side with coniferous and deciduous trees, so it will be green year round. The plan is to connect a sidewalk from the pharmacy to the Main Street sidewalk.

Patricia Powers prefers one curb cut on the plan, if the curb cut to the west was deleted, everyone would be forced to use the traffic signal; it would be much safer. Jim Rumsey explains that the curb cut to the west would be a "right in, right out" only.

Jim Rumsey explains that both buildings will be constructed of the same materials. The materials will consist of masonry: limestone and brick. Wendy Salvati points out that the building can not have a flat roof. Mr. Rumsey explains that the roof cornice would step up and down; the cornice is

the top of the parapet along the roof. The building setback is greater than 80'. The variance that the applicant is seeking is to have parking in front of the building.

Wendy Salvati explains that if there are medical uses in the office building the parking needs to be recalculated at 1 to 100. The applicant understands.

Mr. Rumsey explains the proposed office building is one story.

Tim Pazda points out that the preservation of the Town's community character is vital, how can the applicant tailor the building to better fit the community? He also asks what provisions can be made for shared access at the project site. Mr. Palumbo explains that Walgreen's does not favor shared access because of liability issues; however, he will further discuss the issue with the applicant.

Jim Rumsey explains that a topographic survey has been completed for the site and the wetlands are delineated. There is a 100' buffer against the wetlands. He is not sure if a tree survey has been completed. The septic system would service both buildings.

Mr. Rumsey explains that the back building would be slightly lower in height than the front building.

Wendy Salvati does not favor parking in front of the building and suggests seeking approval for one row of parking instead of two. Jeff Grenzebach agrees and said the parking in front of the building takes away from the building.

Mr. Ramsey explains the interior green space is ½ acre over the requirement and the overall green space is 300% more. He also explains that the mechanicals for both buildings will be on the roof and will be hidden from view. As many trees as possible will be saved.

Richard Bigler reinforces Tim Pazda's comment regarding the appearance of the building. Since Main Street is the gateway to the community, he suggests a different design from the standard Walgreen's façade.

Gerald Drinkard explains that a tree survey will be required. Part of the new Landscape and Tree ordinance states that for every tree that is removed, two (2) must replace it.

Wendy Salvati asks about the lighting standards. Mr. Rumsey said the photo metrics are not done. Wendy Salvati explains that she would like to see the lighting addressed emulating the more sensitive standards that are across the street at Rite-Aid. The Planning Board will look for various standards that will address any lighting issues; the standards may include, but are not limited to, shielding on the lighting and no drop lenses. The applicant is aware of dark sky compliant fixtures and when the photo metrics are done they will look at both the shielding and the dark sky.

David Gallagher owns the building at 9185 Main Street, he is not against the project but he asks if the Planning Board feels the Town needs another drug store across the street from Rite-Aid. Members of the Planning Board explain that the applicant has decided this is how they want to use the site and it is an allowable use. Mr. Gallagher is concerned with the traffic that will be generated from this project and asks if this issue has been taken into consideration. Mr. Ramsey explains that there is a traffic study underway.

Len Satola owns the property next door at 9233 Main Street, the Woodside Village; it is a residential mobile home community with 50 residents. Mr. Satola believes that the Town Code indicates there must be a 45' greenspace buffer on a commercially zoned property that is adjacent to a residential zone. The proposed office building and parking lot are 20' from his lot line and the exit road is 5' from his property line. The proposal could cause problems with snow removal and traffic noise.

Nick and Joe from 9200 Sheridan Drive, Sheridan Sales, are both concerned with the proposed parking in the front of the building. They agree that there should be more greenspace in the front of the building and the parking be moved to the back. Nick refers to the 45' buffer requirement and points out that the plan shows only 20' to the proposed office. He also asks if this Walgreen's will be opened 24 hours and voices his concern with the lighting. He refers to a previous Town meeting where a proposal for parking in front of a Walgreen's was turned down even before it went to the Zoning Board of Appeals. Patricia Powers explains that this proposal is going to the Zoning Board of Appeals; that's why the Planning Board can not rule on this project this evening. She also clarifies that the previous request that Nick is speaking of had seven (7) or eight (8) different variance requests and was not approved by the Zoning Board of Appeals. Wendy Salvati explains that right now, the applicant is requesting one (1) variance. The variance request will be heard at the next Zoning Board of Appeals meeting which is scheduled for November 14, 2006 at 7:00 p.m.

Mr. Palumbo said it is possible that this Walgreen's would be open 24 hours. Lights will be on all night at the facility whether it is open 24 hours or not, however, the lighting may not be to such an extent, at night, if it is not a 24 hour store.

Mr. Palumbo asks for further details on what the Planning Board would like to see in terms of the architecture of the building. Richard Bigler said there were some nice renderings at the 2006 New York State Planning Federation Conference in Saratoga Springs, NY. The renderings were of Walgreen's, Rite-Aid and various other stores. Mr. Bigler explains that the retailer made more money at the locations that did **not** have the standard appearance. Tim Pazda suggests Mr. Palumbo go back to Walgreen's and ask to see some of the non-standard architecture designs, the unique looking buildings. Patricia Powers said there is to be no reader board.

ACTION:

Motion by Wendy Salvati, seconded by Jeff Grenzebach, to **table** Agenda Item #4 pending the results of the Zoning Board of Appeals meeting to be held on November 14, 2006.

ON THE QUESTION:

Wendy Salvati encourages the members of the Zoning Board of Appeals to review the minutes from this meeting and take the comments that were offered into consideration.

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 5

Russell Gullo
 Traditional Neighborhood

Requests Concept Review for a proposed retail nursery store at 6825-6843 Transit Road.

DISCUSSION:

Jim Hartz provides the history on the project. It is located on Transit Road, consists of 3 parcels that total 3.3 acres. The proposal is to build a 3800 square foot greenhouse, a 2800 square foot retail center with a 2400 square foot pole barn in the back corner of the property.

Mike Metzger, of Metzger Civil Engineering, is representing the applicant. He explains that some changes have been made to the plan in response to suggestions from the Board. There is now one single entrance as opposed to the previous plan that showed two entrances. The single entrance aligns with Dodge Road. Parking spaces have been added to come up with the requested amount of 44 spaces. The parking has been reconfigured so there are now a number of spaces behind the building. There has been an area added for shared access to the parcel to the north. The plan shows an area for the placement of a “Welcome to Swormville” sign. There is a split rail fence with stone underneath shown in the front of the property; it extends to the limits of the developed portion of the property. The existing sidewalk is to be replaced with a paver sidewalk. The sidewalk is on the Department of Transportation (DOT) right-of-way and will require a permit to be replaced.

George Van Nest states that the new plan addresses the stock security issues.

Patricia Powers explains that she received e-mails from two Council members regarding trucks being parked on the parcel that is adjacent to the applicants; this was discussed with the applicant during an Executive Planning Board meeting. Mr. Gullo said the trucks would be moved to the rear of the property, he also stated that he has an agreement with the parcel owner to park his trucks there. Mr. Gullo said when the project is complete the trucks will be parked to the rear of the parcel. The lighting will be minimal because Mr. Gullo does not plan on being opened at night.

Tim Pazda thinks this project really improves the Town.

Wendy Salvati thanks the applicant for addressing the Planning Board’s concerns.

ACTION:

Motion by Gerald Drinkard, seconded by George Van Nest, to **refer** Agenda Item #5 to the TEQR Committee, Traffic Safety Board and Fire Advisory Board.

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

MOTION CARRIED.

Further discussion ensued regarding the review of the Sign Law and it may be an agenda item for the December 13, 2006 meeting.

Wendy Salvati suggests that when Benderson Development comes back with the traffic study the Planning Board should recommend an outside consultant review the traffic study. Under the SEQR process the applicant can be charged a fee for this consultant.

Meeting adjourned at 10:00 p.m.

Patricia Powers, Chairperson