

Clarence Planning Board Minutes
Wednesday, November 9, 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	Wendy Salvati
George Van Nest	Roy McCreedy
Jeff Grenzebach	Gerald Drinkard

Planning Board Members Absent:

Philip Sgamma	Timothy Pazda
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Other Town Officials Present:

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

Other Interested Parties Present:

Loretta Neff	Norm Castine
Donald Cummings	Neil Kochis
Pat Cummings	Arthur Fuerst
Steve Frey	Peter Casilio
Cindy Nowarro	Den Schneller
Mike Niseryisz	

Motion by Gerald Drinkard, seconded by Jeffrey Grenzebach, to approve the minutes of the meeting held on 10-19-05, as written.

Patricia Powers	AYE	Wendy Salvati	AYE
Roy McCreedy	AYE	Jeff Grenzebach	AYE
Gerald Drinkard	AYE	George Van Nest	Recused

MOTION CARRIED.

Item 1
Greiner Road Associates
Residential Single Family

Requests
Requests Preliminary Concept Plan
Review for a 4-lot Open Development
area with frontage lots at 8955 Roll Rd.

DISCUSSION:

Jim Hartz explains that the project is located in the Residential Single Family Zone off Roll Rd. near Shimerville Road. The applicant attended the last Planning Board meeting of 10-19-05 and was asked to revise one of the lot sizes to make this over a 5 acre lot so he will have 2 lots over 5 acres, he has done this and resubmitted the plan. He is here tonight to make a presentation.

Mr. Neil Kochis from William Schutt & Associates introduces himself along with Kevin & Maureen Crotty. Kevin & Maureen Crotty are owners of the lot. Pat Powers asks if they have anything to add to the information Jim Hartz previously provided. They have no further comments or questions but would like to hear comments and/or questions from the Planning Board. Pat Powers advises that the Planning Board appreciates the fact that the change was made and the plan was resubmitted in a timely fashion. There are 2 items that are of concern to the Planning Board. The first one is regarding the forever-wild areas on the property, those that are not to be disturbed. The Planning Board would like to have those areas protected by orange temporary fencing or flagging of some kind during the construction period to ensure that they are preserved. The Planning Board also requests a Tree Survey on any tree that is 8" in diameter at chest height.

ACTION:

Motion by Jeffrey Grenzebach, seconded by Roy McCready, to forward this project to the Municipal Review Committee and the Traffic Safety Advisory Committee.

Patricia Powers	AYE	Wendy Salvati	AYE
Roy McCready	AYE	Jeff Grenzebach	AYE
Gerald Drinkard	AYE	George Van Nest	AYE

MOTION CARRIED.

Item 2
Norm Castine
Agricultural Rural Residential

Requests
Requests Concept Plan Approval for a
4-lot Open Development Area with a
frontage lot at 7050 Goodrich Road.

DISCUSSION:

Jim Hartz advises that this project was first introduced to the Planning Board on 1-19-05. It has been to the Planning Board in February, April and July of 2005, where the Planning Board asked to have some changes made to the lot sizes. The project was reviewed by the Municipal Review Committee, they forwarded a recommendation to the Town Board in October 2005. Norm Castine is here for Concept Plan Approval on his site plan. The site plan shows 5 lots coming in off a private drive. Mr. Castine is present at the meeting to answer any questions on the preliminary lay out or concept. Mr. Castine has no further comments at this point.

Gerald Drinkard asks for the latest print that shows the private road that comes on to the frontage lot. Mr. Castine points out the road on the site plan that is displayed. Wendy Salvati asks if parcel number 5 is part of Mr. Drescher's property, Mr. Castine confirms this is correct. It is also confirmed by Mr. Castine that there will be 4 homes built on this site. Wendy Salvati reads a letter addressed to the Planning Board regarding this project. The letter asks for a "rough zone" at the edge of the property to preserve the view from the back of the existing properties. Additionally, drainage is a concern and this buffer would relieve potential flooding of the existing properties. The letter was written by Charles F. and Elaine M. Berardi. Mr. Castine advises that they do not have a water problem at the site.

Wendy Salvati voices the Planning Board's recommendation to preserve a minimum of 100' of natural vegetation at the back of parcels one, two and three. This will ensure that the people who live along Goodrich Road still have some natural vegetation and won't have to look at the homes behind them. Mr. Castine agrees to follow through with the recommendation.

Pat Powers asks if there is anyone in the audience who wishes to speak to this item. Steve Frey of 6890 Goodrich Road asks if there is enough frontage on the land to the north where eventually the homeowner could sell off the front? Pat Powers advises it is her understanding that there will be no further splits on this particular parcel. Wendy Salvati advises that parcel number 3 cannot be subdivided any further; it cannot be divided into individual home sites. Mr. Castine asks why the lots cannot be used for homes. Pat Powers advises that Mr. Drescher agreed not to, he asked to have those 2 small parcels included in his parcel with the stipulation that there would be no further subdivision. Mr. Castine asks, "You mean to tell me he has to own those forever?" Wendy Salvati and Pat Powers advise, "That is correct." Mr. Castine wants to know when Mr. Drescher can use the parcels. George Van Nest indicates that Mr. Drescher can use them whenever he wants to, he simply cannot subdivide them further, he

cannot break them into additional lots. He cannot use those lots to build on. Pat Powers indicates that Mr. Drescher understood that when he was before the Planning Board on a previous date. Wendy Salvati recalls when Mr. Castine and Mr. Drescher were previously before the board and the split of parcel number 3 was approved it was a condition of this split that there would be no further split of parcel number 3. Mr. Castine disagrees. Wendy Salvati advises that the board would like to focus on the action for the 4-lot open development area that Mr. Castine is attending the meeting for tonight. Mr. Castine is welcome to come and talk to the board at another time regarding the land to the north. Mr. Castine would like to have the 4-lot open development area approved but not with a restriction on parcel number 3. Wendy Salvati advises that the approval Mr. Castine is asking for tonight has nothing to do with parcel number 3. George Van Nest thinks it might. He explains that if you are looking at a subdivision above and beyond 4 lots, it should probably go the major sub-division route as opposed to the 4-lot open development area. Wendy Salvati asks Mr. Castine if it is Mr. Drescher's intention to bust off those 2 lots. Mr. Castine says, "We'll come anytime."

Wendy Salvati advises that the other issue is the SEQR review. Mr. Castine asks if the Planning Board is going to "OK" the 4 lots today. Roy McCready is not inclined to approve the project at this time. Mr. Castine advises he has been to every meeting and every organization and he "can't get a decision". Wendy Salvati recaps the original plan: it had individual lots on the corner and some other lots and the Planning Board advised Mr. Castine at that time that it constituted a Major Subdivision because he wanted to break off too many lots. Mr. Castine came back with a revised plan and that's when Mr. Drescher became involved. At this point Mr. Castine was still asking for too many lots, so Mr. Drescher agreed to break off parcel number 3 separately and would not put any additional lots on those corners. Mr. Castine disagrees. He advises that the Planning Board did not understand his lines when they looked at his maps.

George Van Nest advises that the Planning Board looked at a "sketch", it was not a complete Concept Plan for the development of this project. The Board has since looked at 3 or 4 different sketches that did not have complete information, the Planning Board has asked many questions and looked at various plans, if Mr. Castine would advise the board exactly what the project is that he is proposing the Planning Board can make a decision. The information on the project has been incomplete and the Planning Board has not been able to make a decision based on this. Mr. Castine disagrees and advises that he routinely stopped in the Planning/Zoning office to ask if there was any further information that would be required of him. Mr. Van Nest advises that since those conversations Mr. Castine has raised a new concern: he doesn't think there is a condition that was placed on the property. This is also a concern of the Planning Board members.

Pat Powers will rely on legal council for advice. David Donohue, Town Attorney, advises that the Planning Board can move forward and approve the 4-lot open development area project, as it stands, if Mr. Castine understands that he may not be able to sub-divide parcel number 3. He would have to get further approval from the Town Board and because of the sub-division that has already occurred there is a chance they may not permit further sub-division. Mr. Castine says, "No, don't approve it then." Pat Powers asks if Mr. Castine would like the project tabled or will he withdraw the project. Mr. Castine would like to have the project tabled.

ACTION:

Motion by Pat Powers, seconded by Jeff Grenzebach, to TABLE this project pending further information.

Patricia Powers	AYE	Wendy Salvati	AYE
Roy McCready	NAY	Jeff Grenzebach	AYE
Gerald Drinkard	AYE	George Van Nest	AYE

MOTION CARRIED.

Item 3

Arthur Fuerst
Commercial

Requests

Requests Preliminary Concept Plan
Review for a proposed coffee shop
drive-thru at 9450 Main Street.

DISCUSSION:

Jim Hartz advises that the property is located in the Commercial Zone. It was introduced to the Town Board on May 25, 2005, then went to the Planning Board on July 6, 2005 and August 17, 2005 where it was denied on both occasions based on the site plans. The Zoning Board of Appeals approved the expansion of the use of the property at their last meeting on October 11, 2005. The newest site plan shows 1000 square foot drive-thru coffee shop and the applicant is here this evening to discuss the project.

David Allan of Silvestri Architects, Arthur Fuerst and Peter Casilio of PAT Construction Management are present. Pat Powers indicates that the Planning Board has questions on the reason for the increase in the size of the building from 800 square feet to 1,000 square feet, and the increase in the number of seats from 8 seats inside and outside to 25 seats inside and outside. Peter Casilio thinks that the increase was made to bring the building into compliance. Jim Hartz clarifies: 800 square feet is the minimum size for the Commercial

Zoning district. The project was originally submitted at 400 square feet, but Arthur Fuerst did some research in the Seattle area and found that 1,000 square feet would better suit his needs; this was explained to Jim Hartz by Phil Silvestri.

Jeffrey Grenzebach asks for confirmation about the location of the septic per the map on display. Peter Casilio confirms the septic location. Gerald Drinkard believes that the septic system was moved from the back of the lot to very near, if not on, a location where a current old oak tree sits. Peter Casilio advises that this plan has gone through many changes and it is his understanding that this plan represents everything that was requested from the Planning Board and the Executive Planning Board to meet their expectations and to create only 1 variance. They moved the septic and are saving the large oak tree. Wendy Salvati advises that the plan that sits before the members now, unfortunately, shows the oak tree in the existing driveway that is to be removed. The prior plan showed "existing tree to remain". She also indicates that the tree really sits in the middle of the septic field. Peter Casilio advises that their intent was to save the tree and they will be happy to move or rotate the septic field. Wendy Salvati poses the question, "Where are you going to put it?" Peter Casilio advises that their intent is to make the Board happy.

Gerald Drinkard indicates that it looks like there's too much being jammed into that 4.08 acres. What the Planning Board is trying to do is obtain measurements that comply with the zoning law. When you begin to talk about traffic volumes and entrances and exits from the lot it appears that this is going to be a tremendous amount of congestion. Gerald Drinkard does not think that this piece of property is right for these two businesses. George Van Nest echoes Gerald Drinkard's concern regarding the traffic congestion.

Wendy Salvati advises that the Planning Board is also concerned about the Drive-Thru, that it will have a tendency to queue out onto Goodrich Road and cause additional problems on a road that already has a lot of traffic. David Allan asks if they were to ride a curb cut on Main St. to force a right had turn only, will that will address the concerns of the Planning Board? Wendy Salvati advises that there is still the potential for a "clog" of traffic at that entrance.

Jeffrey Grenzebach asks the owner what he found in his research, in other states, regarding the Drive-Thru process. Arthur Fuerst compares his project to the Starbucks on Sheridan Drive; his project is not like a Tim Horton's. He does not sell sandwiches and soups, it's only high-end coffee-based drinks, and so the traffic is not as heavy as a Tim Horton's would be. Roy McCreedy asks what Mr. Fuerst will serve in the restaurant. Mr. Fuerst advises that it is similar to Starbucks, there is no food preparation, and any food that is purchased by the consumer is pre-packaged.

Jeffrey Grenzebach asks what type of lighting will be used, Mr. Fuerst advises that he hasn't even thought about it, but will do whatever the Planning Board requests. Peter Casilio has seen early conceptual drawings of the plan and

there is no exotic lighting, it's pretty simple, lighting for safety. Wendy Salvati asks where will the snow be put, Mr. Fuerst replies, "Wherever I can."

Pat Powers indicates that in order to move forward one option would be to submit a new site plan showing the right curb that was previously discussed, and show the neighboring properties. Wendy Salvati points out that the property actually extends out on to the middle of Goodrich Road and wants to know if this was taken into consideration when the calculations were done. Jim Hartz advises the calculations are correct. George Van Nest asks if the applicant has any idea how many trips will be generated at the coffee shop per hour. Mr. Fuerst takes an educated guess at 40-50 trips per hour, maximum. George Van Nest revisits the traffic conflict. Mr. Fuerst says if he had to guess, "95% of the people who exit from 6am to 10am are going out on Main St. westbound."

ACTION:

Motion by Jeffrey Grenzebach, seconded by Pat Powers, to send the project to be reviewed by the Municipal Review Committee and Traffic Safety Advisory Committee.

ON THE QUESTION:

George Van Nest advises that it may very well be that the Traffic Safety Advisory Committee is going to request additional detail.

Pat Powers indicates that the Planning Board will be asking the Municipal Review Committee and the Traffic Safety Advisory Committee to take a hard look at the traffic flow, the community character issue, the fact that it is a high intensity business and problems with the septic field which will be explored by the Health Department once the Town Board declares lead agency. The Planning board is also concerned about snow removal, the required amount of green space and pedestrian traffic.

Roy McCready asks how many parking spaces are required. Jim Hartz advises that there are 25 spaces required and there are 25 spaces on the plan. Roy McCready suggests revising the plan to remove some parking spaces and create more green space.

Pat Powers restates the motion advising that this is not a guarantee that the project has been approved. She also advises that the Planning Board requests a Tree Survey prior to the project being reviewed by the Municipal Review Committee.

Patricia Powers AYE
Roy McCready AYE
Gerald Drinkard AYE

Wendy Salvati AYE
Jeff Grenzebach AYE
George Van Nest AYE

MOTION CARRIED.

At this time the Planning Board revisited and further discussed Item #2 and Item #3 from this agenda. The work session was then continued with the Committee Reports. George Van Nest reported on the Traffic Safety Advisory Committee. Pat Powers advised that Roy McCready has asked not to be re-appointed to the Planning Board.

ACTION:

Motion by Jeffrey Grenzebach, seconded by Gerald Drinkard, to adjourn the meeting.

Patricia Powers AYE
Roy McCready AYE
Gerald Drinkard AYE

Wendy Salvati AYE
Jeff Grenzebach AYE
George Van Nest AYE

Meeting adjourned at 9:30 p.m.

Patricia Powers
Chairperson