

Minutes of the regular meeting of the Village of Williamsville Planning and Architectural Review Board, held in Williamsville Village Hall, 5565 Main Street, Williamsville, New York on Monday, August 3, 2009 at 7:30pm

ROLL CALL:

Present: Kevin Lester, Chairman
Catherine Waterman-Kulpa, Member
Wesley Stone, Member
David Vitka, Member
Charles Rizzone, Member
Edward Zabel, Member
William Wutz, Alternate Member
Shawn Michel, Alternate Member

Also present: Jeffrey L. Kingsley, Trustee Liaison
John Pidgeon, Code Enforcement Officer
Charles D. Grieco, Village Attorney
Deborah A. Habes, Deputy Clerk

Absent: Walter Pacer, Member

Chairman Lester opened the meeting with the Pledge of Allegiance.

ON MOTION by Ms. Waterman-Kulpa, seconded by Mr. Rizzone, it was moved to approve the minutes of the June 1, 2009 meeting as submitted.

Unanimously carried.

80 Rinewalt St.

Mr. Lester requested that the Board members consider an item that was not previously on this evening's printed agenda. He explained that the owner of the residentially zoned property known as "80 Rinewalt" has split the property into two buildable lots. Under Village Code, the sub-division of a property falls under Exceptional Development and as per §28-5 C (5), the matter must be reviewed and recommendations made by the Planning Board, among other committees. Said recommendations and comments are then forwarded to the Village Board.

Mr. Stone recused himself from participation in this matter.

David Sutton, owner of 80 Rinewalt St., was present to represent the matter.

Mr. Sutton stated that this R-3 zoned property with a street frontage of 100 ft. was split into two 50' wide by approximately 168' deep lots. Both lots meet the Village Code requirements for build-able lots in this Zoning District. He has sold the northern lot and a single-family residence with detached garage will be built on the property. He stated that

Minutes of the regular meeting of the Village of Williamsville Planning and Architectural Review Board, held in Williamsville Village Hall, 5565 Main Street, Williamsville, New York on Monday, August 3, 2009 at 7:30pm

the size of the lots is within keeping of the character of the neighborhood, as many of the existing lots on the street are 50 ft. wide. Building plans for the northerly lot are already on file with the Building Dept. Mr. Sutton stated that at this time he has no building plans in place for the southerly lot, but anticipates that any residence built there will be similar to the house on the northerly lot.

ON MOTION by Mr. Zabel, seconded by Mr. Rizzone, it was moved to recommend to the Village Board of Trustees approval of the sub-division as submitted, since the lots meet all Village Code requirements for build-able lots in the (R-3) Zoning District.

Unanimously carried.

Log #09-08-09
Site Plan Review

5762 Main St. (C-1)
VIPseats.com

Nick Giamusso, property owner and owner of VIP Seats, was present, as well as Wendy Ferrie, project architect.

Ms. Ferrie stated that Mr. Giamusso has already been granted variances by the Zoning Board of Appeals for parking on this property (ZBA of 6/17/09), but in the subsequent re-drawing of the site plan to conform to the conditions set forth by the ZBA, they found they were still lacking one parking space, and so they will be appearing in front of the ZBA once again on August 5th to seek a variance for that one space. They are seeking approval from the Planning Board for required green space as set forth by the ZBA this evening. Site plans reviewed this evening were date stamped "Received" on 6/22/09 by the Village Building Dept.

ON MOTION by Mr. Stone, seconded by Ms. Waterman-Kulpa, it was moved to approve the site plan as submitted, ***with the following conditions:***

- 1. Green space will be introduced in the space between parking space #9 and the public sidewalk.***
- 2. Green space will be introduced between the HDCP access space and the public sidewalk.***
- 3. The curb cut for the driveway will be 24' wide at the curb, with the north line of the curb cut staying where it is.***
- 4. In the green space along the northerly property line, 4' high evergreen shrub row shall be planted.***
- 5. This approval is CONDITIONAL upon the granting of a variance for one more parking space from the ZBA.***

Unanimously carried.

Minutes of the regular meeting of the Village of Williamsville Planning and Architectural Review Board, held in Williamsville Village Hall, 5565 Main Street, Williamsville, New York on Monday, August 3, 2009 at 7:30pm

Sign/Log #09-08-19

2 Wall Signs

(A) North elevation

(B) South elevation

5305 Main St. (C-3)

Panera Bread

6 Awnings

(A) Stripe only (North elevation)

(B) Stripe and Wheat logo (North elevation)

(C) Stripe and Wheat logo (South elevation)

(D) Stripe and Wheat logo (East elevation)

(E) Stripe and Wheat logo (East elevation)

(F) Stripe and Wheat logo (East elevation)

Jamie Lorenz of Smart Design Architects, and Erik Klein, an operating partner of Panera Bread, were present to represent the applications.

Wall Signs – As proposed on Mandeville Sign drawing date stamped on June 29, 2009. Drawings numbered (T-139a-V2) and (T-139c-V2):

(A) North Elevation –

This proposed wall sign reading “Panera Bread” measures 20’-41/2” long and 28” high and will be placed above the large plate glass window fronting on the Main Street elevation of the lease space. The sign will consist of internally illuminated channel letters with a “mother bread” logo on the sage green background panel.

(B) Wall Sign – South Elevation

This proposed wall sign reading “Panera Bread” measures 82” wide by 61.6” high and will be located over the south side (rear) door of the tenant space. The sign will consist of internally illuminated channel letters and a “mother bread” logo on the sage green background panel.

Awnings - As proposed on Mandeville Sign drawing date stamped on June 29, 2009. Drawings numbered (T-139a-V2), (T-139c-V2), (T-139b-V2), (T-139e-V2):

(A) Stripe Pattern Awning - This proposed awning will be placed over the large plate glass window on the Main Street elevation of the tenant space. It will be striped in the corporate Panera Bread plum, yellow and green colors. Two silver gooseneck lamps will illuminate the awning from above.

Minutes of the regular meeting of the Village of Williamsville Planning and Architectural Review Board, held in Williamsville Village Hall, 5565 Main Street, Williamsville, New York on Monday, August 3, 2009 at 7:30pm

(B) Wheat Pattern Awning - This proposed awning will be placed over the entrance doorway on the Main Street elevation of the tenant space and will consist of both stripes and the “Mother Bread” wheat logo. The colors will consist of the corporate Panera Bread plum, yellow and green colors. One silver gooseneck lamp will illuminate the awning from above.

(C) Wheat Pattern Awning – This awning will consist of both the “Wheat Pattern” and the stripes. It will be centered over the south (rear) door on the south elevation of the tenant space. The colors will consist of the corporate Panera Bread plum, yellow and green colors. One gooseneck lamp will illuminate the awning from above.

(D), (E), (F) – Wheat Awnings – East elevation – These will consist of both the “Wheat Pattern” and the stripes on the east elevation of the tenant space. The colors will consist of the corporate Panera Bread plum, yellow and green colors. Two gooseneck lamps will illuminate each awning from above.

There was discussion between the applicants and the Board on several matters concerning both the wall signs and the awnings.

Board’s comments:

- Back lit signs are not allowed by code.
- Location of Panera tenant space appears off center in relation to entire Main St. elevation
- Black gooseneck lamps are preferred to the silver so they match the building’s existing wall fixtures.

Mr. Lester brought forth a motion to approve the signs as submitted but with no internal illumination.

The motion failed for the lack of a second.

ON MOTION by Ms. Waterman-Kulpa, seconded by Mr. Stone, it was moved to **TABLE** the application until the *September 8th* Planning Board meeting to allow the applicants time to prepare and submit for review a new holistic plan for signs and awnings, *addressing the following:*

- 1. Back-lit or internally illuminated signs do not conform to the new sign code.*
- 2. Black gooseneck lamps shall be used instead of silver to match the existing black wall lighting fixtures on the building.*
- 3. The awning on the north facade is to act as one from the most easterly part of the building under the same large cornice.*
- 4. Show existing wall light fixtures on new plan.*

Minutes of the regular meeting of the Village of Williamsville Planning and Architectural Review Board, held in Williamsville Village Hall, 5565 Main Street, Williamsville, New York on Monday, August 3, 2009 at 7:30pm

5. The plan shall include not only the Panera tenant space, but the entire north façade of the building.

6. Submittal in writing from property owner Benderson Development that the new sign/awning plan is acceptable to them.

Unanimously carried.

Log # 08-06-06

(A) Site Plan

(B) Pole Sign at corner of Main & N. Union

5316 Main St. (C-3)

McDonald's

(A) Site Plan

Randy Bebout of FRA Engineering and Architecture was present to represent the site plan.

Mr. Bebout stated that the last time he appeared before the Board was in April 2009, at which time the Board granted a conditional approval of the plans, subject to the conditions set forth in the motion as granted and also to the submittal of recommendations and comments from the Traffic & Safety Committee and the Environmental Committee. He referred to the letter he sent to the Board dated June 2, 2009, in which he stated that he addressed all the items as indicated in the Board's conditional approval as per the minutes of the April 6, 2009 Planning Board meeting.

The Board considered the comments received from the Traffic & Safety Committee and the Environmental Committee and decided to move forward.

ON MOTION by Mr. Lester, seconded by Mr. Zabel, it was moved to approve the plans as submitted at the April 6th meeting, including all updates that were made subsequent to the approved motion.

Unanimously carried.

(B) Pole Sign

There was no one from the McDonald's Corp. present to represent the sign plan. Mr. Bebout stated he was not authorized to represent the sign submittal.

Minutes of the regular meeting of the Village of Williamsville Planning and Architectural Review Board, held in Williamsville Village Hall, 5565 Main Street, Williamsville, New York on Monday, August 3, 2009 at 7:30pm

The Board reviewed the pole sign plan dated 4/15/09, which consists of a 15' high pole sign to be erected at the corner of Main St. and N. Union Rd. The double-faced sign will include internally illuminated yellow arches measuring 3'-1" high and a 2'-4"

high by 6'-4" wide internally illuminated sign panel with white lettering to read: "McDonald's".

Board's comments:

- Push-thru letters would be best.
- Sign as submitted appears to be the same pole sign that was originally proposed.
- Sign area appears to exceed the maximum area allowed by code.
- Pole sign as submitted is not aesthetically appropriate.
- Pole sign as submitted is better than what is there presently.

The Village Attorney expressed to the Board a legal opinion regarding existing non-conforming signs.

ON MOTION by Mr. Lester, seconded by Mr. Stone, it was moved to approve the sign as submitted, *with the following conditions:*

- 1. Lettering for the word "McDonald's" shall be "push-through" technology.*
- 2. The red portion will be blacked out.*
- 3. A site plan with the location of the pole sign indicated within 10 ft. either way shall be submitted.*
- 4. The sign shall be subject to Planning Board approval of the placement to make sure that the placement does not conflict with the "Gateway Plaza" design on the northeast corner of Main and Union.*

Roll Call:	Rizzone	Yes
	Lester	Yes
	Stone	Yes
	Waterman-Kulpa	No
	Zabel	No
	Vitka	No

3 – 3. Motion failed.

Minutes of the regular meeting of the Village of Williamsville Planning and Architectural Review Board, held in Williamsville Village Hall, 5565 Main Street, Williamsville, New York on Monday, August 3, 2009 at 7:30pm

In other business:

The Board commented on the following topics:

Gooseneck lighting fixtures at the Amherst Bee
Sign Code suggestions – Trustee Kingsley asked for Board members’ input
Planning Board Alternates – Trustee Kingsley asked for Board members’ input

ON MOTION by Ms. Waterman-Kulpa, seconded by M. Zabel, it was moved to adjourn the meeting at 9:35 p.m.

Unanimously carried.

The next regularly scheduled Planning Board meeting will be held on TUESDAY, September 8, 2009, due to the Labor Day holiday.

Respectfully submitted,

Deborah A. Habes
Deputy Clerk