

Town of Clarence
One Town Place, Clarence, NY 14031
Planning Board Minutes
Wednesday January 29, 2020

Work Session 6:00 pm

Status of TEQR Coordinated Reviews
Review of Agenda Items
Miscellaneous

Agenda Items 7:00 pm

Approval of Minutes

Item 1

Donald Steinwachs
Commercial

Requests Development Plan Approval for a proposed Commercial Subdivision at 8080 Wehrle Drive.

Item 2

Steve Jacobs
Agricultural Floodzone

Requests a Recommendation to the Town Board to allow for a Temporary Conditional Permit for a Tree Service as an Expanded Home Occupation at 8855 Wolcott Road.

Item 3

Charles Kelkenberg
Industrial Business Park

Requests Preliminary Concept Review of a proposed Self-Storage Facility at the northeast corner of Goodrich Road and County Road.

Item 4

Todd Trapper
Agricultural Rural Residential

Requests Minor Subdivision Approval to create one (1) new lot on the north side of Croop Road, east of Strickler Road.

Item 5

Northtown Porsche/Volvo
Commercial

Requests Development Plan Approval for additions/upgrades to the existing Automotive Dealership at 8135 Main Street.

In the absence of Chairman Robert Sackett, Vice-Chairman Richard Bigler presides over the meeting and called it to order at 7:00 p.m.

Councilman Paul Shear led the pledge to the flag.

Planning Board Members present:

Vice-Chair Richard Bigler	2 nd Vice-Chair Wendy Salvati	Timothy Pazda
Gregory Todaro	Jason Geasling	Ari Goldberg

Planning Board Members absent: Chairman Robert Sackett and Jeffrey Buckley

Town Officials Present:

Director of Community Development James Callahan	
Assistant Director of Community Development Jonathan Bleuer	
Councilman Paul Shear	Deputy Town Attorney Steven Bengart

Other Interested Parties Present:

Peter Spiegel	Steven Jacobs	Todd Trapper	Bob Dickinson
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Vice Chairman Bigler noted that in the absence of Planning Board members Robert Sackett and Jeffrey Buckley, alternate Planning Board member Ari Goldberg will participate in all discussions and vote on all agenda items.

Motion by Gregory Todaro, seconded by Wendy Salvati, to **approve** the minutes of the meeting held on December 4, 2019, as written.

Ari Goldberg	Aye	Jason Geasling	Aye	Gregory Todaro	Aye
Timothy Pazda	Abstain	Wendy Salvati	Aye	Richard Bigler	Aye

MOTION CARRIED.

Motion by Gregory Todaro, seconded by Wendy Salvati, to **approve** the minutes of the meeting held on December 18, 2019, as written.

Ari Goldberg	Aye	Jason Geasling	Aye	Gregory Todaro	Aye
Timothy Pazda	Abstain	Wendy Salvati	Aye	Richard Bigler	Aye

MOTION CARRIED.

Vice Chairman Bigler explained the protocol for the meeting noting that Mr. Callahan will introduce each project. The applicant will be given an opportunity to add comments regarding the project. The Board will ask the applicant questions on the project. The audience will be invited to ask questions or provide comments on the project. The applicant will be asked to answer any questions the audience had. A Planning Department representative and/or Planning Board member may also answer questions if appropriate. The Board will then decide what action to take on the project.

Item 1

Donald Steinwachs
Commercial

Requests Development Plan Approval for a
proposed Commercial Subdivision at 8080
Wehrle Drive.

DISCUSSION:

Mr. Callahan provided the background on the project noting that it is located on the north side of Wehrle Drive, east of Transit Road. It contains approximately 13.8 acres. The applicant received a Negative Declaration under the State Environmental Quality Review Act (SEQRA) and Concept Approval in 2001. The applicant has now completed the civil drawings and is seeking final Development Plan Approval on the project identifying a 5-lot public road subdivision.

Michael Metzger, of Metzger Civil Engineering, is present and explained that the road comes in off of Wehrle and then turns into the cul-de-sac. There are five (5) commercial building lots. The storm water detention area is between the first lot and the next lot in. There was an extended archeological study done on the project. There is an out-of-district sanitary sewer agreement with the Town of Amherst. There is an out-of-district water agreement which required approval by the Town of Lancaster. The applicant has Erie County Health Department approval for sanitary sewer and water lines. They did a downstream sewer capacity analysis. Mr. Metzger said his client made a contribution towards sanitary sewer I and I remediation as part of this project. The Town Highway Department has looked at this proposal. The applicant reconfigured the entrance to satisfy the concerns of NYS DOT and ECDPW and subsequently received their approvals. The Town Highway Department is satisfied with the layout. The Town Engineer has reviewed and approved the project. It is confirmed that this will be a public road.

Mr. Pazda asked if Mr. Metzger has been with the project since its inception. Mr. Metzger said no, he took it over from another engineer. Mr. Pazda asked if there are any big changes to the plan that took place from Concept Plan to Development Plan. Mr. Metzger said no, just the reconfiguration of the entrance as he previously stated. He went on to say that the storm water system has three (3) wells, which were already in place.

Mrs. Salvati asked for details of the right-of-way. Mr. Metzger said his client would like to provide access to both properties in the immediate area. The properties adjoining the parcel are the Home Depot property and the JoAnn Plaza property. They would like to tie the road into either of these properties, however neither property owner has the desire at this time to agree to cross access. The far north limits of the property will be deeded to the Town along with the right-of-way after the construction of the road, so that if things should change the land is there to make it happen.

Peter Spiegel, of 8130 Wehrle Drive, asked if there will be fencing along the border of the project. If there is what would it look like? He would also like to know what type of commercial buildings are being proposed, is it retail or office? He asked if there will be a stop sign or a traffic signal where the entrance is on Wehrle Drive. Vice-chairman Bigler said a traffic device would be up to the NYS DOT. Mr. Spiegel asked if there will be excessive bright lights behind the buildings. Vice-chairman Bigler said the lights will not be bright, they will be dark-sky compliant, no light will be able to shed past the property line.

Mrs. Salvati said that when each of those five (5) lots is developed, those applicants will have to come before the Board to have each individual proposal reviewed and the Board will look at all the things Mr. Spiegel is asking.

Mr. Callahan explained that what the Board is doing at this meeting is approving a public road subdivision and as part of that five (5) vacant lots will be created that are accessible by this public road. At this point, there are no projects proposed for any of those five (5) lots. Basically, this approval is to build a public road.

Mr. Metzger said any individual project for the five (5) lots will have to come back before the Board and answer questions like those that Mr. Spiegel asked. Mr. Metzger speculates that the use would be office buildings as opposed to retail space. He went on to explain that the NYSDOT and ECDPW both approved the plan to have a stop sign at the entrance on Wehrle Drive.

Mr. Geasling asked if the only clearing will be what is needed for the road. Mr. Metzger said that is correct, there may be clearing for utilities, including sanitary sewers and storm water, in the right-of-way but there will be no lot clearing at this time.

ACTION:

Motion by Wendy Salvati, seconded by Gregory Todaro, to **grant** Development Plan Approval on the 8080 Wehrle Drive Commercial Subdivision as per the submitted plans from Metzger Civil Engineers dated March 5, 2019, with the following conditions:

1. PIP Permits as issued by the Town Engineering Office.
2. Future use of approved lots subject to full review and approval by the Town, including the State Environmental Quality Review Act (SEQRA).
3. Provide right-of-way access to the north and west for future connectivity as per the updated site plan and provide such additional documentation to monument same, including filing a Right-of-Way Agreement and/or easement in the Erie County Clerk’s Office in favor of the Town of Clarence. Applicant to file same at its sole cost and expense and provide the Town Attorney’s office with stamped “Filed” copies of same. Public street lighting required by the Town as approved by the Town Engineer including adequate lighting at the entrance from Wehrle Drive.
4. To avoid the concentration of multiple family housing in the area, no residential uses will be allowed in this Commercial Business Park.
5. Lot clearing will not extend beyond what is needed to construct the public road.

ON THE QUESTION:

The applicant understands and agrees with the conditions listed in the motion.

Ari Goldberg	Aye	Jason Geasling	Aye	Gregory Todaro	Aye
Timothy Pazda	Aye	Wendy Salvati	Aye	Richard Bigler	Aye

MOTION CARRIED.

Item 2

Steve Jacobs
Agricultural Flood Zone

Requests a Recommendation to the Town Board to allow for a Temporary Conditional Permit for a Tree Service as an Expanded Home Occupation at 8855 Wolcott Road.

DISCUSSION:

Mr. Callahan provided the background on the project noting that it is located on the south side of Wolcott Road, east of Kenfield Road and contains approximately ten (10) acres. The applicant is proposing to construct a single family home with an expanded home occupation of a tree service business. The Town Board has referred the project to the Planning Board for a recommendation and conditions. The Town Board will have final approval authority on the proposed business.

Steve Jacobs is present and noted that the Planning Board Executive Committee has reviewed the plan he is proposing.

Mr. Todaro said if the business grows how would Mr. Jacobs handle additional equipment. Mr. Todaro noted that in an executive committee meeting Mr. Jacobs said there would be no sales of any products at this property, Mr. Todaro asked if there would be any storage of firewood. Mr. Jacobs said he is no longer in the firewood business, he refers all his firewood business to another person. He went on to say there will be no sales and no office on the property. It is primarily for a house with the bonus of having a building for his tree service. If he was denied the building he would still probably purchase the property to build a house, his business would continue at its existing locations which are at Transit and Miles, and Transit and Genesee. Mr. Jacobs explained his business as a tree service which handles tree removal, tree planting, tree trimming and stump grinding. He is also in the snow plowing business.

Mrs. Salvati asked what Mr. Jacobs does with the debris from his business. Mr. Jacobs said all the debris goes to CJ Krantz, DC Supply or other people who recycle and reuse it.

Mrs. Salvati noted that Mr. Jacobs has worked hard with the neighbors to address any of their concerns.

ACTION:

Motion by Gregory Todaro, seconded by Jason Geasling, to **recommend** to the Clarence Town Board the issuance of a Temporary Conditional Permit for an expanded home occupation for a tree service business at 8855 Wolcott Road for Steve Jacobs, with the following conditions:

1. The primary use of the property is to be the proposed single family home, which must be occupied prior to business operation.
2. The Temporary Conditional Permit shall be based upon the submitted site plan received in the Planning and Zoning Office on January 6, 2020.
3. No sales of any products on the property.
4. Vehicle and equipment storage must be limited to the identified spaces on the submitted site plan.
5. Business hours shall be Monday-Friday from 8:00am until 6:00pm.
6. Installation and maintenance in perpetuity of the plantings and fencing as identified on the site plan.

- 7. No production activity or other business activity other than business fleet management will be allowed on the premises.
- 8. Subject to Building and Engineering approval on required permits, including Flood Plain Development Permits.

ON THE QUESTION:

The applicant understands and agrees with the conditions listed in the motion.

Mr. Pazda asked what the fencing material will be. Mr. Jacobs said it will be a full privacy wooden fence.

Ari Goldberg	Aye	Jason Geasling	Aye	Gregory Todaro	Aye
Timothy Pazda	Aye	Wendy Salvati	Aye	Richard Bigler	Aye

MOTION CARRIED.

Item 3

Charles Kelkenberg
Industrial Business Park

Requests Preliminary Concept Review of a proposed Self-Storage Facility at the northeast corner of Goodrich Road and County Road.

DISCUSSION:

Mr. Callahan provided the background on the project noting that it is located at the northeast corner of County and Goodrich Roads and contains approximately 7.6 acres in the Industrial Business Park Zone. The applicant is present to introduce the project and this represents the initial presentation of this project to the full Planning Board.

Michael Metzger, of Metzger Civil Engineering, is present along with Chuck Kelkenberg. The owners, Maureen and Dan Schmitt are also present, as well as Terry Mann and Charlie Kelkenberg. Mr. Metzger said the parcel is just under four (4) acres in size, they have found there is a need for this use in the community and feel it is a logical use as it is a low user of sanitary sewers. The buildings have an agrarian theme to them and are low profile. The site itself is secure and screened with a six foot (6') stockade fence and wrought iron gates. There will be landscaping. Mr. Metzger went on to say that there are ample setbacks with the front yard setback being 80' from the right-of-way.

Mrs. Salvati asked if all the structures are one story. Mr. Kelkenberg said yes and also confirmed that none of the buildings are climate controlled at this time.

Mr. Todaro referenced the pond on Goodrich Road and asked if it will be an active retention basin. Mr. Metzger said they are anticipating it to be a wet detention pond. Mr. Todaro asked about the lighting. Mr. Metzger said the majority of the lighting will be mounted on the building and will be low level. There may be some lighting in the front parking area that may be higher, but everything else will be below the eave line. There will be no pole lighting.

It is clarified that there is an error on the plan showing there is a 2-story tower notation, Mr. Metzger said that should not be there.

ACTION:

Motion by Timothy Pazda, seconded by Gregory Todaro, pursuant to Article 8 of the Environmental Conservation Law, to seek Lead Agency status and **commence** a coordinated review among involved agencies on the proposed Kelkenberg Self-Storage Facility located at the northeast Corner of Goodrich and County Roads. This Unlisted Action involves the construction of a Self-Storage Facility in the Industrial Business Park Zone.

ON THE QUESTION:

Mr. Pazda thanked the applicant for bringing in the proposed materials, they will be looked at during the next meeting for the project.

Ari Goldberg	Aye	Jason Geasling	Aye	Gregory Todaro	Aye
Timothy Pazda	Aye	Wendy Salvati	Aye	Richard Bigler	Aye

MOTION CARRIED.

Item 4

Todd Trapper
Agricultural Rural Residential

Requests Minor Subdivision Approval to create one (1) new lot on the north side of Croop Road, east of Strickler Road.

DISCUSSION:

Mr. Callahan provided the background on the project noting that it is located on the north side of Croop Road, east of Strickler Road. It is a proposed Minor Subdivision to create one (1) new lot. Both the proposed new lot and the parent parcel contain adequate lot size for conforming lots.

Todd Trapper is present.

Mrs. Salvati read a letter into the record from Eliner Trapper received January 22, 2020: "To Whom It May Concern, I Elinor Trapper give Todd Trapper permission to represent me at the Town of Clarence Board meeting regarding the property that he will be building his house on. Sincerely, Eliner Trapper." The letter is on file.

ACTION:

Motion by Gregory Todaro, seconded by Timothy Pazda, pursuant to Article 8 of the Environmental conservation Law to **issue** a Negative Declaration on the Proposed Trapper Minor Subdivision on the north side of Croop Road east of Strickler Road. This Unlisted Action involves a minor subdivision to create one (1) new lot in the Agricultural Rural Residential Zone in conformance with underlying zoning. After thorough review of the submitted survey and Short Environmental Assessment Form it is determined that the proposed action will not have a significant impact upon the environment.

Ari Goldberg	Aye	Jason Geasling	Aye	Gregory Todaro	Aye
Timothy Pazda	Aye	Wendy Salvati	Aye	Richard Bigler	Aye

MOTION CARRIED.

Motion by Gregory Todaro, seconded by Timothy Pazda, to **approve** the Minor Subdivision of Todd Trapper to create one (1) new lot on the north side of Croop Road, east of Strickler Road as per the submitted survey from GPI dated 12/16/19, with the following conditions:

1. Subject to review and approval by the Town of Clarence Highway Department on future access to new lot.
2. Subject to Erie County Health Department review and approval on any future on-site sanitary facilities.
3. Subject to Town of Clarence Building Department review and approval on any future construction on the new lot.
4. Subject to review and approval by the Town of Clarence Highway, Legal and Engineering departments on any required drainage easements on the new lot and parent parcel in the event same shall be required for future actions. In the event any easements are required by the Town of Clarence Highway, Legal and Engineering departments, the applicant shall file same in the Erie County Clerk’s Office and provide stamped “Filed” copies to the Town Attorney’s office.
5. This split constitutes the final action under the Minor Subdivision review process.
6. Subject to Open Space and Recreation Fees.

ON THE QUESTION:

Mr. Trapper said he understands and agrees with the conditions of the motion.

Ari Goldberg	Aye	Jason Geasling	Aye	Gregory Todaro	Aye
Timothy Pazda	Aye	Wendy Salvati	Aye	Richard Bigler	Aye

MOTION CARRIED.

Item 5

Northtown Porsche/Volvo
Commercial

Requests Development Plan Approval for
additions/upgrades to the existing Automotive
Dealership at 8135 Main Street.

DISCUSSION:

Mr. Callahan provided the background on the project noting that it is a proposed addition rehabilitation to an existing commercial property. Concept Approval and Architectural Approval were granted by the Planning Board in April of 2019. The applicant is seeking final Development Plan approval on the project.

William Huvey, of LaBella Architects, is present and said every 20 years the manufactures require an upgrade, this is that upgrade. They are taking Land Rover and Jaguar off the site, they will move to the Amherst site. Mr. Huvey said they were requested to see if they could put “Clarence” on the building but the manufacturer said no, they want the “Buffalo” name on the building. Michael Metzger is present.

Mrs. Salvati asked for confirmation that the two (2) Pear trees will stay in place, Mr. Metzger said yes they will remain as they are on the approved Landscape Plan.

Mr. Geasling asked about the angled parking in the back of the property, he asked if it connects to the parking on the next lot to the south. Mr. Huvey said yes and explained there is other satellite parking lots throughout the site. Mr. Geasling noted that usually it is an odd set-up for parking. Mr. Huvey said the angled parking is for display so people will see the front of the vehicle when they are looking to purchase. Mr. Huvey explained the expansion and where the parts department will be. It is a fully sprinklered building.

ACTION:

Motion by Wendy Salvati, seconded by Gregory Todaro, to **approve** the Development Plans for the proposed additions/upgrades to Porsche/Volvo facility as per the submitted drawings from Metzger Civil Engineering dated December 9, 2019, with the following conditions:

1. Subject to Building and Engineering Department review and approval of required permits.
2. Landscape to be installed as per the approved Landscape Plan and maintained in perpetuity.
3. All exterior lighting to be dark sky compliant as per the site plan.
4. No parking of any vehicles outside of the designated parking spaces identified on the approved Development Plans.
5. Subject to Open Space and Recreation Fees.

ON THE QUESTION:

The applicant asked about the fees and he was told they are standard fees. The applicant understands and agrees with the conditions of the approval.

Mr. Huvey said the lights will be LED, they are replacing lights but he is unsure if they are replacing all the lights. Any light that is replaced will be LED, shielded and downward; what they have designed meets the zoning requirements.

Ari Goldberg	Aye	Jason Geasling	Aye	Gregory Todaro	Aye
Timothy Pazda	Aye	Wendy Salvati	Aye	Richard Bigler	Aye

MOTION CARRIED.

Meeting adjourned at 7:55p.m.

Carolyn Delgato
Senior Clerk Typist