

Town of Clarence
One Town Place, Clarence, NY 14031
Planning Board Minutes
Wednesday October 17, 2018

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

ICE/Stephen Development
Commercial

Requests Concept Approval, a recommendation under the State Environmental Quality Review Act and a Special Exception Use Permit recommendation for 10075 Main Street.

Item 2

John DiPietro
Agricultural Rural Residential

Requests Minor Subdivision Approval creating two (2) additional lots at 9925 Lapp Road.

Item 3

Joe Beaser
Agricultural Floodzone

Requests Minor Subdivision Approval creating three (3) lots at 9675 Tonawanda Creek Road.

Vice-Chairman Richard Bigler called the meeting to order at 7:00 p.m. Councilman Paul Shear led the pledge to the flag.

Planning Board Members present:

1 st Vice-Chairman Richard Bigler	2 nd Vice-Chairperson Wendy Salvati
Timothy Pazda	Gregory Todaro
Steven Dale	Jeffrey Buckley
Jason Geasling	

Planning Board Members absent: Chairman Robert Sackett

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: Pat Magroin Richard Ehlers

In the absence of Planning Board Chairman Robert Sackett, alternate Planning Board member Jason Geasling will have full voting privileges this evening.

Motion by Gregory Todaro, seconded by Timothy Pazda, to **approve** the minutes of the meeting held on August 29, 2018, as written.

Jason Geasling	Aye	Jeffery Buckley	Abstain
Steven Dale	Abstain	Gregory Todaro	Aye
Timothy Pazda	Aye	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

ICE/Stephen Development
Commercial

Requests Concept Approval, a recommendation under the State Environmental Quality Review Act and a Special Exception Use Permit recommendation for 10075 Main Street.

DISCUSSION:

Jim Callahan provided the background on the project noting that it is located on the south side of Main Street, west of Shisler Road. It is an expansion of an existing light manufacturing facility on vacant land. The proposal is to construct a 35,000+/- square foot light manufacturing distribution center. Coordinated review among involved agencies has been completed and the applicant is present seeking an Action under the State Environmental Quality Review Act (SEQRA), Concept Approval on the site plan and a recommendation for a Special Exception Use Permit.

Noel Dill with Rock Oak West is present and representing the project. He said the project is a light manufacturing and distributing facility that will allow ICE to remain in Clarence. They are the world's largest arcade manufacturer, one third of their product goes overseas. They employ approximately 400 people. This area was called out as an area of strategic investment in a recent economic study of Main Street.

Mrs. Salvati asked the number of employees and the hours of operation for this project. Mr. Noel said the hours of operation will be daytime hours, they do not have overnight shifts at this facility. It will be light assembly with hand tools and distribution. There will be no large machinery operated at this facility. ICE has substantially invested in the existing building to mitigate noise issues. They replaced the fan in the air handling system with a much larger volume fan that is specifically designed to reduce the amount of noise. They have also agree to provide further screening for the existing system and worked with DIMAR to add some baffling. Mr. Dill went on to say that ICE has agreed to install a noise barrier on the west side of the building, however the specific design of the barrier is yet to be determined.

There are no plans for outside storage. Mrs. Salvati asked for details on the proposed detention basin. Mr. Dill said it is proposed to be a dry system. It will be designed to make sure no water runs off the site, it will have a sand filter at the bottom and a well. The run off from the pavement area will be contained and treated before it is discharged. Mrs. Salvati asked if the basin will have vegetation. Mr. Dill said the intent is for it to be a 3 to 1 slope, the best way to maintain this is to put a lawn along there and mow it.

Mrs. Salvati asked about lighting the parking area, she recalled a discussion noting that there would be no need for parking lot lighting standards. Mr. Dill said that is correct because there are no overnight shifts at this facility. Mrs. Salvati said she would like to see the vegetation maintained in its natural condition on the west side of the building where the plan indicates a potential for expansion. Mr. Dill said they will work with the Landscape Committee on that.

Mr. Dale asked if the applicant anticipates blasting for this project. Mr. Dill does not know yet but whenever they do blasting it is highly regulated, there is seismic testing before and after. Mr. Dale said he is pleased with the change in approach with the faux windows on the west and east sides, but he is disappointed that the mullions were dropped from the windows on the front, they did a nice job of presenting the building as an agrarian style, this is a comment. Mrs. Salvati agreed with Mr. Dale regarding the mullions and said she would like to see them come back. Mr. Dill said they will take a look at that.

ACTION:

Motion by Wendy Salvati, seconded by Gregory Todaro, pursuant to Article 8 of the Environmental Conservation Law, to **approve** the Part 2/3 Environmental Assessment Form as prepared and to **issue** a Negative Declaration on the proposed ICE Light Manufacturing Facility located at 10075 Main Street. This Unlisted Action (subsequently changed to a Type I Action) involves the construction of a 35,000 +/- square foot light manufacturing and distribution facility in the Commercial Zone. After thorough review of the submitted site plan and Environmental Assessment Form, including coordinated review among involved agencies, it is determined that the proposed action is consistent with local land use regulations and will not have a significant negative impact on the environment.

ON THE QUESTION:

Mr. Callahan said this project qualifies for a Type I Action which would be under the Town Environmental Quality Review Local Law and he suggested it be noted on the record. Wendy Salvati and Gregory Todaro agreed to the change.

Jason Geasling	Aye	Jeffery Buckley	Aye
Steven Dale	Aye	Gregory Todaro	Aye
Timothy Pazda	Aye	Wendy Salvati	Aye
Richard Bigler	Aye		

MOTION CARRIED.

Motion by Wendy Salvati, seconded by Timothy Pazda, to **approve** the Concept Plan for a new light manufacturing and distribution facility for ICE at 10075 Main Street as per the submitted drawings from Metzger Civil Engineers dated September 20, 2018 and the building elevations from Kulback's dated October 11, 2018, with the following conditions:

1. Concept Approval does not finalize the type, size and final location of the required stormwater management system. The concept design is an approximate representation of this system based upon preliminary information and the final details will be established at the end of the Development Plan Approval process.
2. Final elevations as per the latest submittal from Kulback's dated 10/11/18, with the front facing (north) elevation to be Hardplank Siding with Stone Veneer and decorative windows with wood canopy's and gooseneck lights. Front elevation to wrap a minimum of 25' along the east and west facing elevations and the designed window features along the west and east elevations to be opaque glass with a plywood substrate and with the continuation of canopy's and gooseneck lighting as window features.
3. No outside storage of materials at the new building and removal of existing outside storage on the west side of the existing building.
4. Installation of a screen wall around the dust collection system on the west side of the existing building.
5. Preservation of natural vegetation on the west side of the new building on the proposed project site.
6. Landscape Committee approval of the final landscape plan prior to Development Plan approval. As a condition of the Landscape Plan, existing mature trees are to be preserved to maintain buffers and screening from Main Street and adjoining properties.
7. Exterior lighting to be dark sky compliant.
8. Subject to Open Space and Recreation Fees on Building Permits.

ON THE QUESTION:

The applicant has submitted details of upgrades associated with the existing building to address noise concerns and has agreed to install physical barriers on the west side of the existing building as a part of this approval to address neighbor complaints.

Mrs. Salvati suggests the applicant consider restoring the mullions on the windows on the east, north and west elevations of the building.

The applicant understands and agrees with the conditions.

Jason Geasling	Aye	Jeffery Buckley	Aye
Steven Dale	Aye	Gregory Todaro	Aye
Timothy Pazda	Aye	Wendy Salvati	Aye
Richard Bigler	Aye		

MOTION CARRIED.

Motion by Wendy Salvati, seconded by Timothy Pazda, to **recommend** the Town Board proceed with the Special Exception Use Permit with the conditions identified.

Jason Geasling	Aye	Jeffery Buckley	Aye
Steven Dale	Aye	Gregory Todaro	Aye
Timothy Pazda	Aye	Wendy Salvati	Aye
Richard Bigler	Aye		

MOTION CARRIED.

Item 2

John DiPietro
Agricultural Rural Residential

Requests Minor Subdivision Approval creating two (2) additional lots at 9925 Lapp Road.

DISCUSSION:

Mr. Callahan provided information on the project noting that it is located on the south side of Lapp Road, east of Strickler Road, it is an 11.4+/- acre vacant parcel. The proposal is for a Minor Subdivision to create two (2) new building lots, all proposed lots conform to the underlying zoning in terms of lot dimensions.

Nathanael Budde is present on behalf of the applicant. A letter is on file stating that Mr. Budde can act as agent for Mr. DiPietro.

Mrs. Salvati asked if there are wetlands on the site. Mr. Callahan said he cannot speak for the Army Corp of Engineers, anything can be a wetland if they designate it so. Mrs. Salvati asked if it can be presumed that any new housing that goes on these lots will line up with that existing house. Mr. Budde said he does not know, it will depend on when they get into it.

ACTION:

Motion by Steven Dale, seconded by Timothy Pazda, pursuant to Article 8 of the Environmental Conservation Law, to **accept** the Part 1 Short Environmental Assessment Form as submitted and to approve the Part 2/3 Short Environmental Assessment Form as prepared and to **issue** a Negative Declaration on the proposed DiPietro Minor Subdivision. This Unlisted Action involves a Minor Subdivision to create 2 new building lots in the Agriculture Rural Residential Zone on the south side of Lapp Road, west of Strickler Road. After thorough review of the submitted site plan and Short Environmental Assessment Form, it is determined that the proposed action will not have a significant negative impact upon the environment.

Jason Geasling	Aye	Jeffery Buckley	Aye
Steven Dale	Aye	Gregory Todaro	Aye
Timothy Pazda	Aye	Wendy Salvati	Aye
Richard Bigler	Aye		

MOTION CARRIED.

Motion by Steven Dale, seconded by Wendy Salvati, to **approve** the DiPietro Minor Subdivision on the south side of Lapp Road, west of Strickler Road as per the submitted surveys dated 2/9/17, with the following conditions:

1. Subject to review and approval by the Erie County Department of Public Works on any future curb cuts associated with access to the newly created lots.
2. Subject to Erie County Health Department approval on any future on-site sanitary facilities associated with the newly created lots.
3. Subject to Town of Clarence Building and Engineering Department review and approval on any future building permits for structures on the newly created lots.
4. Subject to review and approval by the Town of Clarence Highway, Legal and Engineering Departments on any required public drainage easements on the property.
5. Subject to Open Space and Recreation Fees on any future Building Permits.

ON THE QUESTION:

The applicant understands and agrees with the conditions.

Jason Geasling	Aye	Jeffery Buckley	Aye
Steven Dale	Aye	Gregory Todaro	Aye
Timothy Pazda	Aye	Wendy Salvati	Aye
Richard Bigler	Aye		

MOTION CARRIED.

Item 3

Joe Beaser
Agricultural Floodzone

Requests Minor Subdivision Approval creating three (3) lots at 9675 Tonawanda Creek Road.

DISCUSSION:

Jim Callahan provided information on the project noting that it is located on the south side of Tonawanda Creek Road, west of Heroy Road and is a 54+/- acre parcel. It is a proposed Minor Subdivision to create three (3) new building lots, one (1) of which is an existing duplex lot. All proposed lots conform to the underlying zoning.

Joe Beaser is present. Mrs. Salvati asked if the application had any intention of keeping the large lot agricultural or allowing anyone to lease it for farming. Mr. Beaser said he may lease it out to farmer.

ACTION:

Motion by Timothy Pazda, seconded by Wendy Salvati, pursuant to Article 8 of the Environmental Conservation Law, to **accept** the Part 1 Short Environmental Assessment Form as submitted and to approve the Part 2/3 Short Environmental Assessment Form as prepared and to **issue** a Negative Declaration on the proposed Beaser Minor Subdivision. This Unlisted Action involves a Minor Subdivision to create (three) 3 new building lots in the Agriculture Flood Zone at 9675 Tonawanda creek Road. After thorough review of the submitted site plan and Short Environmental Assessment Form, it is determined that the proposed action will not have a significant negative impact upon the environment.

Jason Geasling	Aye	Jeffery Buckley	Aye
Steven Dale	Aye	Gregory Todaro	Aye
Timothy Pazda	Aye	Wendy Salvati	Aye
Richard Bigler	Aye		

MOTION CARRIED.

Motion by Timothy Pazda, seconded by Gregory Todaro, to **approve** the Beaser Minor Subdivision at 9675 Tonawanda Creek Road as per the submitted site plan dated 9/18/18, with the following conditions:

1. Subject to review and approval by the Erie County Department of Public Works on any future curb cuts associated with access to the newly created lots.
2. Subject to Erie County Health Department approval on any future on-site sanitary facilities associated with the newly created lots.
3. Subject to Town of Clarence Building and Engineering Department review and approval on any future building permits for structures on the newly created lots.
4. Subject to review and approval by the Town of Clarence Highway, Legal and Engineering Departments on any required public drainage easements on the property.
5. Subject to Open Space and Recreation Fees on any future Building Permits.

ON THE QUESTION:

Any further subdivision of this parent parcel will constitute a major subdivision.

Mr. Beaser said he understands and agrees to the conditions stated.

Jason Geasling	Aye	Jeffery Buckley	Aye
Steven Dale	Nay	Gregory Todaro	Aye
Timothy Pazda	Aye	Wendy Salvati	Aye
Richard Bigler	Aye		

MOTION CARRIED.

Meeting adjourned at 7:33 p.m.

Carolyn Delgato
Senior Clerk Typist