

Town of Clarence
One Town Place, Clarence, NY 14031
Planning Board Minutes
Wednesday October 21, 2015

Work Session 6:30 pm
Status of TEQR Coordinated Reviews
Review of Agenda Items
Miscellaneous

Agenda Items 7:30 pm

Approval of Minutes

Item 1

Kenyon Brothers
Traditional Neighborhood District

Requests Concept Approval and a Recommendation for a Special Exception Use Permit for a proposed Convenience Store with Tim Horton’s Drive-thru at 8250-8274 Main Street.

Item 2

Cutaia Acquisitions, LLC
Residential Single Family

Requests Minor Subdivision Approval to create an additional lot located at 6120 Long Street.

Chairman Robert Sackett called the meeting to order at 7:30 p.m. Deputy Town Attorney Steve Bengart led the pledge to the flag.

Planning Board Members present:

Chairman Robert Sackett
Richard Bigler
Jeffrey Buckley

Vice-Chairman Paul Shear
Gregory Todaro

Timothy Pazda
Steven Dale

Planning Board Member(s) absent: 2nd Vice-Chairperson Wendy Salvati

Town Officials Present:

Director of Community Development James Callahan
Junior Planner Jonathan Bleuer
Deputy Town Attorney Steven Bengart

Councilman Peter DiCostanzo
Councilman Robert Geiger

Other Interested Parties Present:

Bruce C. Torrey
Duane Burkard
John and Flora Leamer

Michael R. Torrey
Margorie Hagberg

Kathy Torrey
John & Julie Ciccone
Bruce I. Torrey
Wil Straitiff

Chairman Sackett explained that in the absence of Planning Board member Wendy Salvati, Planning Board Alternate Jeffrey Buckley will be participating in all discussions and voting on all agenda items this evening. He went on to explain that each agenda item will be introduced by Mr. Callahan, the applicant will then have the opportunity to add comments. The Planning Board members will then have a chance to ask questions of the applicant. The audience is then invited to participate in the conversation. The applicant or the Planning Board members will answer the questions from the public. The Planning Board will then take action as they see fit.

Item 1

Kenyon Brothers
Traditional Neighborhood District

Requests Concept Approval and a Recommendation for a Special Exception Use Permit for a proposed Convenience Store with Tim Horton’s Drive-thru at 8250-8274 Main Street.

DISCUSSION:

Mr. Callahan explained that there has been some late breaking information from the NYS Department of Transportation (DOT) that has asked the applicant to redesign the project, therefore the applicant asked for the project to be tabled this evening.

ACTION:

Motion by Chairman Sackett, seconded by Gregory Todaro, to **table** agenda item number 1.

Jeffrey Buckley	Aye	Steve Dale	Aye	Gregory Todaro	Aye
Richard Bigler	Aye	Timothy Pazda	Aye	Paul Shear	Aye
Robert Sackett	Aye				

MOTION CARRIED.

Item 2

Cutaia Acquisitions, LLC
Residential Single Family

Requests Minor Subdivision Approval to create an additional lot located at 6120 Long Street.

DISCUSSION:

Mr. Callahan provided the background on the project noting that it is located on the west side of Long Street in Clarence Center and consists of approximately eighteen (18) acres. The applicant is proposing a minor subdivision to create one (1) residential lot with the existing house and barn on it, and one (1) non-conforming lot on the fifteen (15) remaining acres. As a minor subdivision, the Planning Board will have final review and approval authority.

Sean Hopkins is present on behalf of the applicant and explained that the request is for a minor subdivision, the first parcel being 2.33 acres in size and will encompass the existing single family home and accessory structure. The remainder parcel is vacant land and consists of approximately 15.98 acres. The division of the parcel, especially with the frontage on Long Street, is consistent with historical subdivision maps that have previously been recorded. The applicant clearly acknowledges that any future development of the vacant parcel will need to come back before the Board for a full environmental

review and any other approvals that apply. There are no plans for that parcel at this time but when a plan develops the applicant will meet with the neighbors and nearby property owners. The applicant is not asking for any approvals for development of the vacant land at this point. Nick Cutaia of Cutaia LLC will be moving into the home on the site.

Chairman Sackett summarized the request by explaining that the applicant is splitting the lot, he is taking one (1) lot and creating two (2) lots. Mr. Hopkins concurred and when on to explain that the reason the lot split is needed is because the applicant is getting a loan on the single family home from the Bank of Akron and the bank has asked for that parcel to be created because that parcel will be the security along with the house for that loan.

Mr. Pazda asked how long the house has been there. Mr. Hopkins does not know. An audience member said 27 years. Mr. Pazda asked if the sliver of land that is left after the split allows sufficient access to the remaining 15 acres. Mr. Callahan said it would not be enough for a single family home but it would be enough for a future right-of-way. Mr. Hopkins said right now the current frontage of this parcel is 135', 75' would be conveyed with the 2.33 acre parcel to be created. Then 60' would be the remainder which would be adequate width to lead to a future development on the larger piece. Based on the current zoning, which is Residential Single Family, the property could be developed and an Open Space Design Subdivision could be considered, which would result in the permanent preservation of the most environmentally sensitive features on the site. The entire parcel is currently under contract. If the subdivision is approved in connection with the closing they would acquire two separate parcels, therefore allowing the applicant to get the financing for the single family home through the Bank of Akron.

Darlene Filarecki-Feinin is present on behalf of her parents who have lived at 6066 Long Street since 1966. She said she spoke with the surveyors who were at the project site and they indicated there are plans for twenty (20) houses to be built back there. This is a concern because Long Street is narrow and if there are twenty (20) houses built that means there are approximately forty (40) additional vehicles. How will this affect the infrastructure of Long Street?

Chairman Sackett reminded everyone that the project before the Board this evening is for a lot split.

Cheryl Stevens, of 6039 Long Street, also wants to know if there are going to be twenty (20) more houses built.

Dwayne Burkard, of 6124 Long Street, wants to know if there is going to be another house built on the lot.

Mr. Hopkins said with respect to the 2.33 acre parcel there are no plans for another single family home, in fact it is not zoned to allow two (2) single family homes on the lot. In terms of the larger parcel the applicant acknowledges the fact that at some point in the future they will be back for Development Plan. Given that it is zoned Residential Single Family Mr. Hopkins envisions that it will most likely be an Open Space Design, although he cannot commit to that. He noted that there is a calculation which will determine the density of a project and he finds it hard to believe that a surveyor could speculate the amount of houses to be built on that parcel. He advised the interested residents/neighbors to provide him (Mr. Hopkins) with their contact information so he may contact them when a plan arises.

Mr. Pazda summarizes: one (1) lot is being split off a larger parcel, there will be no additional building on the existing lot split. The parcel that abuts the street will be forever unbuildable. Mr. Hopkins said no, that property will remain as one (1) single family home. There is no plan for the vacant parcel. Mr.

Hopkins said before they submit a plan to the Town for this parcel they will meet with the residents. Mr. Pazda said the remaining fifteen (15) acres has a legal access point to get back to the property so it could be developed without special exceptions. Chairman Sackett said an Overlay would be needed. Mr. Callahan clarified that there is enough property left to allow an access for an unknown.

ACTION:

Motion by Paul Shear, seconded by Timothy Pazda, pursuant to Article 8 of the Environmental Conservation Law, to **issue** a Negative Declaration on the proposed Cutaia Acquisitions Minor Subdivision located at 6120 Long Street. This Unlisted Action involves a lot split to create two (2) lots in the Residential Single Family Zone. After thorough review of the submitted site plan and EAF, it is determined that the proposed action will not have a significant negative impact upon the environment.

Jeffrey Buckley	Aye	Steve Dale	Aye	Gregory Todaro	Aye
Richard Bigler	Aye	Timothy Pazda	Aye	Paul Shear	Aye
Robert Sackett	Aye				

MOTION CARRIED.

Motion by Paul Shear, seconded by Gregory Todaro, to **approve** the Minor Subdivision at 6120 Long Street to create two (2) lots in the Residential Single Family Zone as per the submitted survey from GPI dated 10/2/15, with the following condition(s):

-The vacant lot is not considered a building lot and may not be developed until after a required environmental review and Town Board/Planning Board review and approval.

Jeffrey Buckley	Aye	Steve Dale	Aye	Gregory Todaro	Aye
Richard Bigler	Aye	Timothy Pazda	Aye	Paul Shear	Aye
Robert Sackett	Aye				

MOTION CARRIED.

Motion by Timothy Pazda, seconded by Gregory Todaro, to **approve** the minutes of the meeting held on Wednesday August 19, 2015, as written.

Jeffrey Buckley	Aye	Steve Dale	Aye	Gregory Todaro	Aye
Richard Bigler	Abstain	Timothy Pazda	Aye	Paul Shear	Aye
Robert Sackett	Aye				

MOTION CARRIED.

Meeting adjourned at 7:47 p.m.

Carolyn Delgato
Senior Clerk Typist