

Town of Clarence  
One Town Place, Clarence, NY 14031  
**Planning Board Minutes**  
Wednesday October 4, 2017

**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**

Natale Builders/Creekwood Meadows  
Residential Single Family

Requests Development Plan Approval for a 30-Lot Open Space Design Subdivision located on the north side of Roll Road, west of Newhouse Road.

**Item 2**

Bevilacqua Development/Transit Meadows  
Commercial

Requests Development Plan Approval for a Commercial Plaza with Drive-thru at 6031 Transit Road.

**Item 3**

Kelly Schultz  
Traditional Neighborhood District

Requests Site Plan Approval and a Recommendation for a Special Exception Use Permit for a proposed Mixed-Use project at 10885 Main Street.

**Item 4**

Thomas Hagner  
Traditional Neighborhood District

Requests Minor Subdivision Approval to create one (1) new building lot at 8045 County Road.

Chairman Robert Sackett called the meeting to order at 7:00 p.m.

Councilman Shear led the pledge to the flag.

Planning Board Members present:

Chairman Robert Sackett  
2<sup>nd</sup> Vice-Chairperson Wendy Salvati  
Gregory Todaro  
Jason Geasling

1<sup>st</sup> Vice-Chairman Richard Bigler  
Timothy Pazda  
Steven Dale

Planning Board Members absent: 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:

Kevin and Gail Sexton	Angelo Natale	Ken Zollitsch	Thomas Hagner
Kelly Schultz	Laura Wade	Eric Chenevert	Rich & Cindie Clay
Paul & Lori Winzenried	Ginine Capozzi	Steve Adams	Joann Marinell
Carla & Greg Sheperd	Michael Marinell		

In the absence of Planning Board member Jeffrey Buckley, 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 30, 2017, as written.

Jason Geasling	Aye	Steven Dale	Abstain
Gregory Todaro	Aye	Timothy Pazda	Aye
Wendy Salvati	Abstain	Richard Bigler	Abstain
Robert Sackett	Aye		

**MOTION CARRIED.**

Chairman Sackett explained the protocol for the meeting noting that Mr. Callahan will introduce each project. Applicants will then be able to add to the presentation. The Board members will then take the opportunity to ask the applicant questions. Next the audience may ask questions or bring up points. The appropriate person, depending on the issue, will answer the questions. The Board members will then take action as they see fit.

**Item 1**

Natale Builders/Creekwood Meadows  
Residential Single Family

Requests Development Plan Approval for a 30-Lot Open Space Design Subdivision located on the north side of Roll Road, west of Newhouse Road.

**DISCUSSION:**

Jim Callahan provided the background information on the project noting that it is located on north side of Roll Road, west of Newhouse Road. An Open Space Design Subdivision was approved by the Town Board on May 11, 2016 after a Negative Declaration and Concept Approval by this Planning Board on April 20, 2016. The Planning Board has final approval authority for Development Plans which are generally overall consistent with that which was approved in the Concept.

Mr. Zollitsch, of Greenman Pederson, is present along with Angelo Natale, of Natale Builders. They are seeking Development Plan approval for a 30-lot patio home subdivision. The plan is for a private

subdivision which means it has private infrastructure, private roads, private water lines, and a private storm system. It does have a public sanitary sewer located in Erie County Sewer District #5. The plan presented at this meeting is essentially the same as the plan from April 2016 except for some very minor changes made due to the engineering process. The plan is for a private water line which means there is a backflow prevention device located off of Roll Road at the front, all private water lines throughout the back. The storm system itself drains to a detention basin located adjacent to Gott Creek on east side. This is under the Open Space Development Overlay, there is 50% open space with greenspace between development and Newhouse Road which will be preserved and under the control of a Homeowners Association (HOA). The HOA will have fees for maintenance of properties, roads and landscaping on site.

Mr. Zollitsch went on to say that originally the sanitary sewer was planned along Roll Road, Erie County was ok with the plan and said upgrades would have to be done to the existing pump station on Roll Road. The applicant had the entire plan engineered and sent it to the County. When Erie County reviewed the engineered plan they indicated they need to take a closer look at the plan because there are issues. There is an additional property on Newhouse Road owned by Dr. Daniels who is ultimately seeking a potential development on that property. Erie County told the applicant that because their property (Creekwood Meadows) is the gateway to get to the sanitary sewer they needed to work with the County on a new pump station located on Roll Road. It would be a regional pump station that would take care of not only the applicant's property but the property to the north as well as the existing lots which is well over 100 lots. The applicant revised the plan to show a regional pump station that will handle all the existing flows, the new flows and a pass feed for the Daniels property. The applicant had to provide a sanitary sewer easement to the property to the north so that any future development would not be shut out. They are not required to put the pipe in to the north, just the easement. This is a major change in their design for the sanitary sewer development. The flows essentially come from the north, the revised plan redirected the sanitary sewer flows from their development to the corridor where future flows may come, it goes into a deep manhole to service the north as well as going to the pump station and then force main across Roll Road connecting to the existing force main. The old pump station will be abandoned and pumps removed, the site will be cleaned up and no longer in use so it will just be a manhole at that point. This was not the first choice of the developer but this is the program the County required, it will cost approximately \$350,000 to install the pump station. Previously, there was a commitment to provide an opportunity for sewer hook-up to three (3) neighboring properties, the applicant has kept that commitment and added the same opportunity for another property to the west.

Mr. Zollitsch went on to say that the road coming down to Roll Road was also a concern due to its placement. The applicant has been limited in a number of factors, one being that they received correspondence from the Army Corp of Engineers, which is the primary force behind the road location. There are Federal Jurisdictional Wetlands located to the east of the proposed drive, they are crossing some wetlands at the front of the site at Roll Road, this has been permitted as an impact. By moving the road to the west they reduced the impacts to the wetlands as much as they could, which meant they were able to obtain a permit from the Army Corp.

Mr. Zollitsch said from a traffic safety standpoint, they like to have 4-way intersections as opposed to off-center streets. They tried to line up streets while respecting the property owner to the west. They have come up with a comprehensive landscape plan to help provide buffering and screening from the road to the adjoining resident. Mr. Zollitsch said they are more than willing to continue to talk with the neighbor to make every attempt that they are satisfied with the landscape plan. The Landscape Committee has approved the plan, but the applicant is still willing to talk if that is what is required.

Mr. Zollitsch said there will be a gated emergency access to the north not open to public vehicles however there will be an opening in the gate center for pedestrian access. The gate will have a Knox Locks for the Fire Department to gain access in case of emergency. The opening will be restricted so vehicles cannot go through there.

Chairman Sackett said when this project was referred to the Planning Board by the Town Board it was asked of Mr. Natale to provide sewer access to the residents, Chairman Sackett asked if the applicant met with residents to discuss that access. Mr. Zollitsch answered no.

Chairman Sackett said the Landscape Committee gave conditional approval based on engineering approval, since that time the Engineer has expressed reservations regarding the berm and the wetland, this issue needs to be clarified. The reason the Landscape Committee put a berm and a fence was to buffer the property to the west as much as possible because it was thought that there was a limited amount of space and the applicant's landscape architect was unable to come to that meeting. Since that time Mr. Natale expressed an interest in meeting with residents relative to the fence, to see if something else can be worked out. Chairman Sackett suggested the applicant do that. Should this proposal get passed this evening one of the conditions will be to revisit the Landscape Plan. Chairman Sackett asked if, since the wetland played a large part in the placement of the road, will it (the wetland) remain untouched? Mr. Zollitsch answered yes.

Mrs. Salvati asked if all other areas will remain natural and untouched aside from the lawns they are putting in and landscaping along streets. Mr. Zollitsch answered yes, some of the land is Federal Jurisdictional Wetland which will not be impacted, there is no intention of any disturbance on any of the open space areas.

Mr. Todaro asked how the HOA will take care of snow removal and the emergency access road. Mr. Zollitsch said the gate on the emergency access area will be located closer to the north end so the snow removal company will have access to the drive and will keep it clean, it will not be used for snow storage. The snow will be pushed to the side along the frontage just like any other development.

Mr. Dale asked if there is an existing street light lighting the intersection of the driveway and Roll Road. Mr. Zollitsch said there isn't one on the north side, but there is one on the plan along with other street lights to be installed going along the drive.

Mr. Todaro asked if there will there be a development sign out front. Mr. Zollitsch said there will be a sign at the "T" intersection when you enter the development.

Paul Winzenried of 8270 Roll Road said that this project will impact him more than anybody in the room. One of his concerns is the sewer, his lot is 440' deep, that is a long way to go to trench that and he asked if he will have to pay for that. His septic is at the front of his house. He said he has letter from the 2016 meeting from Erie County Department of Public Sewer Management. One of the stipulations stated in the letter is installation of the sanitary sewer along Roll Road to 8270 Roll Road as this was a Town Board condition, he is concerned that this has changed. He also asked what the pumping station will look like. Mr. Winzenried said he hasn't been contacted by anybody yet with reference to the landscaping, he prefers the berm go as far as it can, he is not crazy about a 6' high vinyl fence. He would rather pines and grasses to make it look as natural as can be.

Cindy and Rich Clay own property at 8240 and 8260 Roll Road which goes 1000 feet back. The septic is on the west side of the house (at 8240 Roll Road), so to go from there to the back corner of the property is unrealistic in order to connect to a sewer line. The Clays have lived on the property for 35 years. There

are four (4) lots and three (3) houses that are surrounded by sewer, if they don't get a sewer that is realistic to attach to, they will never be on sewer. If the Town approves this plan the Clays want a letter from the Town stating that when they go to sell their property they can stay septic and they don't have to convert to sewer. Mr. Clay said, by law, if they sell their house and property the new owner has to tap into a source, they would like a condition saying this does not have to happen. It is clarified that to connect to a sewer would be a hardship. There is a 6' berm that surrounds property, Mr. Clay doesn't know how they would get through that for a connection.

Another resident who resides at 8340 Roll Road voiced the same concerns as Cindy and Rich Clay.

Chairman Sackett noted that it appears there has not been sufficient communication between the developer and the residents.

Mr. Pazda asked if there are wetlands on the property to the west of where the sewer pump station is. He went on to ask if they would be able to transfer for a sewer line. Chairman Sackett said that would be a question for Erie County Sewer District #5 and they are not in attendance at this meeting.

Lori Winzenried, property owner at 8270 Roll Road, is also speaking on behalf of her mother who resides at 8360 Roll Road. The pumping station will be next door to her mother's property, will it be close to the road, will there be a landscaped buffer, will there be a noise issue? Will there be a visibility issue when her mother pulls out of her drive. Mrs. Winzenried referenced the proposed fence and asked if it will face the private drive. Chairman Sackett said it hasn't been determined if there will be fence or not. The Landscape Committee looked at the site but there was only 19' on the Natale property, there were wetlands there as well so they were limited in what they could do. The Town Engineer did not agree with what the Landscape Committee proposed so the plan is back before the Landscape Committee.

Mr. Pazda voiced his concern regarding the headlights that will shine onto the neighbor's property from vehicles that will be using this development.

Mike Wesolowski, of 5583 Fieldbrook Drive, asked what the aesthetics of the gate will be. What will the emergency access look like, will it use yellow steel and be industrial looking or will it be something nice? Will it be a legitimate emergency access road? Mr. Wesolowski has witnessed at least two occasions where the workers for Natale Builders have used that curb cut using it as an entrance to the property already.

Deputy Town Attorney Steve Bengart said under no circumstances could the Town decide whether the property to the east stays septic or not. That is controlled by the County and State.

Chairman Sackett said it is clear to him that the residents and the builders need to have a dialogue.

Mr. Zollitsch said the pumping station is the layout as provided to them by Erie County Sewer District #5. The applicant has no say in the layout. This is an underground station with a flat cover like a manhole, it is not a building. There will be a small area for monitors and electrical equipment but all else is underground. There will be a small paved drive coming in the area and some surface around the pump station for access for maintenance. There will be a fence surrounding it for security purposes this is part of the requirements. It is setback approximately 40' from Roll Road. The applicant is open to discuss the landscaping.

Mr. Dale asked if the pump is noisy. Mr. Zollitsch said explained that the station is a 22' deep wet well with a tight cover. You won't be hearing a constant humming.

Mr. Pazda asked if the fence has to be chain link. Mr. Zollitsch said that is Erie County's decision. Mr. Natale is responsible for installing the system for the area and once Erie County approves the installation they will take control of it.

Mrs. Salvati makes it clear that it was the County that made the decision to change the location of the sewer in which it would no longer be extended down Roll Road.

Chairman Sackett asked about the fire lane, its use in the development of the project and the gate. Mr. Zollitsch said it is a single access, it is a 20' wide paved surface drivable for emergency vehicles. The applicant worked with the local fire department and the Planning office and it was decided to have one (1) gate that crosses the entire drive with a small opening about 3' wide for pedestrian access. No resident in the development will have keys to the gate. The gate will be locked at all times, except if emergency access is required. The gate is about 15' off the right-of-way. It will not be painted bright yellow, it is made of anodized steel. It would be installed towards the end of site construction. It will not be used as a construction vehicle access, sole access for construction vehicles is Roll Road.

Mr. Dale asked if they will be posting "No Parking" signs. Mr. Zollitsch said yes it was a requirement of the Fire Chief.

Mr. Zollitsch is open to discuss landscaping, berm and fence with neighbors. Mrs. Salvati is concerned if the berm construction will cause a draining problem for the resident's side.

Mr. Bleuer asked where sewer access is for 8340 Roll Road. Mr. Zollitsch said it is on the side towards the rear because there are existing Federal Wetlands between the pump station and the sewer line. To cross this a permit would have been required. Erie County requires a "y" and a riser cap for an easy connection point. 8240 Roll Road and 8260 Roll Road will be provided sewer access, these addresses were not originally in plan.

Chairman Sackett asked if the applicant would consider providing landscaping to soften the look of the gate. The applicant agreed to consider this. Mr. Natale said he has been building homes in the community for 40 years and said they pride themselves with always working well with the community, he is also a resident of Clarence. He said he will talk to residents about landscaping, he was not a fan of the fence nor the berm, he will be happy to put more trees and buffering to shield the neighbors from the headlights. He thought he was doing a favor by bringing the sewer into the corner of the properties. He is putting over \$400,000 in additional monies in the project and the project is only for 30 lots.

Mr. Pazda asked if the three (3) neighboring properties are required to hook up to the sewer. Mr. Callahan said he does not know the answer that.

Mr. Zollitsch said he is not aware of any statute within Erie County Sewer District #5 that requires a property owner to hook up to a sewer in front of their house. Ms. Salvati said typically they do. Mr. Zollitsch said maybe when there is a new build but not for existing homes.

**ACTION:**

Motion by Steven Dale, seconded by Richard Bigler, to **table** the request to allow the applicant to meet with neighbors to address concerns relating to sewer access and landscaping.

**ON THE QUESTION:**

Mr. Pazda asked if the meeting will involve the County sewer authority. Chairman Sackett said if there are any alterations to the plan it would involve Erie County #5 approval. The county should be part of the conversation to address whether the existing neighbors are required to hook up to the sewer. Mrs. Salvati said it would be a waste of money for the developer if he puts a line in and the neighbors are not required or choose not to hook up to it.

Mr. Bigler said the reason he seconded the motion is because the Town Engineer put a nix on the approved landscaping plan between the project and the residents to the west, this was the plan with the berm; and this has not been resolved yet. With the sewer going into the back as opposed to Roll Road it would be much more costly to the residents that the developer is trying to service. Perhaps there is another option.

Jason Geasling	Aye	Steven Dale	Aye
Gregory Todaro	Aye	Timothy Pazda	Aye
Wendy Salvati	Aye	Richard Bigler	Aye
Robert Sackett	Aye		

MOTION CARRIED.

**Item 2**

Bevilacqua Development/Transit Meadows Commercial	Requests Development Plan Approval for a Commercial Plaza with Drive-thru at 6031 Transit Road.
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**DISCUSSION:**

Mr. Callahan provided the background on the project noting that it is located on the east side of Transit Road, north of Clarence Center Road. A Special Exception Use Permit (SEUP) was issued by the Town Board on July 12, 2017. A Negative Declaration and Concept Approval by the Planning Board was issued on May 17, 2017. The Planning Board has final approval authority for Development Plans. These Development Plans are consistent with the approved Concept Plan.

Jonathan Bevilacqua is present.

Chairman Sackett referred to the north/south section of the drive-thru lane that is turning into the east/west section and said the Board talked about signage asking people in that lane to yield to oncoming traffic as well as not block the lane. The Board also discussed markings on the road to indicate such. Mr. Bevilacqua is not opposed to these suggestions.

Mr. Dale asked for clarification on which elevation is correct. Mr. Bevilacqua said the north elevation is incorrect, the architecture was focusing on the foreground of the building and just forgot to update the background.

Ginine Capozzi, of 6050 Whitegate Crossing, is representing the Woodbridge Village Homeowners Association Board. They are looking for an understanding of what is happening. Last they knew the permit was limited to certain hours she wants to make sure that is still the case. Their biggest concerns continue to be the relationship with builder and developer of the property and the follow through on things that are committed to the Planning Board, which have not to this point materialized for them as neighbors. Their experience with the medical buildings that are being built there has been challenging with regards to lighting, damage to adjacent property, and follow through on commitment by the developer. So as a reflection of that the neighbors have doubts about the follow through and what this building is going to look like. They want a clear understanding from the Board as to what their course of action is once the project is approved. They are very concerned about their property values.

Chairman Sackett clarified that the drive-thru requires a Special Exception Use Permit from the Town Board. The Town Board said the approval of use for the drive-thru was subject to Town Board approval of the tenants. So there is one more step after this evenings meeting relative to the occupant of the drive-thru. The residents have concerns regarding hours of operation, noise, lighting and quality of life.

Mr. Pazda asked if there has been a substantial change in the Development Plan from the Concept Plan. Mr. Callahan said no.

Joann Marinell, of 6055 Whitegate Crossing, is a board member of the Homeowners Association. She would like to see a picture of what the back of the building will look like. Chairman Sackett replied that it is the same all the way around. She asked if that is the standard for this building why isn't the standard for the rest of the buildings. Chairman Sackett explained that those other buildings are another project and not before the Board at this meeting. She would also like to know the hours of operation as she is concerned about the lighting after dusk and the quality of life. She submitted a study regarding lighting and quality of life. She went on to say there is no privacy with regard to the lighting in this project and it desperately impacts their development. Chairman Sackett noted that, as far as lighting goes, there is some distance between this project and the houses in the development. Ms. Marinell said this project backs up to the pharmacy which has a whole different kind of lighting that doesn't impact vision and health. The pharmacy is between the development and this project.

Art Edelman, of 6176 Highgrove Park, is concerned about the tenant for the drive-thru. The tenant could have an enormous impact on noise and traffic. He would like to know what type of tenant it is so he can comment further.

Greg Sheperd, of 6030 Whitegate Crossing, said a drive-thru usually means fast food, in fast and out fast. There are a tremendous amount of accidents on Transit Road. He said their access to the development points west, they can't even get out of their driveway or walk to go north or south on Transit Road. This project is going to add another flow of traffic. The only signal is at Clarence Center and Transit Roads. There will be more accidents.

Mr. Bevilacqua has no tenant as of yet for the drive-thru. He said it appears that the neighbors are complaining about the parking lot lights. Those lights are dark sky compliant and standard height. The lighting will not spill over the property line. The lights meet standard requirements. The parking lot lights will be similar to that of the pharmacy. Mr. Bevilacqua noted that one access cut onto Transit Road was eliminated.

Chairman Sackett asked Mr. Callahan to explain what recourse the neighbors have if the developer does not do what he committed to and what was approved. Mr. Callahan said it should be reported to the



inspectors and code enforcement officers on the ground. They can report it to the Planning Office, but once it is approved, with conditions, the Building and Engineering Department would issue PIP and construction permits with those conditions firmly established, that Department would be the enforcement agency.

**ACTION:**

Motion by Timothy Pazda, seconded by Steven Dale, to **approve** the Development Plans for the proposed Transit Meadows Commercial Plaza as per the submitted drawings from Carmina-Wood dated September 19, 2017, with the following conditions:

1. Subject to PIP Permits as issued by the Town Engineer.
2. Subject to open space and recreation fees on building permit applications.
3. Drive-thru lane to be maintained as separate from parking areas per approved design.
4. Cross access agreements per review and approval of the Town Attorney’s Office. After approval, said agreements to be filed in the Office of the Erie County Clerk with a stamp filed copy provided to the Town Attorney’s Office.
5. Final drive-thru tenant subject to Town Board approval.
6. Signage will be posted at the inside terminus of the north/south segment of the drive thru lane directing traffic to yield to through traffic and not block through traffic on the intersecting access lane crossing the east/west segment of the drive-thru lane. Cross hatching will be applied to the drive-thru area pavement that crosses the north south drive isle.

**ON THE QUESTION:**

Mr. Bevilacqua said he understands and agrees with the conditions.

Jason Geasling	Aye	Steven Dale	Aye
Gregory Todaro	Aye	Timothy Pazda	Aye
Wendy Salvati	Aye	Richard Bigler	Aye
Robert Sackett	Aye		

MOTION CARRIED.

**Item 3**

Kelly Schultz  
Traditional Neighborhood District

Requests Site Plan Approval and a Recommendation for a Special Exception Use Permit for a proposed Mixed-Use project at 10885 Main Street.

**DISCUSSION:**

Jim Callahan provided the background on the project noting that it is located on the southeast corner of Main Street and Schurr Road. It is an existing commercial building in the Clarence Hollow TND and Overlay District. The applicant is proposing a rehabilitation of the existing building to a mixed use project with a multiple family housing component. The Planning Board will have the authority to

approve the site plan and may recommend on the multiple family housing project. The Town Board will have final approval authority for the multiple family housing and architectural style.

Dave Sutton of Sutton Architecture is present. He would like to add to Mr. Callahan's comment. He stated that they are doing substantial rehab to an existing building. They are doing a small addition to the footprint of the building in the southeast corner. This will introduce a stairway creating circulation to the second floor apartments. There is an addition on top of the single story portion of the building that will introduce the residential component. The Main Street facade has been carefully considered with design standards. They will take out the pavement in the front of the building and introduce greenspace, landscaping and sidewalks. This lot was almost entirely covered with hard surface. The greenspace will increase from 3% to 30%. A garage structure in the back of the property will be added for enclosed parking for the apartments, it will also act as a screening device for the residents to the south. They will introduce appropriate lighting. The two (2) flood lights at the front of the building will be removed and architectural lighting will be introduced to highlight the building. There will be a heavy cornice line and the brick will be updated by either painting or staining it. The storefront glass will be re-established. The overhead garage door will be removed and glass features will be introduced. They are proposing a stone water table which will act as additional access or architectural featuring breaking the building up to give it a more pedestrian scale and appeal on Main Street. It is 3,000 square feet of retail, 7 apartments, 3 on the first floor and 4 on the second floor. There will be 3 2-bedroom and 4 1-bedroom apartments. They are introducing a rooftop patio for 2 of the units.

Chairman Sackett said there is an inconsistency between two diagrams with regards to the greenspace on Schurr Road and he asked Mr. Sutton to clarify. Mr. Sutton explained that originally they proposed to keep the hard surface along Schurr Road but after a meeting with some members of the Planning Board and Planning Department as well as a representative from Erie County, there was some discussion about eliminating any and all parking spaces that would be in the right of way. The original plan had 11 parking spaces along Schurr Road, they have minimized that to 3 parking spaces.

Chairman Sackett said with regards to the blacktop area would the applicant have any opposition to labelling that a loading zone. Mr. Sutton said yes they will label it as such, that is the intention of that area. The applicant will label it through striping or signage, whichever the board recommends. Chairman Sackett said the architectural approval will fall to the Town Board along with the Special Exception Use Permit for multi-family housing. He asked for details on the painting or staining of the brick. Mr. Sutton said if they can achieve the color scheme they are looking for by staining the brick it would be their preference, but do to the nature of the brick that is there now they may or may not be able to get the color match they desire so they reserve the right to paint it. Chairman Sackett suggested the applicant have a more definite answer on this painting or staining the brick before they go before the Town Board.

Chairman Sackett asked about the number of garages proposed. Mr. Sutton said there are 10 garages and went on to explain that they want to either have the retail portion of the project take advantage of it or the residential portion have multiple options.

Heath Szymczak lives at 10897 Main Street wants to know what the garages will look like. He asked if there will be any screening for the east side of the property and what is the proposed lighting for the east side as well.

Mr. Sutton offers a meeting with the neighbor to the east and will take his comments into consideration when developing the landscape plan. The proposed lighting is architectural style, the lights will have

shields and cut-off. They will provide for a lighting plan which will have zero foot candles at the property line and they will be adjustable. The garages will be similar in style to the main building. Chairman Sackett suggested having the architectural style ready for when they go in front of the Town Board. He also noted that The Community Character Protection Board will render their opinion. Mr. Bleuer said the project was referred to that committee and to date there is no comment.

Mrs. Salvati asked if the applicant is proposing to install lighting standards in the parking area. Mr. Sutton said not at this point, they feel they can achieve the correct amount of lighting for safety purposes from the building. There will be no lighting standards along the property line.

Mr. Dale said this is a beautiful project that will enhance Clarence but he is disappointed in that there is only 30% greenspace, which is not according to the code that the Board has to enforce; he will be forced to vote no. Mr. Callahan said it is not against code, it is under the pre-existing, non-conforming section of the law that as long as that non-conformity is not expanded, this is acceptable. It is not a violation of code. Mr. Sutton said they are doing a 10 times multiplier of introducing the greenspace that wasn't there before.

**ACTION:**

Motion by Wendy Salvati, seconded by Gregory Todaro, pursuant to Article 8 of the Environmental Conservation Law to **accept** the Part 2 and 3 Short Environmental Assessment Forms as prepared by the Planning Department and to **issue** a Negative Declaration on the proposed Schultz Mixed Use Project at 10885 Main Street. This Unlisted Action involves the redevelopment of the existing building for a mixed use project including seven (7) residential units and two (2) commercial spaces. After thorough review of the submitted site plan and Short Environmental Assessment Form, it is determined that the proposed action is consistent with the Clarence 2030 Plan, the Vision Main Street Plan and local land use regulations and will not have a significant negative impact upon the environment.

Jason Geasling	Aye	Steven Dale	Aye
Gregory Todaro	Aye	Timothy Pazda	Aye
Wendy Salvati	Aye	Richard Bigler	Aye
Robert Sackett	Aye		

**MOTION CARRIED.**

Motion by Wendy Salvati, seconded by Gregory Todaro, to **approve** the Site Plan for the proposed Mixed Use Rehabilitation located at 10885 Main Street as per the submitted drawings from Sutton Architects received on September 21, 2017 in the Planning and Zoning Office, with the following conditions:

1. Subject to Landscape Committee approval prior to Building Permit Issuance.
2. Subject to Erie County Department of Public Works and New York State Department of Transportation Permits on any Right of Way disturbances.
3. Subject to Town Building and Engineering approval on required Building Permits.
4. Subject Erie County Health Department and Division of Sewer Management approval for connection to the existing sanitary sewer system.
5. Signage and pavement striping to identify the Loading Zone Area on the west side of the Building along Schurr Road.
6. Subject to Open Space and Recreation Fees on required Building Permits.

**ON THE QUESTION:**

Mr. Sutton understands and agrees with all the conditions.

Mrs. Salvati reiterates that the applicant will meet with the neighbor to the east to discuss landscape screening, site lighting and other potential impacts.

Jason Geasling	Aye	Steven Dale	Nay
Gregory Todaro	Aye	Timothy Pazda	Aye
Wendy Salvati	Aye	Richard Bigler	Aye
Robert Sackett	Aye		

MOTION CARRIED.

Motion by Wendy Salvati, seconded by Gregory Todaro, to **recommend** the Town Board issue a Special Use Permit for the multi-family residential aspect of this project.

Jason Geasling	Aye	Steven Dale	Nay
Gregory Todaro	Aye	Timothy Pazda	Aye
Wendy Salvati	Aye	Richard Bigler	Aye
Robert Sackett	Aye		

MOTION CARRIED.

Mr. Bleuer thanked the property owner and the architect for considering the Vision Main Street Plan. The Town spent a lot of time and money on it with the IDA, Town residents and Town officials. This is the first project to consider the Plan and he thinks it shows in the product.

**Item 4**

Thomas Hagner  
Traditional Neighborhood District

Requests Minor Subdivision Approval to create one (1) new building lot at 8045 County Road.

**DISCUSSION:**

Mr. Callahan provided the background on the project noting that it is located on the south side of County Road, east of Transit Road within the Swormville Traditional Neighborhood District. The new lot and the remaining lot conform to minimum standards. The Planning Board will have final approval authority on this application.

Thomas Hagner is present.

Mr. Pazda asked if the applicant will put a house on the property. Mr. Hagner said probably not, he is not sure how they will develop it, it will depend on the demands of the future.

**ACTION:**

Motion by Wendy Salvati, seconded by Steven Dale, pursuant to Article 8 of the Environmental Conservation Law, to **accept** the Part 2 and 3 Short Environmental Assessment Forms as prepared by the Planning Department and to **issue** a Negative Declaration on the proposed Hagner Minor Subdivision

located at 8045 County Road. This Unlisted Action involves a minor subdivision to create an additional building lot in the Traditional Neighborhood District Zone. After thorough review of the submitted plans 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	Steven Dale	Aye
Gregory Todaro	Aye	Timothy Pazda	Aye
Wendy Salvati	Aye	Richard Bigler	Aye
Robert Sackett	Aye		

MOTION CARRIED.

Motion by Wendy Salvati, seconded by Steven Dale, to **approve** the Minor Subdivision at 8045 County Road, as per the submitted application, to create an additional building lot in the Traditional Neighborhood District Zone, with the following conditions:

1. Subject to review and approval by the Town Building and Engineering Department on any future building permit applications.
2. Subject to Erie County Department of Public Works approval for any future curb cuts onto County Road.
3. Subject Erie County Health Department and Division of Sewer Management approval for any connection to the existing sanitary sewer system.
4. Subject to open space and recreation fees on future building permits.

**ON THE QUESTION:**

Mr. Hagner understands and agrees with the conditions.

Jason Geasling	Aye	Steven Dale	Aye
Gregory Todaro	Aye	Timothy Pazda	Aye
Wendy Salvati	Aye	Richard Bigler	Aye
Robert Sackett	Aye		

MOTION CARRIED.

Meeting adjourned at 8:40 p.m.

Carolyn Delgato  
Senior Clerk Typist