

Town of Clarence
One Town Place, Clarence, NY 14031
Planning Board Minutes
Wednesday November 13, 2019

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

Jeff Palumbo/Cannon Woods
Open Space Design Subdivision
Residential Single Family

Requests an Action under the State Environmental Quality Review Act (SEQRA) and Concept Plan Approval on a proposed Major Open Space Design Subdivision on the north side of Roll Road, east of Thompson Road.

Item 2

Stephen Development/Rock Oak Estates
Commercial

Requests an Action under the State Environmental Quality Review Act (SEQRA) and Concept Plan Approval on a proposed expansion to the existing manufactured housing park at 10075 Main Street.

Item 3

Bank of Akron/Stephen Development
Commercial

Requests a Minor Subdivision to create one (1) new lot at 9865 Main Street.

Item 4

Matt Green
Commercial

Requests Preliminary Concept Review of a proposed Mixed Use project at 9150 Sheridan Drive.

Item 5

Buffalo Car Care/Main Transit Plaza
Commercial

Requests a Recommendation on a Temporary Conditional Permit for an Automotive Detail Shop at 8200 Main Street.

Item 6

One Eyed Cat Brewing Company
Traditional Neighborhood District

Requests a Recommendation on a Temporary Conditional Permit for outside dining at 10678 Main Street.

Chairman Robert Sackett called the meeting to order at 7:00 p.m. Councilman Paul Shear led the pledge to the flag.

Planning Board Members present:

Chairman Robert Sackett	2 nd Vice-Chair Wendy Salvati	Timothy Pazda
Jeffrey Buckley	Jason Geasling	Ari Goldberg

Planning Board Members absent: Vice-Chair Richard Bigler Gregory Todaro

Town Officials Present:

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

Other Interested Parties Present:

Felix Maurent	Jim Blum	David & Kathy DeRose	Brian Burke	Larry Allison
Jane Burke	David Burke	Myra Dunning	Norm Radtke	Thomas Sobczak
Jacqueline Hartman	Amy Allison	Geraldine Kelly	Patrick Alexanderson	Mike Messuro
Bernard Kolber	Dave Sutton	Nick Tagliarino	Dave Kaminska	Valerie Hartman
Yvonne Work	Ryan Riegel	Eric & Rebecca Sherry	Mary Kate & Brandon Seifert	
Barbara Gill	Donald Gill	Tom Benzee	John Benzee	Sandra Benzee
Patrick Sheedy Jr.	Michael & Maja Langberg	John Siejak	Kerm Dietz	Ryan Hannersmith
Christine Cornwell	Matt Cornwell	Mark Hans	Matt & Katie Giansante	

Chairman Sackett noted that in the absence of Planning Board members Richard Bigler and Gregory Todaro, alternate Planning Board member Ari Goldberg will have full voting privileges on all agenda items.

Motion by Timothy Pazda, seconded by Jason Geasling, to **approve** the minutes of the meeting held on September 18, 2019, as written.

Ari Goldberg	Aye	Jason Geasling	Aye	Jeffrey Buckley	Abstain
Timothy Pazda	Aye	Wendy Salvati	Abstain	Robert Sackett	Aye

MOTION CARRIED.

Chairman Sackett 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. There is a limit of three (3) minutes per person, and a limit of one (1) appearance at the podium per person. Deputy Town Attorney Steve Bengart will monitor the limitations. Comments can also be submitted in writing. 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

Jeff Palumbo/Cannon Woods
 Open Space Design Subdivision
 Residential Single Family

Requests an Action under the State Environmental Quality Review Act (SEQRA) and Concept Plan Approval on a proposed Major Open Space Design Subdivision on the north side of Roll Road, east of Thompson Road.

DISCUSSION:

Mr. Callahan provided the history on the project noting that it is located on the north side of Roll Road, west of Martha's Vineyard and contains approximately 31.5 acres and within Clarence Sewer District #2. The applicant is proposing to develop a 40-lot Open Space Design Subdivision. The project has been sent out for a coordinated review through the State Environmental Quality Review Act (SEQRA) process. The applicant is present seeking an action under SEQRA and the proposed Concept Plan. The Town Board will have final approval authority on the Open Space Design.

Jeff Palumbo is the petitioner and noted that the project is a 40-lot single family home subdivision and is zoned properly. The project would be under the Open Space Design Subdivision regulations so that 50% of the site would be set aside as open space. The applicant has made changes to the plan which includes a change to the entrance off Roll Road in which they moved it further west. At one point in time there were drainage ponds proposed for the Open Space area, however these have been removed in the current plan. Mr. Palumbo has worked with their engineer, Matt Newcomb, and the Town Engineer Tim Lavocat. They had a plan that would have required a substantial amount of fill to be brought into the site and that would have raised the homes up to a point where Mr. Lavocat and the Planning Board Executive Committee felt that may not be appropriate. The plan was redesigned with a lift station so they were able to eliminate the need for the fill. Mr. Palumbo noted that Mr. Lavocat submitted a memo dated October 16, 2019, which was after the review of the modified plan. The memo indicated that the Engineering Department is in general agreement with the preliminary grading and drainage concepts represented on these plans. Further review and analysis will take place during the Development Plan Review process. Final engineering will be submitted to Mr. Lavocat and until the Town Engineer signs off they will not have Development Plan approval. They will continue to work with the Town. The applicant knows that the concern of the neighbors, primarily but not exclusively, is drainage.

Matt Newcomb, with Passero Associates, is present. Chairman Sackett said the neighboring residents are concerned with storm water and this project, he asked if Mr. Newcomb would provide an overview of the preliminary storm water plan and how the water will be managed on site and leaving the site. Mr. Newcomb explained that when disturbing over an acre of land they are required to meet NYS standards set forth by the DEC per the storm water design manual. Many of these requirements refer to reducing storm water run-off from current conditions compared to post-construction conditions, meaning the rate at which water runs off the property will have to be the same or less as it is currently. This is enforced by the Town's Engineer as well as the NYSDEC. This also forces the applicant to incorporate green infrastructure practices into the project which includes bio-retention areas to filter the water before it goes back into the environment. For this project the storm water will be conveyed through a storm water system that discharges into the storm water pond. There is a pond in the center of the development. There is an equalization pipe near the wetland that goes to the pond. Nothing will discharge out of the pond, it is a holding area for storm water run-off. Storm water will be collected through a series of catch basins and a storm pipe throughout the roadway, it is collected and discharged into the storm water pond. The pond has a controlled outlet, this is how the post construction rates will be less than or equal to existing

rates. Mr. Newcomb said in this case the rate will be significantly less. They have done a lot of engineering to make sure this works.

At Chairman Sackett's request, Mr. Newcomb went on to talk about the homes on Thompson Road. He said for each property line the Town requires rear yard drainage structures. These are usually capsulated into a swale. This also helps to pick up storm water run-off in between the structures, but they are put at a low spot to collect storm water run-off. All the rear storm water drains will go into the large retention pond and then discharge directly to Gott Creek. The applicant is in the process of obtaining an easement to Gott Creek.

Wendy Salvati asked how the ponds will be maintained so there is a guarantee that they will continue to work efficiently and effectively. Mr. Palumbo said the ponds will be maintained by a Homeowners Association and those covenants and restrictions are reviewed by the Town Attorney's office. The easement document will also be reviewed by the Town Attorney's office.

Mr. Pazda assumed that the reason the applicant did not bring in a lot of fill is because that would have been for a gravity sewer, by eliminating the fill the applicant dropped it down and used lift station is so the sewer could be a gravity sewer. Mr. Palumbo said that is correct. The pump is moving the contents to the line that runs through Martha's Vineyard.

Mary Kate Seifert lives at 5585 Martha's Vineyard, she is also speaking on behalf of her husband Brandon. She submitted a letter for the file and for the attorney. She has a 15' private drainage easement at the rear of her property which currently has no underground drain system installed for drain water storage management. The area of her backyard closest to the property line stays wet well into the dry months of the summer. She would like addressed what will be done for proper drainage between her and lot #19, given its close proximity and possibility of increased storm water load between the properties. Discussing lot #19, which is directly behind her home, the buffer zone between her property and the proposed subdivision: from the street to her property line is 150', there is a 15' buffer zone between this proposed development and her back yard, that's 165'. According to the Town of Clarence there needs to be a 200' buffer zone from the start of a new development. The allure of living in Martha's Vineyard is the large lot sizes, the size of the homes, the fact that the frontage of the property is roughly 45'-55' setback off the road. In the proposed development the lot sizes are 35% smaller, which is safe to say the homes will be significantly smaller, which the frontage of the homes is 30' from the road. There needs to be a significant buffer zone between the lots. It looks as if it is a continuous development through Martha's Vineyard and it is safe to say it will look significantly different than the development that is in there right now.

Dennis Brown, of 5563 Martha's Vineyard, has lived there for 10 years and objects to the project. There is a sizeable amount of an issue with the wetlands behind the residents, particularly to the west of where the proposed road is, where the secondary drainage pond is. He objects to the connection of the two developments through the extension of Meriul. There is a significant amount of traffic already in the development, traffic will be overloaded with the addition of this development. There are a lot of young children currently in the development.

Jim Blum, of 5509 Martha's Vineyard, wants to make sure the storm sewer is not connected to the Martha's Vineyard storm sewer. He hopes the Town Engineering Department will make sure the sanitary sewer system is not connected either. He voiced his concern regarding traffic saying that will be a 4-way corner now. To the east there is a hill and you cannot see the coming traffic, he suggested a calming

technique of some sort. Mr. Blum went on to say it would be nice if the Board thought about street trees in new subdivisions.

Felix Maurent, of 9260 Roll Road, referenced the proposed drainage not Gott Creek and said it gets to flood stage quickly when it rains and when the snow melts. Has anyone considered what the added volume will do to that creek?

Dina Vorreuter, of 5569 Martha's Vineyard, said her backyard is a swamp and she is worried that this will interfere. She asked what a sewer house is, is it going to smell? She referred to greenery on the plan and asked if it is woods. She also voiced her opinion saying there may need to be a stop sign at the intersection.

Jacqueline Hartman, of 9276 Roll Road, said the back of her land is very wet because the road slopes down a bit. Her lot will have 2 or 3 houses backing up to it. How will she be protected from more drainage than what she has right now. She is very concerned with drainage as her sump pump runs a lot as it is.

Sandra Benzee, of 5695 Thompson Road, voiced her concern with the swale because her back property will butt up against their property. Once people start to move in and they start to change their back yards with landscaping and pools how is the swale going to guarantee that it will always stay the same and work in the purpose it is supposed to work so she doesn't get water in her backyard. She asked how daylight basements will change the slope of the land versus the regular dug basement. She is also concerned with the volume going into Gott Creek.

Dave Kaminska, of 5675 Thompson Road, has similar concerns as those who spoke before him, with the drainage in the forefront of it all. His backyard stays wet well into the summer months. There is water sitting in the backyard now. Gott Creek runs through his front yard and that is where it crosses under Thompson Road. The creek fills up and it will overflow into his front yard. He wonders how 40 more houses will impact Gott Creek. He has only been at the property for a year but he can already see that he is losing some of his front yard. He said the thought of throwing more water into that creek seems non-feasible.

Christine Cornwell, of 5575 Martha's Vineyard, has lived here since March 2019. Her concern when purchasing the property was putting in a pool, she had a few people come to her house and say they probably would not be able to put in a pool because of the saturation. Where the back of her lot meets proposed lot 18 there is 3-4 inches of water there on a consistent basis. She is concerned that the detention ponds are located next to the wetlands, so the wetlands are wet and they are just going to dump more water there. Nothing is fail-safe or bullet-proof so if something happens with the sewer, where does that go? Does it end up in her backyard? The proposed house is literally butting up to her backyard, she has a swing set there, her children's trampoline is there, now they are in someone's front/side yard. The privacy is taken away from having a home. She is also concerned with traffic and the children, walkers, joggers and dog-walkers in the neighborhood.

Larry Allison, of 9295 Roll Road, said water is a problem, it looks like all the Town is doing is putting a band-aid on this problem, traffic and everything else comes with development. You can't flood these people out. The problem has not been addressed.

Kerm Dietz, of 5625 Thompson Road, said there seems to be a lot of issues with traffic regarding this project, there are a lot of young families in the subdivision already. The Town never put backyard

drainage in the existing homes to begin with when the original Martha's Vineyard was built. The area just to the north of the ponds is protected wetlands. Everybody along Thompson Road has backyard drainage problems there. He is concerned that there are no fences around the ponds, especially with small children in the area. He asked if the pumping station is for storm water or is it for sewer.

Chairman Sackett explained that all comments are on the record and when the project reaches the development stage the Town's Engineer and the Highway Superintendent will have access to all the testimony heard this evening.

Mr. Palumbo referenced the neighbors in Martha's Vineyard who said there is no rear yard drainage, he noted that they are aware of this and are aware that that is causing the problem. The water is not being controlled in the proper manner. The applicant is here to accept that water and take it into their pond and then have the rear yard drainage on Thompson. They are not dumping more water into the Wetlands, they are not adding any more water. They will be controlling the water and this is a benefit for the surrounding neighbors. The proposed lots do not abut the backyards of Thompson Road properties, there is an 80' strip of property behind the applicant's property on the west property line that is not owned by the applicant. The connection to Martha's Vineyard has always been there, it was planned that way from the beginning, that is the way it was designed and approved. The volume of the water into Gott Creek will not be increased as it will be controlled at a rate that is no greater than what is happening now, this is the law. Mr. Palumbo referenced the lift station and said it will not smell, it will have landscaping around it, no one will know it is there. The green area to the east of the property is untouched and will remain as it is now. With reference to the tree question, Mr. Palumbo said they must plant two (2) street trees for every lot in the subdivision.

Mr. Palumbo confirmed that the pump station deals strictly with sanitary sewer water. Mrs. Salvati asked if the volume of sanitary sewer that comes out of this project will overload the existing lines that carry waste water. Mr. Palumbo said no and went on to explain that they did a sewer capacity study at the request of the Town Engineer. That study has been reviewed and the applicant would not be here if the lines could not handle it, the lines are large enough.

Chairman Sackett referred to the comment regarding a 200' setback and asked Mr. Callahan to explain the required setbacks between lots per the code. Mr. Callahan said this is an extension of an existing road, so there is a difference. If there is a new road from the street the setback has to be 200' but an existing road has a different required setback. Mrs. Salvati noted that the lots along Roll Road are setback 200'.

Mr. Pazda asked if the detention pond will be continuously wet. Mr. Newcomb said a portion of the pond will be we continuously wet but the majority of the pond will not be wet all the time. This is a requirement of the DEC, because if they were wet all the time they would not be able to hold water. These ponds are designed to hold a 100 year storm event. Mr. Pazda explained that water comes from the sky so the volume of water does not change based on the development. What changes is the rate at which the water runs off site. The applicant cannot control the volume of the water but they can control the rate at which it runs off the site. They try to hold back the water and reduce it at a lot less rate coming off this property, that's what the ponds are for, they will hold the water for a longer period of time to allow all the storm water that is in Gott Creek to clear out and then allow for the water that was held to flow. They are slowing down the rate at which the water goes to Gott Creek so they don't inundate Gott Creek. Mr. Newcomb explained that the pump house is a small shed that houses the mechanical equipment such as the electrical control boxes, etc. and keeps them dry, everything else is underground. There are 2 pumps in the pump station so if one fails the other kicks on. There are also alarm systems in the station that will

send notification of failure. There is no odor or noise, nothing obtrusive at all. Mr. Newcomb referenced clearing the area and explained that they will only clear what they need for the pump station. Mr. Newcomb said the Town requires two (2) rear yard drains for each property because they realize there is landscaping or pools put in after a home is built. The Town requires every single property corner to have a storm drain. It is clarified that the pond is not in the wetland, and the pond will not discharge into the wetland. Mrs. Salvati asked if this will impact the integrity of the wetland, will it deprive it of water. Mr. Newcomb said it will be a positive impact on the wetland, if anything.

Chairman Sackett referenced rear yard drainage and said the applicant indicated swales would be used. Mr. Newcomb said typically they try to put a swale in that incorporates the rear yard drainage. The Town Engineer requires back yard drainage in every yard. Chairman Sackett asked what will guarantee maintaining the swale. Mr. Newcomb said the rear yard drainage is under easement and it is all dedicated to the Town, so the Town is the entity that maintains that. Mr. Palumbo said it would be a legal agreement with the Town in the Homeowners Association Agreement or with each individual property owner.

Mr. Pazda referenced the three lots in Martha's Vineyard that back up to this development and noted that they do not have rear yard drainage. He asked if the applicant's proposed drainage will help alleviate drainage for these three lots. Mr. Newcomb said it is possible that run-off from surrounding neighbors will run onto the applicant's property and they will have to handle that. There will be no berms to impede or block the neighbor's drainage.

Mrs. Salvati asked if daylight basements will have any impact on drainage. Mr. Newcomb said no it won't and went on to say the reason they build daylight basements is to minimize fill at the site.

Mrs. Salvati noted that the lots are smaller (because it is an Open Space Design) and asked if the homes will be smaller as well. Mr. Palumbo explained the reason the lots are smaller is because they are not looking to expand into the areas of 50% open space. The houses will not be significantly smaller than what is there now, they are traditional single family homes.

Mrs. Salvati asked if there will be a significant number of cars potentially expected to go into the Martha's Vineyard subdivision. Mr. Palumbo said there are only 40 homes being proposed so even if all of the vehicles went out that way it would not be significant. But that is not what is going to happen because there is the ingress and egress on Roll Road and through Martha's Vineyard.

Mr. Geasling asked about the phasing of the project noting that the current plan shows the northern portion as phase 1 and the southern portion as phase 2. Mr. Palumbo said that is currently the plan although the phasing could change. He also confirmed there will be a construction road off of Roll Road. The applicant will agree to the condition that no construction equipment will go through Martha's Vineyard.

Mr. Buckley asked if there will be sidewalks. Mr. Palumbo does not think there was a sidewalk plan, although he knows it was discussed. He has a liability issue with building sidewalks to Goodrich Road because it would be on someone else's property, he realizes it would be in the right-of-way but it concerns him because he is still building it. Chairman Sackett said when it comes to Development Plan stage the Board would like the applicant to consider a sidewalk from their entrance to Goodrich Road, which would then connect to the sidewalks on Goodrich Road and go into Clarence Center. Mr. Palumbo said he will consider it but has concerns. Chairman Sackett suggested Mr. Palumbo work out his concerns with the Town Attorney.

Mr. Geasling asked for clarification on the back yard drainage for each lot. Mr. Newcomb said there will be an inlet at each property corner.

ACTION:

Motion by Timothy Pazda, seconded by Wendy Salvati, pursuant to Article 8 of the Environmental Conservation Law, to **approve** the Part 2 and Part 3 Environmental Assessment Forms as prepared and to **issue** a Negative Declaration on the proposed Cannonwoods Open Space Design Subdivision. This Type I Action involves all approvals necessary to develop a 40 +/- lot major subdivision on the north side of Roll Road, west of Martha’s Vineyard in the Residential Single Family Zone and within Clarence Sewer District #2. After thorough review of the submitted site plans and Environmental Assessment Forms, including coordinated review among involved agencies, it is determined that the proposed action will not have a significant negative impact upon the environment.

Ari Goldberg	Aye	Jason Geasling	Aye	Jeffrey Buckley	Aye
Timothy Pazda	Aye	Wendy Salvati	Aye	Robert Sackett	Aye

MOTION CARRIED.

Motion by Timothy Pazda, seconded by Wendy Salvati, to **approve** the Concept Plan for the proposed Cannonwoods Open Space Design Subdivision as per the submitted drawings from Passero Associates dated October 2019, with the following conditions:

1. Construction of a sidewalk extension along the north side of Roll Road, extending to Goodrich Road as a required component of the required recreation fee. This sidewalk connection is to facilitate access to the Clarence Center Hamlet and the Recreational Trail System.
2. Landscape Committee Approval of a required Landscape Plan, including two (2) staked trees per lot, prior to Development Plan Approval.
3. The proposed sanitary sewer plan includes sanitary utility pump station which greatly reduces the need for excessive fill and excessive lot grades. Further analysis of the pump station relative to subdivision grades will be required, including long term operation and maintenance responsibilities. Sanitary Sewer utilization fees will be required.
4. The public drainage easement and associated agreements must be finalized as part of the Development Plan review process. Said agreements and easements must be reviewed and approved by the Town Attorney’s Office.
5. No construction vehicles will access the project through Martha’s Vineyard.
6. The 200’ buffer from Roll Road will remain in its present state, it will not be mowed or maintained and will be allowed to naturalize.

ON THE QUESTION:

Mr. Palumbo understands the conditions.

Ari Goldberg	Aye	Jason Geasling	Aye	Jeffrey Buckley	Aye
Timothy Pazda	Aye	Wendy Salvati	Aye	Robert Sackett	Aye

MOTION CARRIED.

Motion by Timothy Pazda, seconded by Wendy Salvati, to **recommend** to the Town Board approval of an Open Space Design for the Cannonwoods Development as per the approved Concept Plan as conditioned.

Ari Goldberg	Aye	Jason Geasling	Aye	Jeffrey Buckley	Aye
Timothy Pazda	Aye	Wendy Salvati	Aye	Robert Sackett	Aye

MOTION CARRIED.

Item 2

Stephen Development/Rock Oak Estates
Commercial

Requests an Action under the State Environmental Quality Review Act (SEQRA) and Concept Plan Approval on a proposed expansion to the existing manufactured housing park at 10075 Main Street.

DISCUSSION:

Mr. Callahan provided the background on the project noting that it is located on the south side of Main Street, west of Shisler Road and joining the existing manufactured housing park. The property contains approximately 10.7 acres. The project has been sent out and completed coordinated review under the State Environmental Quality Review Act (SEQRA). The applicant is present seeking and action under SEQRA and Concept Plan Review. The Town Board will have final approval authority on this application.

Michael Metzger, Paul Stephen and Noel Dill are present. Mr. Metzger said the plan before the Board tonight is different from the plan that was before the Board a year and a half ago. The applicant had to undertake an archeological study and recently received a sign-off from the State Office of Parks and Historic Preservation. They conducted a wetland investigation and they know there are wetlands towards the back of the property, which they are totally avoiding. They have jurisdictional determination from the Army Corp of Engineers for those wetlands. They have also prepared and submitted to the Town a preliminary drainage plan, which the Town Engineer has subsequently reviewed and accepted. The applicant has obtained and submitted a letter to the Town from the Rock Oak Homeowners Association indicating that they are in agreement with the project and they accept it as being presented. The applicant is requesting an action under SEQRA, Concept Plan approval and a favorable recommendation to the Town Board for a Special Exception Use Permit.

Chairman Sackett referred to a line on plan that goes along the existing homes and asked if that is a path to the West Shore Trail, Mr. Metzger said yes.

Mr. Goldberg asked if every person who lives in Rock Oak, as it exists, is a member of the Homeowners Association. Mr. Dill said, not 100% but the majority who live there are members of the HOA. This is more of a community group that he works along with on items that will benefit the whole community. It is not a requirement to be part of the HOA if you live in Rock Oak.

Mrs. Salvati asked if the homeowners that live in the diagonal lots have all been contacted to be made aware of this project. Mr. Dill said yes they interact with the people in that area and they see them a lot. Mrs. Salvati said the Homeowners Association submitted a packet indicating various issues. Many of those issues are not in the purview of the Planning Board, and need to be worked out between the owner of the property and the homeowners, however she did ask Mr. Dill about the flooding that is shown in the photos submitted. The photos are not dated. Mrs. Salvati asked if there are flooding issues in the back portion of the development. Mr. Dill said some of those pictures are from a resident who has not lived there for over 10 years ago. Originally the property was wet but they have aided the property by putting in well systems, they anticipate that the storm water system here will also benefit the surrounding properties from storm water run-off. There is property entering from the east that they do not have control over, however they believe this project will improve that by collecting that water and managing it.

Mr. Metzger said this site drains from the front to the back and in an easterly direction. Any drainage that comes to this site would come from the existing Rock Oak Development. Part of the drainage plan includes grabbing any water that comes across that line and picking it up and taking it to the storm water management system. The wetland at the back of the property was created because of the railroad that use to run back there. This water will be picked up in the storm water management system and injected utilizing a well system so that it will no longer be surface water. The wetlands will not be deprived as there are wetland ditches along the old railroad system that feed the wetlands.

Grace Mondello, of Pineledge Drive, wants to know if the egress is going through Rock Oak Estates or out to Main Street.

Mr. Metzger said they are not proposing any new access points to Main Street or any other public street. The interconnection between Rock Oak East will be to the existing Rock Oak road system which has three (3) access points out to Main Street. The southerly access point within Rock Oak is gated and will be used in emergency situations. Mr. Geasling asked what will keep people from parking in that area. Mr. Metzger said it will be signed and there will be onsite personnel to check on it every day.

Mrs. Salvati referenced the 100' buffer that is being maintained. The vegetation on the west side of the ICE building was left natural to maintain the wildlife corridor. She asked if, during development, the applicant is willing to fence off that area to make sure it does not get disturbed. Mr. Metzger said yes they fence it off.

ACTION:

Motion by Jeffrey Buckley, seconded by Timothy Pazda, pursuant to Article 8 of the Environmental Conservation Law, to **approve** the Part 2 and Part 3 Environmental Assessment Forms as prepared and to **issue** a Negative Declaration on the proposed Rock Oak Expansion Project. This Type I Action involves all necessary approvals to develop a 28 Unit Expansion to the existing Manufactured Housing Park. After thorough review of the submitted site plan and Environmental Assessment Forms, including coordinated review among involved agencies, it is determined that the proposed action will not have a significant negative impact upon the environment.

Ari Goldberg	Aye	Jason Geasling	Aye	Jeffrey Buckley	Aye
Timothy Pazda	Aye	Wendy Salvati	Aye	Robert Sackett	Aye

MOTION CARRIED.

Motion by Jeffrey Buckley, seconded by Timothy Pazda, to **approve** the Concept Plan for the proposed 28 unit expansion of Rock Oak Estates Manufactured Housing Park as per the submitted drawings from Metzger Civil Engineering, dated December 5, 2018, with the following conditions:

1. Landscape Committee approval of a final Landscape Plan prior to Development Plan Approval.
2. Subject to Erie County Health Department and NYS Department of Environmental Conservation (NYSDEC) approval on any future on-site sanitary facilities.
3. Subject to Building and Engineering Department approval on any construction on the site.
4. Subject to Open Space and Recreation Fees on future building permits.
5. Subject to construction of an access to the West Shore Trail.
6. Consistent with the local Manufactured Housing Park Code, the park must be maintained to an acceptable standard.
7. Installation of temporary fencing along the east side boundary of the 50' buffer to prevent disturbance of the area during construction.

ON THE QUESTION:

Mr. Metzger understands and accepts the conditions of the motion.

Ari Goldberg	Aye	Jason Geasling	Aye	Jeffrey Buckley	Aye
Timothy Pazda	Aye	Wendy Salvati	Aye	Robert Sackett	Aye

MOTION CARRIED.

Motion by Jeffrey Buckley, seconded by Timothy Pazda, to **recommend** approval of a Special Exception Use Permit to allow the expansion of Rock Oak Manufactured Housing Park as per the approved Concept Plan as conditioned.

Ari Goldberg	Aye	Jason Geasling	Aye	Jeffrey Buckley	Aye
Timothy Pazda	Aye	Wendy Salvati	Aye	Robert Sackett	Aye

MOTION CARRIED.

Item 3

Bank of Akron/Stephen Development
Commercial

Requests a Minor Subdivision to create one (1)
new lot at 9865 Main Street.

DISCUSSION:

Mr. Callahan provided the background on the project noting that it is located on the south side of Main Street, west of Rock Oak Parkway. All lots will meet the minimum standard in the Commercial zone. The Planning Board has final approval authority on this action.

Paul Stephen is present. Chairman Sackett would like to have assurance that whatever is built will have cross access to the east and the west. Mr. Stephen does not have any objection to that.

ACTION:

Motion by Jason Geasling, seconded by Jeffrey Buckley, pursuant to Article 8 of the Environmental Conservation Law, to **accept** the Part 1 Short Environmental Assessment Form as prepared and approve the Part 2/3 Short Environmental Assessment Form as prepared and to **issue** a Negative Declaration on the proposed Bank of Akron Minor Subdivision. This Unlisted Action involves a minor subdivision to create one (1) new lot in the Commercial Zone. After thorough review of the submitted site plan and SEAF, it is determined that the proposed action will not have a significant negative impact upon the environment.

Ari Goldberg	Aye	Jason Geasling	Aye	Jeffrey Buckley	Aye
Timothy Pazda	Aye	Wendy Salvati	Aye	Robert Sackett	Aye

MOTION CARRIED.

Motion by Jason Geasling, seconded by Wendy Salvati, to **approve** the Bank of Akron Minor Subdivision as per the submitted survey from Nussbaumer & Clarke, Inc., dated August 20, 2019, with the following conditions:

1. Subject to review and approval by the NYSDOT on any future curb cuts onto NYS Route 5.
2. Applicant agrees to allow cross access to the east and west to reduce the need for new curb cuts to NYS Route 5 and to encourage interconnectivity.
3. Subject to Building and Engineering Department review and approval on any future construction on the new lot.
4. Subject to Erie County Health Department approval on any future on-site sanitary facilities.
5. Subject to Open Space and Recreation Fees on future Building Permits.

ON THE QUESTION:

The applicant understands and agrees to the conditions of the motion.

Ari Goldberg	Aye	Jason Geasling	Aye	Jeffrey Buckley	Aye
Timothy Pazda	Aye	Wendy Salvati	Aye	Robert Sackett	Aye

MOTION CARRIED.

Item 4

Matt Green
Commercial

Requests Preliminary Concept Review of a proposed Mixed Use project at 9150 Sheridan Drive.

DISCUSSION:

Mr. Callahan provided the background on the project noting that it is located on the north side of Sheridan Drive, west of the Main/Thompson intersection. The property contains approximately 3.2 acres. The applicant is present to introduce a new mixed-use project.

Patrick Sheedy Jr. from Carmina Wood Morris is the engineer on the project and is present this evening. He explained the proposal as a 24,000 square foot 3-story mixed-use building. The first floor will contain approximately 8,000 square feet of commercial space with two (2) residential apartment units and a second and third floor with eight (8) residential apartment units. There are 78 total parking spaces. There is no sanitary sewer service along Sheridan Drive so they are proposing a bottomless sand filter septic system on site. There is also a storm water management area on the north part of the site. The very northern part of the site will remain as it may contain wetlands.

Chairman Sackett explained that a SEQRA review must be done first. The building that is being proposed does not meet code, Mr. Sheedy is aware of this. Chairman Sackett asked what the applicant would do if the Zoning Board of Appeals did not allow him to have three (3) stories. Matt Green said he would remove the top story. Chairman Sackett asked if the Zoning Board of Appeals did approve it what would be the access to the top story, relative to residents. Dave Sutton, of Sutton Architecture, explained that there would be two (2) means of egress through vertical stairs and an elevator. Chairman Sackett asked if the applicant would consider a sidewalk from this project to Main Street, to join the sidewalk that was constructed down Main Street, this would be part of the Recreational Fee at the Development Plan stage. Matt Green said he would have to discuss that further to see if it makes sense. Chairman Sackett made sure the applicant understands that there is a Recreational Fee required and the sidewalk would be part of that fee, Mr. Green understands.

Mr. Pazda made sure the applicant was aware that stone walls are appreciated in Clarence.

Mrs. Salvati asked why three (3) stories. Mr. Sheedy said it makes the project economically feasible.

Don and Barbara Gill, of 9140 Sheridan Drive, have been residents at this address for 43 years and this project will have a negative impact on the value of his house and the enjoyment of his property. He asked if the first 300' of the project property is zoned Commercial. He does not want to see this project here, there are other places in Clarence that would be better. He is concerned with traffic as well. Barbara Gill said it is an obtrusive looking building, there is nothing that looks like this on Sheridan Drive, all the existing buildings are lower and nice-looking. This does not belong here. She is concerned with traffic, plus this building will obstruct the view of the Senior Center. There is Town of Clarence property near her property that is supposed to be forever green, there are nature trails there. She thinks the project is horrendous.

Bernard Kolber, of 9421 Hunting Valley South, is the owner of 9105 Sheridan Drive. He does not like the scale and the size of the proposed project. This project is much more fitting for an urban village or a small city. The flat roof removes some of the imposing nature but it is still a three story building. If this is approved then he could do the same thing across the street at his property but he feels this is not in keeping with the character of Clarence. Clarence is not going in the right direction.

Jim Blum, of 5509 Matha’s Vineyard, said this is way out of whack with the concept of how this Town planned to develop Sheridan Drive, even two-stories is going to be way off base. He can’t believe that the ZBA would find some justification to let them do this on Sheridan Drive.

Mr. Callahan said the property that is being developed is zoned Commercial. Chairman Sackett asked if the project was not mixed-use, is the height of the building consistent with the code. Mr. Callahan explained that in the Commercial zone a height at 45’ is allowed. Mr. Sheedy said the building is approximately 40’ high. It is clarified that the issue then is that the proposal is for three stories, the issue is not the height.

Mr. Sheedy said the proposal is at the minimum required parking spaces per code.

Mr. Buckley asked if the elevation shows the part of the building that faces Sheridan Drive. Mr. Sheedy said yes. Mr. Buckley asked if there are any elevations of views of the building that faces east. Mr. Sutton said the image on display is purely conceptual and expected to evolve and develop. At further meetings there will be renderings to show different views of the building.

ACTION:

Motion by Timothy Pazda, seconded by Ari Goldberg, pursuant to Article 8 of the Environmental Conservation Law to **accept** the Part 1 EAF as prepared and to seek Lead Agency status and commence a coordinated review among involved agencies on the proposed Matt Green Mixed Use Project. This Type I Action involves the demolition of a home built prior to 1950 and the construction of a new Mixed Use Building utilized for commercial space as well multiple family residential units.

ON THE QUESTION:

Chairman Sackett explained that the Historic Preservation Commission reviews house demolitions on those that were built prior to 1950.

Ari Goldberg	Aye	Jason Geasling	Aye	Jeffrey Buckley	Aye
Timothy Pazda	Aye	Wendy Salvati	Aye	Robert Sackett	Aye

MOTION CARRIED.

Item 5

Buffalo Car Care/Main Transit Plaza
Commercial

Requests a Recommendation on a Temporary
Conditional Permit for an Automotive Detail
Shop at 8200 Main Street.

DISCUSSION:

Mr. Callahan provided the background on the project noting that it is located within the Main-Transit Plaza on the north side of the Main Street, east of Bryant and Stratton Way. The applicant is proposing to utilize space within the plaza for an automotive detail shop. The application has been forwarded to the Planning Board from the Town Board to detail conditions associated with this approval. The Town Board will have final approval authority on this matter.

John Schmidt and Ryan Riegel are co-owners of Buffalo Car Care. Mr. Schmidt noted that they will be moving their existing business from Sheridan Drive to this location. He confirmed that the hours of

operation are 9am to 6pm Monday through Saturday. In the rear there is a maximum of 12 cars that will be parked for overnight storage. Mr. Schmidt said it is more of a staging area than for overnight parking. The owner of the property, Mr. Jim Morabito is present. The planting of more trees was addressed. Mr. Morabito is the managing partner of New Trane Supplies on Main Street. He says “there’s always a chance” in regards to the trees. They are focusing on the north of the driveway. There are rights-of-way for sewer district 5 and a water pit limiting the number of trees that can be planted. Mr. Morabito would be happy to work with the Board to figure it out.

Mrs. Salvati addresses the fact that when the applicant came in to address the Planning Board Executive Committee, it was mentioned that he runs the detail shops for West-Herr Auto Facilities. She would like to know if they will be bringing cars from those car lots to the facility. The answer was that this is only for a retail business and no cars will be coming over.

ACTION:

Motion by Wendy Salvati, seconded by Jeffrey Buckley, to recommend approval for a Temporary Conditional Permit for Buffalo Car Care to operate an Automotive Detail shop at 8200 Main Street in the Main/Transit Plaza as per the submitted Site Plan and narrative from Buffalo Car Care received in the Planning office on September 10th, 2019 with the following conditions:

1. No unlicensed vehicles allowed in the front (Main Street) parking lot.
2. Hours of Operation from 9:00 AM to 6:00 PM Monday – Saturday.
3. Overnight vehicle storage limited to the 12 delineated parking spots in the rear as per the updated site plan received on November 12, 2019 in the Planning Office.
4. Landscape Plan approval for access from Bryant & Stratton Way.
5. Subject to approval by Erie County Sewer District #5 for on-site sanitary sewer access.
6. Subject to approval by the Town of Clarence Building and Engineering Department for required building permits.

ON THE QUESTION:

Mr. Schmidt and Mr. Riegel understand the conditions and agree to them.

Ari Goldberg	Aye	Jason Geasling	Aye	Jeffrey Buckley	Aye
Timothy Pazda	Aye	Wendy Salvati	Aye	Robert Sackett	Aye

MOTION CARRIED.

Item 6

One Eyed Cat Brewing Company
 Traditional Neighborhood District

Requests a Recommendation on a Temporary Conditional Permit for outside dining at 10678 Main Street.

DISCUSSION:

Mr. Callahan provided the background on the project. The property is located on the North side of Main Street, east of Bank Street in Clarence Hollow. It is an existing vacant former church located in the traditional neighborhood district and the Clarence Hollow overlay. The applicant has received Town Board approval to operate a new Brewing Company.

David DeRose introduces himself as the owner of DeRose Properties. Also present are Patrick Alexanderson of the One Eyed Cat Brewing Company and David Sutton of Sutton Architects.

The understanding of the Board is that they want to operate the patio Wednesday thru Sunday only. It accommodates ten tables, four chairs per table with an addition approximation of 10 seats around the fire pit. On Wednesday and Thursday they are to be open from 4:00 PM to 10:00 PM, Friday and Saturday from 12:00 PM to 12:00 AM, and Sunday from 11:00 AM to 5:00 PM. The music will be Acoustic and the lighting will be limited to the patio area. There will be a low fence around the patio itself to limit patrons from moving the chairs off the patio to the fire pit area.

ACTION:

Motion by Wendy Salvati, seconded by Jeffrey Buckley, to recommend approval for a Temporary Conditional Permit for outside dining and Beer Garden for One Eyed Cat Brewing Company located at 10678 Main Street as per the submitted Site Plan from Sutton Architects dated September 24, 2019 with the following conditions:

1. Hours of Operation are as follows:
 Monday thru Thursday from 12:00 PM to 10:00 PM
 Friday and Saturday from 12:00 PM to 12:00 AM
 Sunday from 11:00 AM to 5:00 PM
2. Seating capacity for outdoor patio dining limited to 10 tables and 40 chairs and 10 additional seats in the fire pit area.
3. Outdoor music limited to background sound, any live music shall be acoustic in nature. Live Bands will require a separate Special Event Permit.
4. Exterior lighting for the patio to be ambient Edison lights with any additional fixtures to be dark sky compliant and screened to eliminate spill to adjoining properties.
5. Subject to Landscape Committee approval for the patio area and especially to adequately buffer adjoining property owners.
6. Subject to Building and Engineering Department approval on any required building permits.

Ari Goldberg	Aye	Jason Geasling	Aye	Jeffrey Buckley	Aye
Timothy Pazda	Aye	Wendy Salvati	Aye	Robert Sackett	Aye

MOTION CARRIED

Meeting adjourned at 9:20 p.m.

Carolyn Delgato & Diane Nardolillo
Senior Clerk Typist