

Town of Clarence  
One Town Place, Clarence, NY 14031  
**Planning Board Minutes**  
Wednesday December 18, 2019

**Work Session 6:00 pm**

Status of TEQR Coordinated Reviews  
Review of Agenda Items  
Miscellaneous

**Agenda Items 6:30 pm**

Approval of Minutes

**Item 1**

Cortese Construction Services  
Commercial

Requests Development Plan and Architectural  
Approval of a proposed new office, showroom,  
and warehouse project at 9074 Main Street.

**Item 2**

Krantz  
Agricultural Rural Residential

Requests a Minor Subdivision to create one (1)  
new building lot on Martin Road, east of Heise  
Road.

**Item 3**

Theodore Hallac  
Traditional Neighborhood District

Requests an Action under the State  
Environmental Quality Review Act (SEQRA) and  
Concept Approval for a proposed new  
commercial building at 7149 Transit Road.

Chairman Robert Sackett called the meeting to order at 6:30 p.m. Councilman Paul Shear led the pledge to the flag.

Planning Board Members present:

Chairman Robert Sackett  
Gregory Todaro  
Ari Goldberg

Vice-Chair Richard Bigler  
Jeffrey Buckley

2<sup>nd</sup> Vice-Chair Wendy Salvati  
Jason Geasling

Planning Board Members absent: Timothy Pazda

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:

John Krantz Gabe Krantz Pat Sheedy Jr.

Chairman Sackett noted that in the absence of Planning Board member Timothy Pazda, alternate Planning Board member Ari Goldberg will participate in all discussions and vote on all agenda items.

Motion by Wendy Salvati, seconded by Jeffrey Buckley, to **approve** the minutes of the meeting held on November 13, 2019, as written.

Ari Goldberg	Aye	Jason Geasling	Aye	Jeffrey Buckley	Aye
Gregory Todaro	Abstain	Wendy Salvati	Aye	Richard Bigler	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. 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**

Cortese Construction Services  
Commercial

Requests Development Plan and Architectural Approval of a proposed new office, showroom, and warehouse project at 9074 Main Street.

**DISCUSSION:**

Mr. Callahan provided the history on the project noting that it is located on the north side of Main Street, between Shimerville and Thompson Roads. The applicant received a Negative Declaration under the State Environmental Quality Review Act (SEQRA) and Concept Approval in July 2019. The applicant is present seeking final Development Plan approval on the project. The project was tabled at the December 4, 2019 Planning Board meeting pending architectural details, which have now been supplied.

Patrick Sheedy Jr, of Carmina, Wood, Morris, is present and noted that they received Erie County Health Department approval for the proposed septic system on site, they have received back flow approval from the Erie County Water Authority and they have received the go-ahead to submit for a permit to the NYS DOT for the driveway work along Main Street. Chairman Sackett noted that the Board has received updated elevations since their last meeting, they were received on December 10, 2019.

Mrs. Salvati referred to the northern portion of the site behind the fencing and asked if it will remain in its natural state besides being disturbed for the septic system and detention. Mr. Sheedy said that is correct.

Mr. Bigler said there was a conversation with Mr. Cortese in which Mr. Cortese stated there will be dark sky compliant lighting and there will be no spillage on the adjoining properties per code. There is a letter on file from Debra Popp that questioned the lighting and the spillage. This problem is being

addressed now by the applicant complying with the code. Mr. Sheedy said that is correct. Mrs. Salvati asked if there will be lighting in the parking area or any other lighting standards aside from what will be on the buildings. Mr. Sheedy said no, there will be no separate site light poles or anything like that. Chairman Sackett asked if the lighting will be on timers. Dominic Cortese, of Cortese Construction Services, said a timer would be appropriate and would be seasonally effected by the daylight. The latest they would run the timers would be until midnight. The foundation lighting will be on the timers. The cupolas will probably be lit throughout the night. The entranceway will have recessed lighting and will also be on a timer. The cupolas are the only lights that will be left on all night and they are not very bright. The entire building will be LED lights.

The elevation on display is fully labelled with the materials to be used. The siding will be a smooth vinyl with rigidity so it does not have collapsibility or bendability, foam backing. The knee wall is actual brick. The gable ends will be of the same description as to the clapboard with board and batten configuration, again foam back. The brackets are all vinyl sawdust hybrid composite material. The eaves and gutters will all be aluminum and vinyl and the roofing is all asphalt. These materials have a lifetime warranty and are non-fading with very low maintenance.

Mr. Todaro asked about signage. Mr. Cortese said they will mirror what the Emerlings have done. It will be a low profile sign with some description, although it has not been designed yet. There may be some retractable materials displayed on the building. It is clarified that the sign will be under a separate permit.

#### **ACTION:**

Motion by Gregory Todaro, seconded by Wendy Salvati, to **approve** the Development Plans for the Cortese Construction Services Office, Showroom and Warehouse project at 9074 Main Street as per the submitted plans from Carmina, Wood, Morris dated August 20, 2019 and the updated elevations received in the Planning and Zoning Office on December 10, 2019, with the following conditions:

1. Subject to review and approval by the Town of Clarence Building and Engineering Department for all required permits on the project.
2. Subject to NYSDOT review and approval for access and drainage permits.
3. Subject to installation of approved landscaping as per the approved landscape plan and maintenance of landscaping in perpetuity.
4. Subject to Erie County Health Department approval for on-site sanitary facilities.
5. All exterior lighting fixtures to be dark sky compliant and shielded to eliminate spill to adjoining properties.
6. All fleet vehicles and other materials/products/advertising must be stored within the fenced in storage yard area.
7. Subject to Open Space and Recreation Fees.

#### **ON THE QUESTION:**

The applicant understood and agreed with the conditions of the motion.

Mr. Bigler asked if the sun shades will be limited to the sunroom for display year round. Mr. Cortese said they have not thought that far ahead yet, they may use them as solar shades on the building. He explained that they are retractable and they wind up into a cartridge, you don't even know they exist when they are wound up.

Ari Goldberg	Aye	Jason Geasling	Aye	Jeffrey Buckley	Aye
Gregory Todaro	Aye	Wendy Salvati	Aye	Richard Bigler	Aye
Robert Sackett	Aye				

MOTION CARRIED.

**Item 2**

Krantz

Agricultural Rural Residential

Requests a Minor Subdivision to create one (1) new building lot on Martin Road, east of Heise Road.

**DISCUSSION:**

Mr. Callahan provided the background on the project noting that it is located on the south side of Martin Road, east of Heise Road. The applicant is proposing to create one (1) new building lot in conformance with the underlying zoning. This pending approval will represent the final action under the Subdivision Review Process. Further action on the parent parcel will require a separate formal review and any further splits constitutes a Major Subdivision.

John Krantz is present and explained that there is a gas line that goes through the property that cuts them off from the other parcel. Chairman Sackett asked if there is a proposed building for this lot. Mr. Krantz said they are looking into doing an Open Development and keeping the lots similar to the size that is on display. Perhaps there will be 6 to 8 lots, the front would be light industrial. He would like to enhance the right-of-way area with landscaping. He is currently working with a realtor to build a house on the proposed new building lot.

**ACTION:**

Motion by Jeffrey Buckley, seconded by Richard Bigler, pursuant to Article 8 of the Environmental Conservation Law, to **approve** the Part 2/3 SEAF as prepared and to **issue** a Negative Declaration on the proposed Krantz Minor Subdivision located on the south side of Martin Road, east of Heise Road. This Unlisted Action involves a minor subdivision to create one (1) lot in the Agricultural Rural Residential Zone in conformance with the underlying zoning. After thorough review of the submitted site plan and SEAF it is determined that the proposed action will not have a significant impact upon the environment.

Ari Goldberg	Aye	Jason Geasling	Aye	Jeffrey Buckley	Aye
Gregory Todaro	Aye	Wendy Salvati	Aye	Richard Bigler	Aye
Robert Sackett	Aye				

MOTION CARRIED.

**ACTION:**

Motion by Jeffrey Buckley, seconded by Richard Bigler, to **approve** the Krantz Minor Subdivision on the south side of Martin Road, east of Heise Road, to create one (1) new building lot in the Agricultural Rural Residential Zone as per the submitted site plan from John Krantz dated October 23, 2017, with the following conditions:

1. Subject to review and approval by the Town of Clarence Highway Department on future access to the new lot.
2. Subject to Erie County Health Department review and approval on any future on-site sanitary facilities on the new lot.
3. Subject to Town of Clarence Building Department review and approval on any future construction on the new lot.
4. Subject to review and approval by the Town of Clarence Highway, Legal and Engineering Departments on any required drainage easements on the new lots and the parent parcel in the event same shall be required for future actions.
5. This action represents the last split under the minor subdivision review process. Any further splits constitute a major subdivision, including a separate environmental review.

**ON THE QUESTION:**

The applicant understood and agreed with the conditions of the motion.

Ari Goldberg	Aye	Jason Geasling	Aye	Jeffrey Buckley	Aye
Gregory Todaro	Aye	Wendy Salvati	Aye	Richard Bigler	Aye
Robert Sackett	Aye				

MOTION CARRIED.

**Item 3**

Theodore Hallac  
Traditional Neighborhood District

Requests an Action under the State Environmental Quality Review Act (SEQRA) and Concept Approval for a proposed new commercial building at 7149 Transit Road.

**DISCUSSION:**

Mr. Callahan provided the background on the project noting that it is located at the southeast corner of Transit Road and Lapp Road. The property consists of approximately 2.8 acres.

Ted Hallac is present along with Michael Metzger of Metzger Civil Engineering. Mr. Metzger said the existing building on the northern portion of the property will remain. The proposal is for a 7500 square foot commercial building on the southern portion of the property. The Planning Board saw the plan in July 2019 and it has not changed since then. Mr. Metzger has been working with the Town Engineer, he prepared a Grading and Drainage Plan that was submitted and ultimately, after some revisions, the plan was approved. The drainage will not adversely affect neighboring properties or the right-of-way. The applicant has also worked with public transportation and they are accepting of the layout. The proposal is clean with regards to archeology and wetlands.

Mr. Todaro asked if the existing mound of dirt is part of the grading plan. Mr. Metzger said it is fill that will be utilized effectively. The fill pile to the back of the property is the topsoil and has not yet been placed over the top.

**ACTION:**

Motion by Wendy Salvati, seconded by Ari Goldberg, pursuant to Article 8 of the Environmental Conservation Law, to **approve** the Part 2 and 3 Short Environmental Assessment Form as prepared and to **issue** a Negative Declaration on the proposed Hallac Commercial Building located at 7149 Transit Road. This Unlisted Action involves the construction of a commercial building in the Traditional Neighborhood Zoning District. After thorough review of the submitted Short Environmental Assessment Form and site plan it is determined that the proposed action will not have a significant impact upon the environment.

Ari Goldberg	Aye	Jason Geasling	Aye	Jeffrey Buckley	Aye
Gregory Todaro	Aye	Wendy Salvati	Aye	Richard Bigler	Aye
Robert Sackett	Aye				

MOTION CARRIED.

**ACTION:**

Motion by Wendy Salvati, seconded by Gregory Todaro, to **approve** the Hallac Commercial structure at 7149 Transit Road as per the submitted site plans from Metzger Civil Engineering dated September 3, 2019, with the following conditions:

1. All conditions of the Town Engineer related to floodplain requirements and stormwater management shall be complied with.
2. Preliminary project elevations approved as represented in the submitted preliminary sketch with detailed elevations and material information required at Development Plan approval.
3. Landscape Committee approval of a Landscape Plan on the project, prior to Development Plan approval.
4. All exterior lighting to be dark sky compliant and screened to eliminate spill to adjoining properties.
5. Open Space and Recreation Fees.

**ON THE QUESTION:**

Chairman Sackett noted that because this is in the Traditional Neighborhood Zoning District, the project will need architectural approval by the Town Board, however the Planning Board is not ready to recommend the project yet due to lack of information.

The applicant understood and agreed with the conditions of the motion.

Ari Goldberg	Aye	Jason Geasling	Aye	Jeffrey Buckley	Aye
Gregory Todaro	Aye	Wendy Salvati	Aye	Richard Bigler	Aye
Robert Sackett	Aye				

MOTION CARRIED.

Meeting adjourned at 7:00 p.m.

Carolyn Delgato  
Senior Clerk Typist