

Town of Clarence
One Town Place, Clarence, NY 14031
Planning Board Minutes
Wednesday December 4, 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

Natale Builders
Residential Single Family

Requests Preliminary Concept Review of a proposed Major Subdivision as an extension of Woodside Drive on the north side of Greiner Road, west of Shimerville Road.

Item 2

Cortese Construction Services
Commercial

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

Item 3

Richard McNamara
Industrial

Requests an Action under the State Environmental Quality Review Act (SEQRA) and Concept Plan Approval for a proposed expansion to an existing business use at 8615 Roll Road.

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	Vice-Chair Richard Bigler	2 nd Vice-Chair Wendy Salvati
Gregory Todaro	Jeffrey Buckley	Jason Geasling
Ari Goldberg		

Planning Board Members absent: Timothy Pazda

Town Officials Present:

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

Other Interested Parties Present:

Disalvo	Ippolito	Richard Sullivan	Carol Conwall	Craig Mellenthien
Deborah Rich Hoekstra		Keith & Flo Knoph	Jay & Linda Wopperer	Bill Cummings

Tim & Diane Ronald	Britta Gensurs	Dianne Duerr	Pat Sheedy Jr
Richard Horner	Mish Yarmiishi	Brad Gray	Diane Wolf Ken Wolf
Chris & Jacquie Midecki	Patrick Fitzsimmons		

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. 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 will be a three (3) minute limit per speaker. 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

Natale Builders
Residential Single Family

Requests Preliminary Concept Review of a proposed Major Subdivision as an extension of Woodside Drive on the north side of Greiner Road, west of Shimerville Road.

DISCUSSION:

Mr. Callahan provided the background on the project noting that it is located at the northwest corner of Greiner Road and Shimerville Road. It is a proposed extension to Woodside Drive. The property contains approximately 66 acres in the Residential Single Family zone. The Planning Board will have responsibility under the State Environmental Quality Review Act (SEQRA) and for the Concept review on this project.

Angelo Natale, project sponsor and president of Natale Building Corp, is present. Mr. Natale is asking for no action tonight because he wants to meet with the neighbors and digest the comments that were previously discussed with the Planning Board members. Mr. Natale stated that the projects is a 14-Lot development, 10 of the lots will be 5 acres and 4 of the lots will be an acre to an acre and a half. The road will be public. There has been some brush hogging on the site to determine wetlands and how the impact can be minimized. It will be a normal development procedure, but they also want to have some public and community meetings to address some of the concerns.

Timothy Ronald, of 5275 Shimerville Road, referenced the lower right corner of the plan that is on display and said it looks blank, he asked what is planned for that area or is it going to be left alone.

Jay Wopperer, of 5225 Meadowbrook, voiced his concern over the wetlands, he said they can hold a tremendous amount of water. He talked to Chuck Rosenberg of the DEC who said this property is high on the list to have a walk-through. These waters are filtered and productive. He cited a new Bill A3568 which protects wetlands, the Bill is in Albany but remains unsigned. He would like to see the property posted in perpetuity.

Richard Hoekstra, of 8840 Woodside Drive, asked for an explanation on the process for this project. He referenced 2 properties on the plan that meet up with Greiner Road and said they are street width so why can't the applicant make a loop within that property all on Greiner and just build something there without

there being access and people cutting off and trying to avoid the intersection, there will be a lot more traffic than just the people who live there.

Patrick Fitzsimmons, of 5410 Shimerville Road, voiced his concern regarding wetlands in the area and said there will be a necessity for an Environmental Impact Statement in order to move forward. He said the privacy and the wildlife in the area is what brought him to Clarence. The obligation of this Board is to look at the cumulative density of the area, currently existing are subdivisions such as Woodland Hills, Harris Hill Commons, Northwoods and more along Greiner and Roll Roads. Amherst will extend to Thompson Road and that's not what brings people to Clarence. His backyard is wet. There is a need to preserve the wetlands and what Clarence is to everybody and what brings people here. The section from Greiner to Roll to Shimerville is unique, there are wetlands there.

Diane Duerr, of 8810 Woodside Drive, submitted a prepared statement, a copy of the statement is on file.

Craig Mellenthien, of 8764 Greiner Road, stated that there is standing water behind where he lives and suggested that area be for the 5-acre lots, in order to mitigate the water issues.

Richard Horner, of 8815 Woodside Drive, questioned the meeting held by the Executive Committee prior to this meeting. Chairman Sackett explained the result of that meeting is that Mr. Natale wants to meet with the community before going further with the project. When asked if that information is in the record, Chairman Sackett said the record will be Mr. Natale's new proposal. He also wanted to know if there will be a time to meet with Mr. Natale to discuss his reservations. Mr. Horner said there have been surveyors throughout the neighborhood for about a week and a half and would like to know if the residents will be able to see a report of what the surveyors found. He wants to know this because nobody tables a project for no reason, there was a private meeting with no minutes and now surveyors with not reports. Chairman Sackett explained that there was no private meeting held, all Planning Board Executive meetings are open to the public, the minutes of the meeting are the agenda for this meeting being held tonight. Mr. Horner asked if Mr. Natale gave the Board a reason for tabling the project other than meeting with the neighbors.

Rich Sullivan has lived at 5420 Shimerville Road for 45 years. He said he sees the wetlands as more of a swamp. There is a beautiful wooded lot back there and he would like to see the land permanently set up for Conservation. There are beautiful birds and giant woodpeckers. Habitat is a concern for him and would like the Board to consider this. The issue is that 30 million birds have died in the last 30 years, habitat has been one of the biggest things. He asked that the Board consider the habitat and to have it be available for people who come after us.

Ken Wolf, of 8825 Woodside Drive, said he and his wife echo what all the other residents said. They were attracted to the area for the natural preserve that exists there. He also has issues with water in his basement and is not sure if this will promulgate the problem. He is not sure that disrupting all of this in the spirit of larger lots is going to improve the homes around him.

Carol Conwall, of 4930 Meadowbrook, voiced her concern with the smaller lots (7, 8, 9 & 10) and asked why the couldn't be made into two (2) larger lots to compliment the other big lots. She referenced the line that comes down and said if those are wetlands how will that impact the development and the storm water facilities and the homes. She is also concerned about the wetlands spreading, will it be maintained?

Peter Disalvo, of 8744 Greiner Road, asked if lot #7 is a single family lot or is there a possibility of a road going there because it is right where he lives.

Mr. Natale has been a resident of Clarence for over 50 years. He appreciates and shares some of the concerns. He explained that lot #7 is not going to be a proposed drive, it is an extension, nothing will be built there. Regarding the comments concerning wetlands, Mr. Natale explained that they hired a wetlands expert, who works closely with the DEC, and there was no determination of any wetland impasses, nothing jurisdictional. He will share the report when they meet as a community. Mr. Natale explained that he pulled the project from today's agenda because he wasn't prepared to address some of the questions that came up tonight the way he would like to, the way he would like if he was a resident. He went on to say that a traffic impact study will be done. Engineering still has to be done to address any run-off drainage to make sure it doesn't increase and that the basements will not flood. How they handle the run-off should improve the situation. Natale is a green builder. They typically hire an Arborist to go through the site and determine what trees can be left. The road will be maneuvered around the trees to lessen the impact on the wetlands and/or the environment and trees. There are a lot of dying Ash trees that are on the property. Regarding the 5 acre lots, Mr. Natale said he wanted to make this a less dense development with larger lots instead of 100 homes, which could have been done.

A date and time for a meeting with the neighbors will be established within the upcoming weeks and Mr. Natale will contact them via a letter. He expects it will take place within the next month.

Chairman Sackett said the Board's concern was whether or not it was ready for coordinated review. Mr. Natale advised the Board that the plan is subject to change after he meets with the residents. The Board has to balance community character with property rights. An Environmental study is part of the SEQRA process. The SEQRA process does not begin until there is a firm proposal.

Mr. Natale said the corner property is going to be left as green space, nothing will be built there.

In regards to the surveyor's walking around the property Mr. Natale said there were two (2) contractors that he hired. One was to brush hog to see what kind of environment and wetlands there are. The other group of people were the wetland investigators, but they were hired in the summer so the more recent people could have been surveyors looking at property lines.

Mr. Callahan noted that the Planning Board Executive Committee Meetings are public and are properly published and noticed and although there are no minutes, the Planning Board agenda is the focus of the meeting. Nothing is done privately or in secret, it is all public record. He went on to explain that the Town has a two-step process for review of a subdivision, a third step is added which is the environmental review. The action before them is to consider the environmental impacts under the State Environmental Quality Review Act (SEQRA), by doing so they initially review a Preliminary Concept send it out for coordinated review to all the involved agencies which may include the NYSDEC, the Army Corp of Engineers, Erie County Department of Environmental Planning and Erie County Highway Department or Department of Public Works, the Health Department for onsite sanitary systems, Erie County Water Authority, plus others. All of the agencies have an opportunity to comment on the project. They send the comments to the Planning Board and at that point the Board makes a determination under the SEQRA whether they take and action or decide that additional information is needed. Then a Concept, similar to what is on display here this evening, is considered identifying in a map form what potentially could go there and then it allows the applicant to pursue detailed engineering and provide all the acceptable information to the Town Engineer, this is the Development Plan stage. Ultimately Final Plat approval by the Town Board would be required. All of the steps are publicly done. There is nothing done private

or behind closed doors. The timeframe of the project is undetermined. The only timeframe is in the Environmental Review process which is a minimum of 30 days to allow the agencies to comment, but even that is subject to receiving comments and having a meeting, so the process could be anywhere from 45 days to 10 years. The Development Plan involves a rigorous review of the Town Engineer.

Chairman Sackett referenced the question regarding the striped area on the map and advised it is a drainage ditch and it falls under the auspices of the Army Corp of Engineers.

There will be future meetings and the residents have the right to come back to attend them and make comments for the record.

ACTION:

Motion by Richard Bigler, seconded by Ari Goldberg, to **table** any action associated with the proposed Natale Builders Woodside Drive Extension project to allow the applicant to address comments received and to meet with neighboring property owners prior to finalizing a design for coordinated review.

ON THE QUESTION:

It is clarified that the comments received include both written and verbal. Mr. Natale agreed with and understood the conditions.

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

Cortese Construction Services
Commercial

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

DISCUSSION:

Mr. Callahan provided the background on the project noting that is located on the north side of Main Street between Shimerville and Thompson Roads. The applicant received a Negative Declaration under SEQRA and Concept Plan approval on July 17, 2019. The applicant is present seeking a Development Plan approval on the project which is consistent with the approved Concept Plan.

Patrick Sheedy, Jr., Civil Engineer with Carmina, Wood, Morris, is present and representing the applicant.

Mr. Sackett noted that in addition to the Development approval, an elevation is included. However, he does not see a mention of materials. Mr. Sheedy said the material below the windows is real brick. The material above the windows to the peak is going to be vertical vinyl type cedar shaped siding. Surrounding the rest of the building will be standard vinyl siding, although he is not certain because he has not heard back from the architect yet.

ACTION:

Motion by Robert Sackett, seconded by Richard Bigler, to **table** the project to allow Mr. Sheedy the opportunity to contact the owner and obtain detailed information regarding the materials to be used on the project.

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

Richard McNamara
Industrial

Requests an Action under the State Environmental Quality Review Act (SEQRA) and Concept Plan Approval for a proposed expansion to the existing business use at 8615 Roll Road.

DISCUSSION:

Mr. Callahan provided the background on the project noting that it is located on the south side of Roll Road, east of Harris Hill Road. The applicant is proposing to add space to the rear of the existing Clarence Builders Supply building. He is seeking an Action under SEQRA and a Concept Plan Review.

Rich McNamara, owner of the property, is present. He stated that his business is growing. It is a lumber yard and he operates a retail kitchen cabinet shop out of the front and also operates his construction company at this location. Phase 1 would be to grow the cabinet shop, Phase 2 and 3 would be for warehouse space as the company grows.

Chairman Sackett noted that the present outlay does not meet the code for setbacks. Mr. McNamara understands. The Board could make a declaration under SEQRA, but they would have to refer the setback issue to the Zoning Board of Appeals. Mr. McNamara is aware of this.

ACTION:

Motion by Richard Bigler, seconded by Gregory Todaro, pursuant to Article 8 of the Environmental Conservation Law, to **accept** the Part 1 EAF as submitted and to approve the Part 2 and Part 3 EAF as prepared and to **issue** a Negative Declaration on the proposed Business Expansion located at 8615 Roll Road. This Unlisted Action involves the expansion of an existing industrial business use in the Industrial Business Park Zone. After thorough review of the submitted site plan and EAF it is determined that the proposed action will not have a significant negative impact upon the environment.

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

MOTION CARRIED.

Motion by Richard Bigler, seconded by Gregory Todaro, to **deny** the Concept Plan for a proposed Industrial Business Park expansion located at 8615 Roll Road as the proposed Concept Plan violates the side and rear yard setbacks in the Industrial Business Park Zone. Any further action and/or modifications to this project will require Planning Board Concept Plan review.

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

Cortese Construction Services
Commercial

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

DISCUSSION:

Mr. Sheedy spoke with the project architect, he confirmed that the brick material is real brick, the siding is fiber cement hardie board and the material in the peeks above the windows are cedar shake fiber cement. The stone wall is dry-stacked landscape stone about 2 feet tall. It will run the length of the front of the property.

Mrs. Salvati asked if those same materials described by Mr. Sheedy will be used for the warehouse. Mr. Sheedy is not aware of the materials as he was not contracted to design that building, but believes it will be a pole barn type structure. Chairman Sackett said if the applicant wants the Board to approve the elevations but does not know the materials, perhaps the applicant needs more time. Mr. Sheedy made another phone call and the meeting was paused.

The meeting resumed and Mr. Sheedy advised the materials for the back building are not the same as the materials for the front building. The knee wall will be consistent with the front building but the siding material will be a commercially rated board and batten vinyl piece, this is heavy duty vinyl siding. A portion of it will be visible from Main Street. Chairman Sackett said he cannot support vinyl that is visible from Main Street. Mr. Bigler echoed Chairman Sackett’s statement.

ACTION:

Motion by Robert Sackett, seconded by Wendy Salvati, to **table** the project and send it back for further discussion relative to its appearance.

ON THE QUESTION:

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 8:05 p.m.

Carolyn Delgato
Senior Clerk Typist