

Town of Clarence  
One Town Place, Clarence, NY 14031  
**Planning Board Minutes**  
Wednesday December 6, 2017

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

**Agenda Items 7:00 pm**

Approval of Minutes

**Item 1**

Beverly Belko  
Agricultural Rural Residential and  
Industrial Business Park

Requests a Subdivision to create one (1) new lot  
At 6659 Goodrich Road.

**Item 2**

Theodore Hallac  
Traditional Neighborhood District

Requests a Fill Permit for 7149 Transit Road,  
Under the Clearing, Filling and Grading Local  
Law.

**Item 3**

Small Wireless Facility Code

Discussion/State Environment Quality Review  
Act (SEQRA) Review.

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

Jim Callahan led the pledge to the flag.

Planning Board Members present:

Chairman Robert Sackett  
Gregory Todaro  
Jeffrey Buckley

1<sup>st</sup> Vice-Chairperson Richard Bigler  
Steven Dale  
Jason Geasling

Planning Board Members absent: 2<sup>nd</sup> Vice-Chairperson Wendy Salvati, 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:

Beverly Belko            Mike Metzger            Ted Hallac

In the absence of Planning Board Members Wendy Salvati and Timothy Pazda, alternate Planning Board Member Jason Geasling will have full voting privileges this evening.

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 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**

Beverly Belko  
Agricultural Rural Residential and  
Industrial Business Park

Requests a Subdivision to create one (1) new lot  
At 6659 Goodrich Road.

**DISCUSSION:**

Jim Callahan introduces the first project. This property is located on the east side of Goodrich Road, south of County Road. It is an existing ninety five plus or minus acre parcel consisting of a house and barn along with vacant agricultural and industrial land. The applicants are proposing to split the existing home and barn from the remaining vacant land. The planning board will have final approval authority over the minor sub division.

Beverly Belko introduces herself.

Robert Sacket asks Beverly when the land is split in two parcels, do you have a purpose for the parcel that has the residence or facility on it? Beverly states that they would be better off selling it because it is zoned industrial. The split is being done for the purpose of sale.

**ACTION:**

Motion by Gregory Todaro , seconded by Richard Bigler, pursuant to Article 8 of the Environmental Conservation Law, to **accept** part 1 Short Environmental Assessment Form as completed, approve the Parts 2 and 3 Short Environmental Assessment Form as prepared and issue a negative declaration on the proposed Minor Subdivision located at 6659 Goodrich Road. This Unlisted Action involves a Minor Subdivision that separates an existing home and barn from the parent parcel. After thorough review of the submitted SEAF and property survey it has been determined that the proposed action will not have significant negative impact upon the environment.

**ON THE QUESTION:**

Jason Geasling	Aye	Jeffrey Buckley	Aye
Steven Dale	Aye	Gregory Todaro	Aye
Richard Bigler	Aye	Robert Sackett	Aye

MOTION CARRIED.

Motion by Gregory Todaro, seconded by Steven Dale to **approve** the proposed Minor Subdivision at 6659 Goodrich Road 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 DPW approval for any future curb cuts onto Goodrich Road.
3. Subject to Erie County health department approval on any on site sanitary facility installations and/or amendments.
4. Subject to drainage easements to ensure that existing drainage ditches are maintained. Said easements to be approved by the highway department and town attorney.

**ON THE QUESTION:**

Beverly Belko understands the conditions and accepts them.

Jason Geasling	Aye	Jeffrey Buckley	Aye
Steven Dale	Aye	Gregory Todaro	Aye
Richard Bigler	Aye	Robert Sackett	Aye

MOTION CARRIED.

**Item 2**

Theodore Hallac  
Traditional Neighborhood District

Requests a Fill Permit for 7149 Transit Road,  
Under the Clearing, Filling and Grading Local  
Law.

**DISCUSSION:**

Jim Callahan provided background on the project noting that it is located in the south/east corner of Transit and Lapp Roads within the Swormville traditional neighborhood district. This property contains 3.5 acres with an existing structure on mostly vacant land. The applicant is requesting a fill permit under the Towns Clearing, Filling and Grading Local Law. Under this law the applicant will be required to submit detailed drawings identifying the specific amounts of fill along with the drainage and grading plan. A timeline and identification of sources will be required. The law also addresses monitoring operations with oversight in compliance with the code.

Michael Metzger with Metzger Civil Engineering introduces himself with his client Ted Hallac.

Mr. Metzger states his client has owned the property since 2010 and there is an existing structure on the site. The structure was in need of work when it was purchased. It has since been remodeled and put into use as commercial rental property. They would like to get the property ready for future development. Mr. Hallac has been made aware of a few sources of fill coming available in the next construction season that he would be able to obtain and place it on the site, level it off and plant grass. The fill would stay in that location. He doesn't currently have a project in sight, but would like to do something in the future.

Mr. Metzger has submitted in support of this application a topographic survey, a grading, drainage and erosion and sediment control plan, a restoration plan, the application from, a SEQR Short

Environmental Assessment Form, an insurance certificate naming the town as an additional insured, and map showing the owners of the adjoining properties within 500 feet. A copy of the contract of the firm placing the fill has been submitted. He has submitted a project schedule which may shift knowing this will be a six month project. The dates will have to be adjusted pushing them into the spring. He feels they are in full compliance with chapter 79 of the code.

The property is along Transit Road and there is a large ditch which runs in front of it north to south. About half way to the back of property there is a swale that runs south to north taking water out to the roadside ditch on Lapp Road. The plan will raise the site about 1 foot above Transit Road where the fill will be placed. Currently the site drains west and east towards the swale. Half of the swale will go towards Transit and half back towards the swale. They will place the fill and replicate the drainage patterns that are there now. The water will be appropriately managed.

Construction vehicles will enter just east of existing parking lot. There will be a stabilized construction entrance to minimize the amount of tracked mud onto Lapp Road. It will be constructed in accordance with the latest standards. A silt fence or silt sock will be placed around the disturbed area.

Ted Hallac states he has had a for sale sign up for 6-7 years now looking for any for a building development or commercial realty to contact him. He has had no signs of interest. He feels most people think they are looking at his property down into a ditch. He would really like to make it more presentable. He would like to start now so the fill can settle. He doesn't think the neighbors will have any issues or be offended. The house to the south is his. They will not be going near the house to the east so that will not be an issue.

Robert Sackett has made it clear that the neighbors have not been contacted as of yet. He has a concern with the 3 foot height elevation.

Mr. Metzger says the drainage pattern will stay the same. Having 3 feet of fill gives them the opportunity to move the fill in the future. They will minimize the amount of disturbance the settled fill can support. They will bring quality fill with no big boulders, but it hasn't been determined where it is coming from yet.

Mr. Metzger was asked about drainage on the proposed fill area. Metzger shows it's a gentle slope on the site not a hill and states, there will be no impermeable surface, just fill from construction projects.

**ACTION:**

Motion by Jeffrey Buckley, seconded by Richard Bigler, pursuant to article 8 of the Environmental Conservation Law, to **accept** the Part 1 of the Environmental Assessment Form as prepared and to seek Lead agency status and commence a review among involved agencies on the proposed Hallac Fill Operation located at 7149 Transit Road. This Unlisted action involves a fill operation to raise the grade of the existing vacant property to accommodate future development.

Jason Geasling	Aye	Jeffery Buckley	Aye
Steven Dale	Aye	Gregory Todaro	Aye
Richard Bigler	Aye	Robert Sackett	Aye

MOTION CARRIED.

**Item 3**

Small Wireless Facility Code

Discussion/State Environmental Quality Review Act (SEQRA) Review.

**DISCUSSION:**

Jim Callahan provides the background on this agenda. Town Board established a moratorium on the small wireless devices on August 9, 2017. The Planning Board Executive and Planning Department have worked on draft law and it's ready for review and comment.

This is a referral from the Town Board to the Planning Board to ask to develop a code. What is being proposed is to send it out for review so that involved agencies have the opportunity to comment on the draft.

**ACTION:**

Motion by Steven Dale, seconded by Richard Bigler, pursuant to Article 8 of the Environmental Conservation Law, to seek Lead Agency status and commence a review among involved agencies on the proposed Small Cell Wireless Code of the Town of Clarence. This Unlisted Action involves the adoption of a local law to permit small wireless facilities.

Jason Geasling	Aye	Jeffery Buckley	Aye
Steven Dale	Aye	Gregory Todaro	Aye
Richard Bigler	Aye	Robert Sackett	Aye

MOTION CARRIED.

Meeting adjourned at 7:35 p.m.

Janel Farolino for  
Carolyn Delgato  
Senior Clerk Typist  
Amended 12-11-17