

Town of Clarence
One Town Place, Clarence, NY 14031
Planning Board Minutes
Wednesday December 7, 2022

Work Session 6:30 pm

Status of SEQR Coordinated Reviews
Review of Agenda Items
Miscellaneous

Agenda Items 7:00 pm

Item 1

John Krantz
Agricultural-Rural Residential

Requests Conceptual Approval of a proposed four (4) lot residential single-family Open Development Area with access to Heise Road at SBL 30.00-3-56.1.

Item 2

Oleg Sapozhnikov
Residential Single-Family

Requests Minor Subdivision of land approval to create one (1) new lot and a Change-In-Use Approval to convert the existing church into a single-family residence at 5030 Thompson Road.

Item 3

Charles Kelkenberg
Industrial Business Park

Requests Development Plan and Final Architectural Approvals for a conceptually approved self-storage facility at the northeast corner of Goodrich Road and County Road, 9485-9490 County Road.

Chairman Robert Sackett called the meeting to order at 7:01.

Councilman Shear led the Pledge of Allegiance.

Planning Board Members present:

Chairman Robert Sackett
2nd Vice-Chair Wendy Salvati
Jason Geasling
Jason Lahti

Vice-Chair Richard Bigler
Gregory Todaro
Patrick Johnson

Town Officials Present:

Director of Community Development Jonathan Bleuer
Junior Planner Andrew Schaefer
Councilman Paul Shear
Deputy Town Attorney Steven Bengart

Other Interested Parties Present:

| | | | |
|---------------|------------------|----------------|--------------|
| Jason Burfort | Jeff Barbeau | Gary Zimmerman | Karen Keller |
| Tim Keller | Oleg Sapozhnikov | Russell White | Robert Rackl |
| Julie Rusin | Mike DiMartino | | |

Item 1

John Krantz
Agricultural-Rural Residential

Requests Conceptual Approval of a proposed four (4) lot residential single-family Open Development Area with access to Heise Road at SBL 30.00-3-56.1.

DISCUSSION:

Mr. Bleuer introduced this project, located on the east side of Heise Road, north side of County Road, and south of Martin Road.

It is an existing vacant 14-acre parcel located in the Agricultural Rural Residential zone. The applicant is requesting consideration of a 4-lot Open Development Area on approximately 10.5 acres with access to Heise Road via a single private drive.

The Planning Board previously approved a Minor Subdivision of land to create one lot on the southeast corner of Heise and Martin Roads, and began a coordinated review under the State Environment Quality Review Act (SEQRA) for the proposed Open Development Area, in August of 2021. The applicant conducted a thorough review of the comments received, and the Open Development area was reduced from 5 lots, to 4 lots after consideration was given to utilities, specifically a private water line, by the applicant. Most recently, the applicant has received Engineering Department signoff of their preliminary grading and drainage plan.

The Planning Board has the authority to take a SEQRA action and consider the conceptual Open Development Area.

The applicant has also requested rezoning consideration of the remaining approximately 3.5-acres south of the National Fuel Gas property at the northeast corner of County and Heise Roads. When this item was previously on the Planning Board agenda in October, it was stated that rezoning consideration would take place at the time of proposal by the applicant, when the Planning Board can review the community character in more detail. Therefore, rezoning consideration is not part of this meeting tonight, only the open development area is being considered tonight.

Jason Burford with GPI Engineers as well as the applicant John Krantz were present to represent this request.

Mr. Burford stated that they have received preliminary grading and drainage approval from the Engineering Department, and are currently finishing their design work for this project.

Mr. Burford reiterated that they will be submitting a full rezone submission at a later date.

Based on previous neighbor questions and concerns regarding the rezone, Mr. Burford asked for permission to allow Mr. Krantz an opportunity to review his plans for the potential rezone. Mr. Krantz also had supporting documents prepared to show at tonight’s meeting.

Chairman Sackett stated that since that item is not part of tonight’s meeting consideration, it would not be appropriate at this time.

Mr. Lahti referred to the agreement for an easement with Jeffrey Barbeau on Martin Road, which states that there is a condition to plant trees along the applicant’s side of the retention pond. This condition will go through the Landscape Committee for approval before Development Plan Approval.

Mr. Burford confirmed that he is aware and agrees to that condition.

In regards to Public Participation, the following resident spoke:

1. Russell White of 9060 County Road:
 - confirmed that when it is time for the rezone portion of the project to come to the Planning Board, that the residents will be notified again.

Chairman Sackett confirmed notifications will be done again, and pointed out that signing in on the Sign-In sheet is also recommended.

2. Robert Rackl of 9040 County Road:
 - no objection to the residential lots, but sees no reason to rezone the area, as there is plenty of unused industrial area along County Road.

Public Participation was closed for this item at this time.

ACTION:

Motion by Jason Lahti, seconded by Gregory Todaro that pursuant to Article 8 of the Environmental Conservation Law, to **accept** the Part 1 Short Environmental Assessment Form as submitted and **approve** the Part 2 & 3 Short Environmental Assessment Form as prepared and to **issue a Negative Declaration** on the proposed Krantz Open Development Area at Heise Road SBL 30.00-3-56.1. This Unlisted Action involves the development of a residential four (4) lot Open Development Area in the Agricultural-Rural Residential zone. After thorough review of the submitted plans and Environmental Assessment Forms it is determined that the proposed action will not have a significant negative impact on the environment.

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|----------------|-----|-----------------|-----|----------------|-----|
| Jason Lahti | Aye | Patrick Johnson | Aye | Jason Geasling | Aye |
| Gregory Todaro | Aye | Wendy Salvati | Aye | Richard Bigler | Aye |
| Robert Sackett | Aye | | | | |

MOTION CARRIED

Motion by Jason Lahti, seconded by Gregory Todaro to **approve the Concept Plan** for the Krantz Open Development Area at Heise Road SBL 30.00-3-56.1 per the submitted drawing by GPI, dated February 2020, with the following conditions:

1. Applicant meeting the requirements of the preliminary grading and drainage Town of Clarence Engineering review, and associated conditions.
2. Applicant meeting the requirements of the preliminary fire code compliance Town of Clarence Building Department review, and associated conditions.
3. Subject to Development Plan review by the Town, including a technical review of the final Development Plan by the Town Engineering Department.
4. Subject to Town Building and Engineering Department approval prior to any permits being obtained for the construction on the property.
5. All lots shall be developed per a lot data table placed within the development plan set, including but not limited to, basement type, lot grading type, and setbacks.
6. Applicant agreeing to grant and prepare any easements determined to be necessary by the Town of Clarence Engineering Department, based on technical review of a fully engineered Development plan set. Said Easements shall be submitted by the applicant and approved by the Town Engineering, Highway and Legal Departments. If required, Applicant shall file same in the Erie County Clerk’s office and provide a “Stamped Filed” copy to the Town Attorney’s office after recording.
7. Applicant submitting a landscape plan for review and approval by the Landscape Review Committee, to include a minimum of two double-staked street trees per lot, and the trees on the north side of the detention basin referenced in the agreement with Jeffrey Barbeau dated 28 July 2022, prior to Development Plan approval.
8. Subject to Erie County Health Department and New York State Department of Environmental Conservation approval, if required, on any future on-site sanitary facilities.
9. If a homeowner’s association is to be created by the applicant, a copy of the bylaws, rules and regulations shall be provided to the Town Attorney’s Office for review and approval prior to the issuance of any building permits.
10. Any required entrance lighting and proposed private drive lighting must be dark sky compliant and shielded to prevent spillage onto adjoining parcels.
11. Any subdivision signage subject to review and approval by the Sign Review Committee.
12. Subject to Open Space Fees and any other applicable fees as required by Code.

ON THE QUESTION:

The applicant has heard, understands and agrees to these conditions.

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|----------------|-----|-----------------|-----|----------------|-----|
| Jason Lahti | Aye | Patrick Johnson | Aye | Jason Geasling | Aye |
| Gregory Todaro | Aye | Wendy Salvati | Aye | Richard Bigler | Aye |
| Robert Sackett | Aye | | | | |

MOTION CARRIED

Item 2

Oleg Sapozhnikov
Residential Single-Family

Requests Minor Subdivision of land approval to create one (1) new lot and a Change-In-Use Approval to convert the existing church into a single-family residence at 5030 Thompson Road.

DISCUSSION:

Mr. Bleuer introduced this project, located at 5030 Thompson Road. Northwest corner of Thompson Road and Hillview Drive.

It is an existing 3.5-acre parcel which contains a former church, and associated facilities, located in the Residential Single-Family zone.

The applicant is requesting a Minor Subdivision of land to create one (1) new building lot north of the former church and fronting Thompson Road, of approximately 1.6 acres. In addition, the applicant is seeking a Change-In-Use to convert the former church into a single-family residence. Most recently an accessory structure was removed from the property which would be located on the newly created lot to the north.

The Planning Board has authority to act on this request, after an action through the State Environmental Quality Review Act.

Oleg Sapozhnikov was present to represent his request.

Mr. Todaro has no issues with the Short Environmental Assessment Form (EAF).

Mr. Todaro asked if there will be any changes to the pavement or parking area on the property.

Mr. Sapozhnikov responded no.

Referring to the architectural design and elevations, Mr. Todaro asked if the spire will be removed from the main building.

Mr. Sapozhnikov responded yes.

Mr. Todaro asked if the pedestal to the spire will also be removed.

Mr. Sapozhnikov responded yes.

Mr. Todaro asked if there are any plans to build an additional building on top in place of the spire.

Mr. Sapozhnikov responded no.

Mr. Todaro asked if there are plans to plant any additional trees on the property.

Mr. Sapozhnikov responded no.

Mr. Todaro asked if there any plans to rent out any parts of the property.

Mr. Sapozhnikov responded no.

Mr. Todaro asked if there is any plan to have residential living space within the basement.

Mr. Sapozhnikov responded no.

Mr. Todaro asked if the sign out front that belonged to the church will be removed.

Mr. Sapozhnikov responded yes.

In regards to Public Participation, the following resident spoke.

1. Michael DiMartino of 8235 Hunting Valley:
 - what is the square footage of the new build home
 - what are the qualifications and experience of the builder or owner
 - how will the conversion of a multi-structure church to a single family home be done. He wants to make sure it fits with the existing homes in the area.

2. Julie Rusin of 8971 Hillview Drive:
 - would like to know what kind of clearing will or will not be done, her house is directly behind this property.

Public Participation was closed for this item at this time.

Mr. Sapozhnikov returned to address the concerns, stating that he will be the General Contractor, and has many years' experience. He will be hiring additional contractor to assist him.

Mr. Sapozhnikov stated that he doesn't currently have any plans for clearing.

Mr. Sapozhnikov noted that he will be putting on a front porch, there will be two garage doors, and a combination of Stucco and stone on the front of the house. An application to the Building Department and their approval will be done as part of the building process, which has already begun.

Chairman Sackett recommended, if possible, Mr. Sapozhnikov replant some trees.

Mrs. Salvati asked to clarify that the top of the roof will have a regular roofline.

Mr. Sapozhnikov responded yes.

ACTION:

Motion by Gregory Todaro, seconded by Richard Bigler that pursuant to Article 8 of the Environmental Conservation Law, to **accept** the Part 1 Short Environmental Assessment Form as submitted and **approve** the Part 2 & 3 Short Environmental Assessment Form as prepared and to **issue a Negative Declaration** on the proposed Sapozhnikov Minor Subdivision at 5030 Thompson Road. This Unlisted Action involves a lot split to create one (1) additional lot in the Residential Single-

Family zone. After thorough review of the submitted plan and Environmental Assessment Forms it is determined that the proposed action will not have a significant negative impact on the environment.

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|----------------|-----|-----------------|-----|----------------|-----|
| Jason Lahti | Aye | Patrick Johnson | Aye | Jason Geasling | Aye |
| Gregory Todaro | Aye | Wendy Salvati | Aye | Richard Bigler | Aye |
| Robert Sackett | Aye | | | | |

MOTION CARRIED

Motion by Gregory Todaro, seconded by Richard Bigler to **approve the Sapozhnikov Minor Subdivision** at 5030 Thompson Road as per the submitted sketch plan received in the Planning Office on September 27th, 2022, with the following conditions:

1. Subject to Erie County Department of Public Works approval for access to Thompson Road.
2. Review and approval by the Erie County Health Department for any future on-site sanitary facilities for the newly created lot.
3. Review and approval by the Town Building and Engineering Departments for any future residential construction on the newly created lot.
4. Should any drainage easements be required by the Town to address on-site drainage issues on the property, appropriate easements shall be submitted by the applicant and approved by the Town Engineering, Highway and Legal Departments. If required, applicant shall file same in the Erie County Clerk’s office and provide a “Stamped Filed” copy to the Town Attorney’s office after recording.
5. Subject to any Open Space and Recreation Fees as required by Town code.

Mr. Sapozhnikov heard, understands, and agrees with these conditions.

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| Jason Lahti | Aye | Patrick Johnson | Aye | Jason Geasling | Aye |
| Gregory Todaro | Aye | Wendy Salvati | Aye | Richard Bigler | Aye |
| Robert Sackett | Aye | | | | |

MOTION CARRIED

Motion by Gregory Todaro, seconded by Richard Bigler to **approve the Sapozhnikov Change-In-Use** to convert the existing church into a single-family residence at 5030 Thompson Road, as per the submitted sketch plans received in the Planning Office on November 8th, 2022, with the following conditions:

1. Applicant meeting the requirements of the Town of Clarence Engineering and Building Departments and any associated conditions.
2. Applicant conforming to the standards of the underlying zoning, presently Residential Single Family.

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|----------------|-----|-----------------|-----|----------------|-----|
| Jason Lahti | Aye | Patrick Johnson | Aye | Jason Geasling | Aye |
| Gregory Todaro | Aye | Wendy Salvati | Aye | Richard Bigler | Aye |
| Robert Sackett | Aye | | | | |

MOTION CARRIED

Item 3

Charles Kelkenberg
Industrial Business Park

Requests Development Plan and Final Architectural Approvals for a conceptually approved self-storage facility at the northeast corner of Goodrich Road and County Road, 9485-9490 County Road.

DISCUSSION:

Mr. Bleuer introduced this project, located at 9485-9490 County Road, northeast corner of Goodrich Road and County Road.

It is an existing vacant 6.9-acre vacant parcel located in the Industrial Business Park zone.

The applicant is requested Development Plan and Final Architectural Approvals for the construction of a self-storage facility. The facility consists of ten self-storage structures, with the southernmost structure containing an office component. Singular access is provided to County Road, and the building elevations fronting all public rights-of-way contain architectural detailing through high quality materials and fenestration.

This project was referred from the Town Board in October of 2019. In January of 2020, the Planning Board initiated a coordinated review under the State Environmental Quality Review Act (SEQRA). In November of 2020, the Planning Board issued a Negative Declaration under SEQRA, Concept Plan Approval, and Conceptual Architectural Approval. In July of 2021, the Landscape Committee approved the Landscape Plan. In September of 2021, the Engineering Department determined that the final Development Plan met their technical requirements. Most recently, the applicant submitted final architectural elevations that they believe are consistent with the conceptual architectural approval.

The Planning Board has the authority to act on this Development Plan and Development Architectural request. This constitutes the final Board review prior to construction.

Charles Kelkenberg was present to represent his request.

Mr. Kelkenberg noted how far this project has come, and is hoping to have architectural approval soon.

Mr. Kelkenberg reviewed the progress that they have made just in the past year.

Referring to the architectural side of the project, Mr. Kelkenberg noted that they have designed a project that will fit in well with the character of the neighborhood.

A final adjustment in size was made to the dormers on the front of the building which faces County Road, and it will assist with the visual appearance.

Mr. Kelkenberg thanked the Planning Board for their time spent on this project.

Mr. Geasling commended Mr. Kelkenberg on the work that they have put in on this project.

Mr. Geasling asked Mr. Kelkenberg to review the materials on the project.

Mr. Kelkenberg stated that the roof on the exterior buildings will be a standing-seam metal roof, the interior buildings will have a standard corrugated metal roof.

Mr. Kelkenberg added that the front of the exterior buildings will be an LP Smart Side product and a real stone product for the skirting along the exterior.

Mr. Geasling asked if the storage building first seen upon entry in to the storage park will match the exterior of the buildings that can be seen from County Road.

Mr. Kelkenberg responded yes.

Mr. Kelkenberg added that the exterior door on the County Road side is a faux door.

Mr. Kelkenberg stated that the exterior windows are real, but are security windows to prevent entry or exit.

In regards to Public Participation, no one spoke.

ACTION:

Motion by Jason Geasling, seconded by Gregory Todaro to **approve the Development Plan** for Kelkenberg Self-Storage at 9785-9490 County Road per the submitted plan set by Metzger Civil Engineering dated May 14th, 2021, with a final revision date of July 30th, 2021 and to **approve the Final Architectural** drawings by Sutton Architecture dated October 13th, 2022, all with the following conditions:

1. Applicant meeting the requirements of the Town of Clarence Engineering and Building Departments and any associated conditions.
2. Applicant meeting the requirements of the Landscape Committee Approval on July 8th, 2021, and associated conditions, including but not limited to, the maintenance of all landscaping, walls, and fencing in perpetuity and replacement, in-kind, should there be any deterioration, or death or disease to plantings.
3. Subject to Erie County Health Department, and New York State Department of Environmental Conservation approval if required, on any future on-site sanitary facilities.
4. Review and approval by the Erie County Department of Public Works for access to County Road.
5. Building to be constructed per the approved materials and colors.
6. Building and site shall be maintained as approved, in perpetuity, and any building and site deficiencies shall be repaired or replaced as originally approved.
7. Paved areas to be striped and maintained in perpetuity. No parking of vehicles outside the designated parking areas.
8. No outside display or storage of any kind on the property, including but not limited to: vehicles, trailers, recreational vehicles, construction equipment, storage containers and boxes.
9. All lighting must be dark sky compliant and shielded to prevent spillage onto adjoining parcels. No lighting shall be elevated above the roof lines and all lighting shall be turned off no later than one hour after business hours except for necessary security lighting.

10. Business Hours of Operation to be 6am-9pm Sunday through Saturday. Any proposed changes to the Hours of Operation shall require application to the Planning Office for its consideration.
11. Any future proposed lot splits of the property shall require Subdivision Town review and Approval.
12. Any future proposed dumpster or garbage tote system shall require Town review and Approval, including but not limited to screening, service and closure in conformance with Town Code.
13. Any permanent signage subject to review and approval by the Sign Review Committee, and any temporary signage subject to review and approval by the Office of Planning and Zoning.
14. Subject to Open Space, and any other applicable fees as required by Town Code.

The applicant has heard, understands, and agrees to these conditions.

Mrs. Salvati and Mr. Bigler thanked Mr. Kelkenberg for all of his work and compliance with creating this project, which sets a standard for County Road.

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|----------------|-----|-----------------|-----|----------------|-----|
| Jason Lahti | Aye | Patrick Johnson | Aye | Jason Geasling | Aye |
| Gregory Todaro | Aye | Wendy Salvati | Aye | Richard Bigler | Aye |
| Robert Sackett | Aye | | | | |

MOTION CARRIED.

Meeting **adjourned** at 7:42 p.m. with a motion by Gregory Todaro.

Amy Major
Senior Clerk Typist