

Town of Clarence
One Town Place, Clarence, NY 14031
Planning Board Minutes
Wednesday February 1, 2017

Work Session 6:00 pm
Status of TEQR Coordinated Reviews
Review of Agenda Items
Miscellaneous

Agenda Items 7:00 pm

Item 1

Russell Salvatore, Jr./The Abbey
Restricted Business

Requests Approval of a Retail Use in the
Restricted Business Zone for a small restaurant at
6449 Transit Road.

Item 2

Russell Salvatore, Jr./The Abbey
Restricted Business

Requests Approval of a Retail Use in the
Restricted Business Zone for a Clothing Store at
6449 Transit Road.

Item 3

Russell Salvatore, Jr./The Abbey
Restricted Business

To consider a Recommendation to the Town
Board for an Architectural Amendment for the
project at 6449 Transit Road.

Item 4

Congregation of the Sisters of St. Joseph
Traditional Neighborhood District

Requests a Minor Subdivision to create two (2)
new lots at 10330 Main Street.

Item 5

Andrew Moquin/Andrew's Jewelers
Major Arterial

Requests Concept Plan Review of a proposed
new jewelry store at 4715 Transit Road.

Item 6

Draft Town Solar Code

Review.

Vice-Chairman Richard Bigler called the meeting to order at 7:00 p.m. Councilman Shear led the pledge to the flag.

Planning Board Members present:

1st Vice-Chairman Richard Bigler
2nd Vice-Chairperson Wendy Salvati
Steven Dale
Jason Geasling
Gregory Todaro
Jeffrey Buckley

Planning Board Members absent: Chairman Robert Sackett, Timothy Pazda

Town Officials Present:

Director of Community Development James Callahan
Assistant Director of Community Development Jonathan Bleuer
Councilman Paul Shear
Town Attorney Lawrence Meckler
Councilman Geiger

Other Interested Parties Present:

Sharon Cook	Jim Blum
David Doew	Deborah Frandina
Melissa Gerace	Keith Krabill

In the absence of Planning Board Chairman Robert Sackett, 1st Vice-Chairman Richard Bigler will preside over the meeting. In the absence of Planning Board member Timothy Pazda, alternate Planning Board member Jason Geasling will be participating in all discussions and voting on all agenda items this evening.

Vice-Chairman Bigler explained the protocol for the meeting noting that Mr. Callahan will introduce each agenda item. The applicant will be given the opportunity to add comments regarding the project. The Board members will then ask questions pertaining to the project. The audience will be invited to ask questions and/or provide comments on the project. The applicant will be asked answer any questions that arose from the audience participation. The Board will then take action on the project.

Item 1

Russell Salvatore, Jr./The Abbey
Restricted Business

Requests Approval of a Retail Use in the
Restricted Business Zone for a small restaurant at
6449 Transit Road.

DISCUSSION:

Jim Callahan provided the background on the project noting that it is located on the east side of Transit Road, north of Old Post Road. It is a previously approved mixed-use project approved under a Special Exception Use Permit. Per a recent code change, the Planning Board has final approval authority for small retail uses within a mixed-use project. The applicant is proposing a small restaurant in the first commercial space.

Russel Salvatore, Jr. is present and explained the proposal is for a small Mexican restaurant with 40 seats. Operating hours would be from 9:00am-11:00pm Monday to Saturday, Sunday's hours may differ. He will recommend the restaurant owner receive deliveries at the back door.

Sharon Cooke asked where the trash from the restaurant will go. Mr. Salvatore said the plan shows that the trash will be at the north east corner of the property but that has since changed to allow for more efficient snow removal in case the snow becomes excessive. The trash disposal area will be moved south on the site and will be a landscaped area. The restaurant employees will still come out the side entrance

of the building to take the trash out, they will not go through the hall because there are two apartments there.

Mrs. Salvati asked for details on a door she referenced on the plan. Mr. Salvatore said if there are two different uses it is a possible fire escape, based on fire code. They subsequently found out they don't need that extra fire escape.

Gregory Todaro asked if music will be pumped outside. Mr. Salvatore said no.

ACTION:

Motion by Steven Dale, seconded by Gregory Todaro, to **approve** the retail use of a small restaurant, "Taco Beer Community," within Unit 1 of The Abbey with the following conditions:

1. Estimated Hours of Operation Monday thru Sunday from 11:00 a.m. until 11:00 p.m.
2. Seating capacity for approximately 40 patrons.

Jason Geasling	Aye	Jeffrey Buckley	Aye
Steven Dale	Aye	Gregory Todaro	Aye
Wendy Salvati	Aye	Richard Bigler	Aye

MOTION CARRIED.

Item 2

Russell Salvatore, Jr./The Abbey
Restricted Business

Requests Approval of a Retail Use in the
Restricted Business Zone for a Clothing Store at
6449 Transit Road.

DISCUSSION:

Jim Callahan provided the background on the project noting that it is located on the east side of Transit Road, north of Old Post Road. This is the second retail use within the Special Exception Use Permit mixed-use building and is for a small boutique clothing store.

Mr. Salvatore said this has smaller square footage than Unit 1. It is a woman's clothing store that currently exists called Elmwood Village Designs, they are moving out here for a second location. Hours of operation would be 10:00am to 10:00pm during the holiday season, and 10:00am to 8:00pm during the non-holiday season.

ACTION:

Motion by Gregory Todaro, seconded by Wendy Salvati, to **approve** the retail use of a women's clothing store, "Village Designs" within Unit 2 of The Abbey with the following conditions:

1. Estimated hours of operation Monday through Sunday from 11:00 a.m. until 8:00 p.m.

ON THE QUESTION:

It is clarified that hours of operation can change seasonally and remain opened until 10:00 p.m.

Jason Geasling	Aye	Jeffrey Buckley	Aye
Steven Dale	Aye	Gregory Todaro	Aye
Wendy Salvati	Aye	Richard Bigler	Aye

MOTION CARRIED.**Item 3**

Russell Salvatore, Jr./The Abbey
Restricted Business

To consider a Recommendation to the Town Board for an Architectural Amendment for the project at 6449 Transit Road.

DISCUSSION:

Jim Callahan provided the history on the project noting that when this project received the final approval of the Special Exception Use Permit for this project the applicant identified an all brick structure. The applicant is now requesting an amendment to this previous approval to add some additional exterior materials to the side. The Town Board has referred the proposed amendment to the Planning Board for review and recommendation.

Dave Sutton, of Sutton Architecture, is present to explain the material changes being proposed for the north, south and east side elevations, not the front of the building, of a previously approved project. The applicant was before both the Planning and the Town Boards in the past and proposed an all brick structure, at that time the applicant indicated there might be some alterations to the design, but for the sake of moving the project forward they agreed that the building would be an all brick structure. Now that the applicant is moving forward with the project and studying some of the architectural detailing regarding cost and actual design they are coming before this Board to propose some changes. The proposal previously included returning the brick one bay or 20' around the side, then replace it with vinyl siding. This was received with some concerns. Those concerns are: the stark contrast between the brick and the vinyl siding, the excessive use of vinyl siding and the visibility traveling north and south on Transit Road was not architecturally appealing. The applicant is now proposing more of a mixture/blend in the materials and adding a lot of details such as brick tiers as seen on the most recent rendering. The cornice line is now more substantial and goes around the whole building, the stone base will remain. The lower half of the vinyl siding has been replaced with brick. Mr. Sutton clarified that brick veneer means it is non-load bearing, the brick veneer that is being used is a full 4" thick brick.

Vice-Chairman Bigler asked what the difference in price is between the vinyl and the Hardie board. Mr. Salvatore said the cost for Hardie board would have been \$67,000. He was told by the builder that vinyl siding is superior to Hardie board for commercial buildings such as the one being proposed.

Mr. Sutton clarified that the vinyl siding is being used in the correct manor on this project. It is at an elevated height on the building. The brick columns divide the building so there is not a long run of vinyl siding which could cause waving in the siding. The vinyl siding comes in 12'-15' lengths, so there will be no real seams except maybe around the windows.

Vice-Chairman Bigler said he thinks this is an attractive project, the applicant is using high-end products.

It is clarified that the difference in cost between the Hardie Board and the vinyl siding is \$67,000.

Mrs. Salvati said she thinks the new design is a good compromise. It is noted that the code allows vinyl siding.

Deborah Frandina, of 8065 Old Post Road, asked why the elevation is so tall. She went on to say that the new proposal looks good but she recommends that it be all brick. It would be less maintenance, it would look better and the owner would be much happier.

Vice-Chairman Bigler said the height of the building meets the Town’s code. Mr. Sutton thinks Ms. Frandina was asking about the elevation rather than the height of the building itself. He explained that the raised elevation is due to site restrictions and the Engineering Department required it to be a certain height/grade. There is 13.8’ between floors on the retail side, the residential has a standard height ceiling. The parapets are for architectural enhancement.

Mr. Dale questioned the difference in the elevations with regards to the white band on the building. It is confirmed that the wide white band will be along the front and goes all around to the back of the building. It is Azek material, which is a wood-like material that does not rot. Mr. Sutton will revise the rendering to show the continuous white band around the structure and will forward it to the Planning Office.

ACTION:

Motion by Wendy Salvati, seconded by Gregory Todaro, to **recommend** to the Town Board the proposed architectural amendments to the previously approved project at 6449 Transit Road as per the amended elevations from Sutton Architects received on December 29, 2016 in the Planning and Zoning Office.

ON THE QUESTION:

The proposed elevation also includes a white strip of Azek siding that will also extend across the brick and wrapped around the front.

Jason Geasling	Aye	Jeffrey Buckley	Aye
Steven Dale	Aye	Gregory Todaro	Aye
Wendy Salvati	Aye	Richard Bigler	Aye

MOTION CARRIED.

Item 4

Congregation of the Sisters of St. Joseph Traditional Neighborhood District	Requests a Minor Subdivision to create two (2) new lots at 10330 Main Street.
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DISCUSSION:

Jim Callahan provided the background on the project noting that it is located on the north side of Main Street, east of Strickler Road. The property contains 30+/- acres. The applicant is proposing a minor subdivision to create two (2) new lots on the Main Street frontage. Per the Subdivision Law the Planning Board has final review and approval authority for minor splits.

ACTION:

Motion by Wendy Salvati, seconded by Steven Dale, to **table** Agenda Item 4 until the applicant is present to represent it to the Board.

Jason Geasling	Aye	Jeffrey Buckley	Aye
Steven Dale	Aye	Gregory Todaro	Aye
Wendy Salvati	Aye	Richard Bigler	Aye

MOTION CARRIED.

Item 5

Andrew Moquin/Andrew's Jewelers
Major Arterial

Requests Concept Plan Review of a proposed new
jewelry store at 4715 Transit Road.

DISCUSSION:

Jim Callahan provided the history on the project noting that it is located at the southeast corner of Transit Road and the access to Sheridan Drive. The property is approximately .44 acres in size and is currently vacant. Per the Zoning Law the Planning Board will have final review and approval authority on this project.

Andrew Moquin, owner of Andrew's Jewelers, is present and noted that the plan dated February 1, 2017 is the update plan which reflects changes discussed with the Planning Board Executive Committee.

Mrs. Salvati noted that the sign has been moved and asked for details on that. Mr. Moquin said the sign was actually not moved, the island with the curbing around the sign was made longer for more protection of the sign. There have been some lighting standards added to the parking lot in the front of the property. Mrs. Salvati asked if they are still proposing to add lighting to the roof that would project down into the parking lot. Bill Henderson, architect for the project, said the lights will not be on the roof, he is looking into lights that will go into the soffits, the soffits are high enough that they can get lighting into the row of parking next to the building. Mr. Moquin said if the project stays within budget they will do as the plan shows, if not they will proceed as Mr. Henderson just explained. Mr. Moquin said he is going to contact NYSEG about the light pole out front.

Mr. Todaro referenced the parking in the back and the curbing that is there. Mr. Moquin said he is proposing curbing to help prevent any property damage during snow removal. Has the neighbor used those parking spots and does he know it is probably not going to be viable in the future. Mr. Henderson said he has been at the site six (6) times over the past two (2) months and there has never been a car in that area. Mr. Moquin said there will be more than ample parking, he never uses more than seven (7) spaces at a time. He would only need sixteen (16) parking spaces maximum. He knows he will have to have a conversation with the neighbor about the parking spaces but he does not think that those spaces are used.

Mr. Dale asked what the two (2) lots are on the east side of the property. Mr. Moquin said one is for an air conditioning unit and the other is for a possible generator. The lots will be identified as such on the next plan that is submitted. There are catch basins in the plan because the applicant found that there is a storm sewer and a sanitary sewer on the property.

Mrs. Salvati asked if the applicant plans on taking down the dead and dying trees/vegetation that is in the DOT right of way. Mr. Moquin said he thinks those trees are well within the property line but he will check to make sure.

Mr. Moquin said if there is excess snow, he would have the snow removed from the site because there is no place to put it.

ACTION:

Motion by Wendy Salvati, seconded by Gregory Todaro, pursuant to Article 8 of the Environmental Conservation Law, to **issue** a Negative Declaration on the proposed Andrew’s Jewelers relocation. This Unlisted Action involves the construction of a new 3,000+/- square foot jewelry store in the Major Arterial Zone. After thorough review of the submitted site plan and Environmental Assessment Form it is determined that the proposed action will not have a significant negative impact upon the environment.

Jason Geasling	Aye	Jeffrey Buckley	Aye
Steven Dale	Aye	Gregory Todaro	Aye
Wendy Salvati	Aye	Richard Bigler	Aye

MOTION CARRIED.

Motion by Wendy Salvati, seconded by Jeffrey Buckley, to **grant** Concept Plan approval on the proposed Andrew’s Jewelers Store at 4715 Transit Road as per the submitted Site Plan and Elevations as submitted by William Henderson/WLH Architects and received in the Planning and Zoning Office on February 1, 2017, with the following conditions:

1. NYSDOT approval for any actions that may occur in the right-of-way prior to Development Plan approval.
2. Landscape Plan approval prior to Development Plan approval.
3. The use of dark sky compliant lighting fixtures meeting Town Code.
4. Open Space and Recreation Fees upon Building Permit Issuance.

ON THE QUESTION:

Mr. Moquin said he understands and agrees with the conditions set forth in the motion.

Jason Geasling	Aye	Jeffrey Buckley	Aye
Steven Dale	Aye	Gregory Todaro	Aye
Wendy Salvati	Aye	Richard Bigler	Aye

MOTION CARRIED.

Item 6

Draft Town Solar Code

Review.

DISCUSSION:

Jim Callahan explained that in June of 2016 the Town Board adopted a moratorium on ground mounted solar systems. Since that time the Planning Board and the Planning Department have been working on a proposed law to deal with such installations. The Planning Board has prepared a draft dated today, February 1, 2017, and is ready to make a recommendation to the Town Board. The most recent changes are more wordsmithing and does not substantively change the intent or purpose of the law, it is just more clarification in terms of its intent.

ACTION:

Motion by Gregory Todaro, seconded by Wendy Salvati, pursuant to Article 8 of the Environmental Conservation Law to **recommend** a Negative Declaration on the proposed adoption of a solar code to the Clarence Town Board. This Unlisted action involves the adoption of a solar code related to ground mounted solar systems. After thorough review of the draft law and Environmental Assessment Form it is determined that the proposed action will not have a significant negative impact upon the environment.

ON THE QUESTION:

Mrs. Salvati clarified for the audience that the Code speaks to both roof mounted and ground mounted systems. The roof mounted systems will be handled through the Town’s Engineering Department whereas the Solar Code speaks to the ground mounted systems as noted in the motion.

Jason Geasling	Aye	Jeffrey Buckley	Aye
Steven Dale	Aye	Gregory Todaro	Aye
Wendy Salvati	Aye	Richard Bigler	Aye

MOTION CARRIED.

Motion by Gregory Todaro, seconded by Wendy Salvati, to **recommend** to the Clarence Town Board, adoption of the draft Solar Code as prepared and amended dated February 1, 2017.

Jason Geasling	Aye	Jeffrey Buckley	Aye
Steven Dale	Aye	Gregory Todaro	Aye
Wendy Salvati	Aye	Richard Bigler	Aye

MOTION CARRIED.

Item 4

Congregation of the Sisters of St. Joseph
Traditional Neighborhood District

Requests a Minor Subdivision to create two (2)
new lots at 10330 Main Street.

DISCUSSION:

Jim Callahan provided the background on the project noting that it is located on the north side of Main Street, east of Strickler Road. The property contains 30+/- acres. The property currently contains a

nursing home that is the Sisters of St. Joseph retirement home. It also contains the Claremount which is now a market rate apartment complex and the Light House. This is most likely an historic group of buildings, there is also some vacant land. The applicant is proposing a minor subdivision to create two (2) new lots on the Main Street frontage. Per the Subdivision Law the Planning Board has final review and approval authority for minor splits.

Benjamin Schultz is the potential buyer of the property and is present. He advised he will be acquiring one lot from this split, the lot that is just land.

Mr. Todaro said there is a stone wall that runs across the front of the property and asked if there are any plans for that wall. Mr. Schultz said he currently has no plans for the parcel, however they would like to incorporate the wall into anything they do there. Mr. Todaro said the Town encourages keeping the stone wall.

ACTION:

Motion by Wendy Salvati, seconded by Steven Dale, pursuant to Article 8 of the Environmental Conservation Law, to **issue** a Negative Declaration on the proposed minor subdivision at 10330 Main Street. This Unlisted Action involves a minor subdivision to create two (2) new lots in the Traditional Neighborhood District zone. After thorough review of the submitted site plan and Short Environmental Assessment Form it is determined that the proposed action will not have a significant negative impact upon the environment.

Jason Geasling	Aye	Jeffrey Buckley	Aye
Steven Dale	Aye	Gregory Todaro	Aye
Wendy Salvati	Aye	Richard Bigler	Aye

MOTION CARRIED.

Motion by Wendy Salvati, seconded by Steven Dale to **approve** the request from the applicant, the Congregation of the Sisters of St. Joseph, for a minor subdivision to create 2 new lots in the Traditional Neighborhood District, with the following conditions:

1. Subject to review and approval by the New York State Department of Transportation for any future curb cuts along the Main Street corridor.
2. Subject to Erie County Health Department approval for any future on-site sanitary facilities.
3. Subject to Town of Clarence Building and Engineering Department approval on any future site plan or building permit applications.
4. Subject to Open Space and Recreation Fees on any future construction.

ON THE QUESTION:

The applicant understands and agrees with the conditions.

Jason Geasling	Aye	Jeffrey Buckley	Aye
Steven Dale	Aye	Gregory Todaro	Aye
Wendy Salvati	Aye	Richard Bigler	Aye

MOTION CARRIED.

Meeting adjourned at 8:51 p.m.

Carolyn Delgato
Senior Clerk Typist