

Town of Clarence
One Town Place, Clarence, NY 14031
Planning Board Minutes
Wednesday March 20, 2019

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

Ann Marie and Christian Kramer
Agricultural Flood Zone

Requests a Minor Subdivision Approval to create two (2) new lots at 8870 Sesh Road.

Item 2

Russell Salvatore/The Abbey
Restricted Business

Requests a Recommendation on parking at 6449 Transit Road, The Abbey.

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

Planning Board Members present:

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

Planning Board Member absent: Chairman Robert Sackett

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:

Karen McMahn	Joseph Heins	Patrick Shiedy Jr	Sharon & Fred Cook
Susan George	Brady George	William Rich	Michael George

Vice-Chairman Bigler noted that in the absence of Chairman Sackett he (Vice-Chairman Bigler) will be presiding over the meeting this evening. He went on to explain 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 may have and 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.

Motion by Gregory Todaro, seconded by Wendy Salvati, to **approve** the minutes of the meeting held on February 6, 2019, as written.

Jason Geasling	Aye	Jeffrey Buckley	Aye
Gregory Todaro	Aye	Timothy Pazda	Aye
Wendy Salvati	Aye	Richard Bigler	Aye

MOTION CARRIED.

Item 1

Ann Marie and Christian Kramer
Agricultural Flood Zone

Requests a Minor Subdivision Approval to create two (2) new lots at 8870 Sesh Road.

DISCUSSION:

Mr. Callahan provided the background on the project noting that it is located on the north side of Sesh Road, east of Northfield Road. It is an existing 34+ acre parcel. The property currently contains a home and barns. The applicant is proposing a Minor Subdivision to create two (2) additional lots. Per the Subdivision Law the Planning Board has approval authority for minor lot splits.

Ann Marie Kramer is present and said they are purchasing the parcel and would like to split it into three (3) lots. Their immediate intention would be to build on the 15 acre parcel in the next two (2) years. The seven (7) acre parcel would be left as a hay field.

Susan George of 8960 Sesh Road asked how the applicant knew the property was for sale. She asked if the applicants are planning on staying in their current home, which is across the street, and looking at what they have placed in the their neighbors backyards. She asked if the plan is for three (3) houses. Vice-Chairman Bigler said the applicants are only splitting the property at this point. Ms. George said this is a rural neighborhood, Sesh Road has become overdeveloped, and she does not feel it was ever intended be this developed and have subdivisions on it, it is a country road. It is becoming very over-populated, there will be more noise, it is disturbing the ecosystem and is pushing out the wildlife. Right now she sees deer and rabbits out her window, now she will have to look at houses? Mr. Pazda clarified that the proposal is for a subdivision of land, not a subdivision with many houses. It is a lot split and there can be one (1) house on each lot. Mrs. Salvati said there could be one (1) house on the 15 acre lot and one (1) house on the seven (7) acre lot. Ms. George still feels Sesh Road is being over populated. She wants to know if a sewer is going to be involved, are neighbors expected to have sewer? She wants to know about the electric. She wants to know how this will affect and assess her property and her land, what will happen when these houses go up. Vice-Chairman Bigler said the Planning Board has no control over assessments of property. Ms. George said she knows that but it is really changing the landscape of the neighborhood. She has lived on Sesh Road for 24 years and it is now being used as a cut-through for a lot of traffic, there are a lot of potholes and the road is not very wide. She noted other houses that are being built in the area and a blue house that has a mattress on the front porch. She is not happy, this is not where she saw this going when she built her house 24 years ago. She would have liked the

opportunity to purchase the property so that she could ensure that no one would live next door to her, she does not think that was fair that she did not know the property was for sale and the applicant did.

Ms. Kramer said she would be glad to sit down with the neighbors, she has known the George's for fifteen (15) years and she wished they would have approached her to discuss their concerns because she could have alleviated a lot of their fears. This has been Ms. Kramer's home for fifteen (15) years, she loves living here, she has been a victim of what went on with houses in their back yard because there are two (2) homes that went directly behind her house. The blue house that Ms. George referenced is terrible, it has mattresses and a washing machine on the property and the roof is falling down, but that has nothing to do with what is happening here today. Ms. Kramer currently has goats and chickens at her house, she would love to have more space to be able to add more animals if she chooses to. She moved out her to be able to see the deer, geese, hawks and woodpeckers in her backyard, she intends to take care of this property and not turn it into a subdivision. The property will be one (1) personal home for her and as long as she can afford to keep the other property as an open field she will keep it that way. She does not care to change the character of the neighborhood either, if there is something she can do to clean up the properties she will. If she is going to sell her house, the property is directly in front of her home, what would buyers think coming to look at the house and seeing that unkempt property across the street. She will sell her home within two (2) years. Ms. Salvati asked where she would place their home on the lot. Ms. Kramer said the house would be set back 250' maximum, her house is currently setback at 350'. There would be no change in sewers, they would have their own septic tank. The electric would run underground just as it does now for her current home. It is very important to her to keep the look of the country. She has no intention of turning it into a subdivision.

Mr. Pazda said anytime folks from the audience come up and ask about assessment, he would encourage them to contact the Town Assessor and ask him the question specifically.

ACTION:

Motion by Timothy Pazda, seconded by Gregory Todaro, pursuant to Article 8 of the Environmental Conservation Law, to **issue** a Negative Declaration on the proposed Kramer Minor Subdivision located at 8870 Sesh Road. This Unlisted Action involves a minor subdivision of property to create two (2) new building lots in the Agriculture Flood Zone. After thorough review of the submitted surveys and Short Environmental Assessment Form it is determined that the proposed action will NOT have a significant negative impact upon the environment.

ON THE QUESTION:

Vice-Chairman Bigler said there are many more steps in the process, this is just to divide the land. He suggested the applicant meet with the neighbor to discuss any concerns.

Jason Geasling	Aye	Jeffrey Buckley	Aye
Gregory Todaro	Aye	Timothy Pazda	Aye
Wendy Salvati	Aye	Richard Bigler	Aye

MOTION CARRIED.

Motion by Timothy Pazda, seconded by Wendy Salvati, to **approve** the Kramer Minor Subdivision to create two (2) new building lots in the Agriculture Flood Zone as per the submitted surveys from McIntosh and McIntosh dated February 27, 2019, with the following conditions:

1. Subject to review and approval by the Clarence Highway Department on any future curb cuts/access points for the newly created lots.
2. Subject to Erie County Health Department approval on any future on-site sanitary facilities associated with the newly created lots.
3. Subject to Town of Clarence Building and Engineering Department review and approval on any future building permits for all the associated lots.
4. Subject to review and approval by the Town Highway, Legal and Engineering Departments on any required public drainage easements on the properties.
5. Subject to Open Space and Recreation fees on any future building permits.

ON THE QUESTION:

Vice-Chairman Bigler asked if the applicant understands and agrees with the conditions. Ms. Kramer said yes.

Jason Geasling	Aye	Jeffrey Buckley	Aye
Gregory Todaro	Aye	Timothy Pazda	Aye
Wendy Salvati	Aye	Richard Bigler	Aye

MOTION CARRIED.

Item 2

Russell Salvatore/The Abbey
Restricted Business

Requests a Recommendation on parking at 6449
Transit Road, The Abbey.

DISCUSSION:

Mr. Callahan provided the background on the project noting that it is located on the east side of Transit Road, north of Old Post Road. The project has been previously approved and referred back to the Planning Board by the Town Board to address the parking concerns. The Planning Board will be a recommending body to the Town Board on this matter.

Joseph Heins is an attorney with Bouvier Law representing RSA Development. Mr. Heins said there are some concerns with the availability of parking related to some of the businesses located in Phase I of the project that has already been built. His client recognizes the parking issue and is working to alleviate it as much as possible. The long term solution is to add more parking in the back. They decided to extend the pavement of the drive aisle on the northern side and add parking on the northern portion of the property. The short term solution is to utilize off-site parking, this has been discussed with the tenants and there are spaces available next door. There are 6-7 spots on the drive aisle on the southern border, there is also property to the north with 7 or 8 spots available. This is for employee parking, there will be no signage.

Mr. Heins clarified that once this site plan is approved the parking spots on the northern border can be put in. Deputy Town Attorney Steve Bengart said there are other issues that have to be taken care of that

the Town Board won't be able to give their approval on this, until they are taken care of which has to do with the back piece, that should be done shortly. This can't be done because out of the Zoning Board came an approval that included nothing else can be approved until the other land has been disposed of. So they can't do this because the Town Board can't approve it until the lots have been transferred. Mr. Pazda said the Board has asked the applicant to do some things that haven't happened yet and he wondered if the applicant is telling the Board what it wants to hear but then nothing will happen. Deputy Town Attorney Steve Bengart said the concern there will be between the applicant and his tenants. Mrs. Salvati shares Mr. Pazda's concerns and said under current conditions people have been parking in the fire lane and the Board has asked Mrs. Salvatore numerous times to install signage indicating that it is a fire lane and there is no parking, now the situation has changed and he is proposing this but in the meantime the Fire Safety is aware of it and will continue to cite Mr. Salvatore if people continue to park there until this thing moves forward. Mrs. Salvati said the fact is that without those nine (9) spaces there is enough parking to satisfy the requirements for Phase I, the plan has been reviewed and everything conforms to code.

ACTION:

Motion by Gregory Todaro, seconded by Wendy Salvati, to **recommend** approval of the updated design for The Abbey, located at 6449 Transit Road, identifying acceptable parking and drive lanes along the access road as per the submitted design from Carmina Wood Morris dated February 22, 2019. All conditions of the previously approved concept plan remain in force.

Jason Geasling	Aye	Jeffrey Buckley	Aye
Gregory Todaro	Aye	Timothy Pazda	Aye
Wendy Salvati	Aye	Richard Bigler	Aye

MOTION CARRIED.

Meeting adjourned at 7:24 p.m.

Carolyn Delgato
Senior Clerk Typist