

Town of Clarence
One Town Place, Clarence, NY 14031
Planning Board Minutes
Wednesday, April 20, 2022

Work Session 6:30 pm

Status of SEQR Coordinated Reviews
Review of Agenda Items
Miscellaneous

Agenda Items 7:00 pm

Approval of Minutes

Item 1

Brothers of Mercy
Restricted Business

Requests Site Plan and Architectural Approval for a partial rehabilitation of the former Sacred Heart Home building to include a physician’s office, research office, and pharmacy located at 4520 Ransom Road.

Item 2

Eliner Trapper
Agricultural Rural Residential

Requests Minor Subdivision of land Approval to create one (1) new lot for the purpose of separating principle dwelling units located at 6505 Strickler Road.

Item 3

Michael Christner
Agricultural Rural Residential

Requests Minor Subdivision of land Approval at 10695 Clarence Center Road to create two (2) new vacant lots fronting Salt Road.

Item 4

Charles Smith
Agricultural Flood zone

Requests Minor Subdivision of land Approval to create two (2) new vacant lots located on the south side of Wolcott Road, SBL 17.00-3-12.1

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

Planning Board Members present:

Chairman Robert Sackett
2nd Vice-Chair Wendy Salvati
Patrick Johnson

Vice-Chair Richard Bigler
Gregory Todaro

Planning Board Members absent:

Jason Geasling

Jason Lahti

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:

Christopher Bopst
Dave Leising

Vincent Dunston
Claire Collins

Akos Seres

Al Calci

Item 1

Brothers of Mercy
Restricted Business

Requests Site Plan and Architectural Approval for a partial rehabilitation of the former Sacred Heart Home building to include a physician’s office, research office, and pharmacy located at 4520 Ransom Road.

DISCUSSION:

Mr. Bleuer introduced this project, located at 4520 Ransom Road. It is an existing adult residential, health and rehabilitation campus located in the Restricted Business zone. The campus is comprised of multiple buildings and facilities, including the former Sacred Heart Home building at 4520 Ransom Road.

The applicant is requesting site plan and architectural approval for a partial rehabilitation of the former Sacred Heart Home, to include a physician’s office, research office, and pharmacy.

The Planning Board has authority to act on this request. This would be the final Board action, prior to construction and any necessary permits through the Building and Engineering Department.

Christopher Bopst on behalf of Brothers of Mercy, and Akos Seres, Project Manager.

Mr. Bopst explained that they are focusing on the first floor of the north wing, utilizing vacant space to put in a physician’s office, research office for the University of Buffalo, and a pharmacy.

Minimal work to the exterior will be a new entrance that will include stairs, a ramp, and entrance wide enough to be handicapped accessible as well as gurney access.

The remainder of the building on the exterior will remain untouched, with a majority of the work being done on the interior only.

Mr. Todaro complimented the applicant on the design of the plans, stating that it will enhance the building structure.

Mr. Todaro asked if there is currently a pharmacy on the campus. Mr. Bopst responded that there are pharmacy services, but no physical space for a pharmacy itself.

Mr. Todaro asked whether the proposed pharmacy will be staffed with a pharmacist. Mr. Bopst stated that they plan to have a pharmacist present to accept prescriptions which are dropped off, and for those that are picking up prescriptions.

Mr. Todaro stated that understanding they will be required to meet NYS Department of Health guidelines, how will they keep the pharmacy area blocked off and secure from people inside the building. Mr. Bopst responded that they do not have the specifics on how the pharmacy will run, they are leasing the space to the company that currently provides pharmacy services to the campus. Mr. Bopst stated that they will do whatever they can do in order to ensure that any medications are securely locked away.

Mr. Todaro asked how long construction will take, and how will the area of construction be cordoned off to protect the safety of residents. Mr. Bopst responded that there are no residents in this building, though there are employees in the financial office on the third floor. Mr. Bopst stated that the north wing will be cordoned off during construction, and there are multiple access points throughout the building, so it will not affect any function of the building.

Mr. Bopst stated that he anticipates the construction window to be approximately 6-9 weeks.

Mr. Todaro asked about lighting outside of the building, and knowing that the side of the building with the renovations does not have a large residential area in close proximity, does the proposed lighting match the lighting currently there. Mr. Bopst stated that there will be an additional small amount of lighting, to illuminate the focal point of the new entrance as well as the ramp and stairs, for safety purposes. This area is on the backside of the building, away from neighboring residential properties. Mr. Bopst added that the pedestrian lighting as well as the wall sconces will not be bright.

Mr. Todaro reiterated that no vehicles can drive under the canopy, Mr. Bopst confirmed that it is a pedestrian walkway only.

In regards to Public Participation, no one spoke.

ACTION:

Motion by Gregory Todaro, seconded by Richard Bigler to issue **Site Plan and Architectural Approval** for the partial rehabilitation of the former Sacred Heart Home building to include a physician's office, research office, and pharmacy located at 4520 Ransom Road per the submitted plan and architectural elevation dated January 27th, 2021, with the following conditions:

1. Subject to any required permits by the Building and Engineering Departments.
2. Building shall be maintained as approved, in perpetuity, and any building deficiencies shall be repaired or replaced as approved.
3. Associated parking and entry areas to be maintained in perpetuity, including parking lot striping.
4. Any exterior building lighting must be dark sky compliant and shielded to prevent spillage onto adjoining parcels. Lighting shall be turned off at most one hour after business hours except for necessary security lighting.
5. Building materials to be installed per the approved plan specifications.
6. No placement of signage without necessary permit.
7. All prior approvals for the Brothers of Mercy campus shall remain in full force and effect.

8. Subject to Open Space fee if required.

The applicant has heard, understands, and agrees to the conditions as stated.

Chairman Sackett asked about parking lot striping being maintained in perpetuity, adding that they need to be striped to the point that they are identifiable. Mr. Bopst agreed.

ON THE QUESTION:

This proposal has been deemed a Type 2 action by the Town of Clarence, and therefore requires no further environmental review nor action under the State Environmental Quality Review Act.

Patrick Johnson	Aye	Gregory Todaro	Aye	Wendy Salvati	Aye
Richard Bigler	Aye	Robert Sackett	Aye		

MOTION CARRIED

Item 2

Eliner Trapper
Agricultural Rural Residential

Requests Minor Subdivision of land Approval to create one (1) new lot for the purpose of separating principle dwelling units located at 6505 Strickler Road.

DISCUSSION:

Mr. Bleuer introduced this project, an existing 34.6-acre parcel located in the Agricultural Rural Residential zone. Currently the property contains two principal structures, a single-family home and a duplex, which is considered a pre-existing non-conforming use. Both structures have their own access to Strickler Road.

The applicant is requesting a Minor Subdivision of land to create one (1) new lot for the purpose of separating the principle dwelling units. The existing single-family home will remain on the parent parcel, and the newly created lot will contain the duplex. No additional construction or access points are proposed.

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

The Planning Board has previously approved this Minor Subdivision in August of 2018. In January of 2020, the applicant relocated the approved lot further north, which is now 6565 Strickler Road, through a Lot Line Adjustment approval by the Planning Office.

Considering all actions since 2005, this new request constitutes the last allowable lot split under minor subdivision review.

Dave Leising was present, representing the applicant. Mr. Leising had no further comment.

Mr. Johnson had no additional questions for the applicant, noting that all pertinent and required information has been covered in the application process.

In regards to Public Participation, no one spoke.

ACTION:

Motion by Patrick Johnson, seconded by Wendy Salvati 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 Trapper Minor Subdivision at 6505 Strickler Road. This Unlisted Action involves a lot split to create one (1) additional lot in the Agricultural Rural Residential zone for the purpose of separating principle dwelling units. 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.

Patrick Johnson	Aye	Gregory Todaro	Aye	Wendy Salvati	Aye
Richard Bigler	Aye	Robert Sackett	Aye		

MOTION CARRIED.

Motion by Patrick Johnson, seconded by Wendy Salvati to **approve the Trapper Minor Subdivision** at 6505 Strickler Road as per the submitted sketch plan received in the Planning Office on April 4th, 2022, with the following conditions:

1. Subject to Erie County Health Department approval on any required upgrades to the on-site sanitary facilities.
2. Creation of a 30' wide public drainage easement along the centerline of the existing ditch as shown in the memo from the Engineering Department, dated April 13th, 2022.
3. Should any additional 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.

The applicant has heard, understands, and agrees to the conditions as stated.

ON THE QUESTION:

This Minor Subdivision Approval constitutes the maximum allowable number of lot splits under a Minor Subdivision review. Any future proposed lot splits associated with the property shall be subject to a Major Subdivision review.

Patrick Johnson	Aye	Gregory Todaro	Aye	Wendy Salvati	Aye
Richard Bigler	Aye	Robert Sackett	Aye		

MOTION CARRIED.

Item 3

Michael Christner
Agricultural Rural Residential

Requests Minor Subdivision of land Approval at 10695 Clarence Center Road to create two (2) new vacant lots fronting Salt Road.

DISCUSSION:

Mr. Bleuer introduced this project, located at 10695 Clarence Center Road, on the south side of Clarence Center, and the west side of Salt Road.

It is an existing 10.6-acre vacant parcel located in the Agricultural Rural Residential zone.

The applicant is requesting a Minor Subdivision of land to create two (2) new building lots with frontage on Salt Road. The parent parcel would remain with access on Clarence Center Road.

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

Considering all actions since 2005, this request constitutes the last allowable lot split under minor subdivision review.

Michael Christner was present to further explain his request, stating he has no additional comment.

Mr. Todaro has no additional questions. He has reviewed the Environmental Assessment Forms and everything appears to be in order.

In regards to Public Participation, no one spoke.

ACTION:

Motion by Gregory Todaro, seconded by Wendy Salvati 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 Christner Minor Subdivision at 10695 Clarence Center Road. This Unlisted Action involves a lot split to create two (2) additional lot 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.

Patrick Johnson	Aye	Gregory Todaro	Aye	Wendy Salvati	Aye
Richard Bigler	Aye	Robert Sackett	Aye		

MOTION CARRIED.

Motion by Gregory Todaro, seconded by Wendy Salvati, to **approve the Christner Minor Subdivision** at 10695 Clarence Center Road as per the submitted sketch plan received in the Planning Office on March 16th, 2022, with the following conditions:

1. Review and approval by the Erie County Department of Public Works for any future access to Salt Road and Clarence Center Road.
2. Review and approval by the Erie County Health Department for any future on-site sanitary facilities for the newly created lots.
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 Open Space and Recreation Fees.

The applicant has heard, understands, and agrees to the conditions as stated.

ON THE QUESTION:

This Minor Subdivision Approval constitutes the maximum allowable number of lot splits under a Minor Subdivision review. Any future proposed lot splits associated with the property shall be subject to a Major Subdivision review.

Patrick Johnson	Aye	Gregory Todaro	Aye	Wendy Salvati	Aye
Richard Bigler	Aye	Robert Sackett	Aye		

MOTION CARRIED.

Item 4

Charles Smith
Agricultural Flood zone

Requests Minor Subdivision of land Approval to create two (2) new vacant lots located on the south side of Wolcott Road, SBL 17.00-3-12.1

DISCUSSION:

Mr. Bleuer introduced this project, which is an unaddressed parcel located on Wolcott Road, SBL 17.00-3-12.1. This parcel is on the south side of Wolcott Road, east of Transit Road.

This is an existing 20-acre vacant parcel located in the Agricultural Flood zone.

The applicant is requesting a Minor Subdivision of land to create two (2) new building lots.

The parcel does contain a pond in the rear southeast corner, which was previously approved by the Town Board, and will maintain the required minimum setbacks and lot standards.

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

Mr. Smith was present to further explain his request, stating that he has a pending contract of sale on the first lot, and is requesting approval for subsequent lots.

Mr. Johnson had no additional questions for the applicant, noting that all pertinent and required information has been covered in the application process.

In regards to Public Participation, no one spoke.

Mr. Todaro asked Mr. Smith if once the parcel splits, whether there is any thought of tree clearing in the back of the property. Mr. Smith stated that he doesn’t believe there are any trees currently on the

property. This property was part of his family farm, there were previously trees but the Town of Clarence has gone through and dug ditches along the sides, clearing the trees.

Mr. Smith stated that he did sign an easement with the Town of Clarence, along the eastern boundary. It is a 30 ft. boundary along the drainage ditch.

ACTION:

Motion by Patrick Johnson, 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 Smith Minor Subdivision on the south side of Wolcott Road, SBL 17.00-3-12.1. This Unlisted Action involves a lot split to create two (2) additional lot in the Agricultural Floodzone. 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.

Patrick Johnson	Aye	Gregory Todaro	Aye	Wendy Salvati	Aye
Richard Bigler	Aye	Robert Sackett	Aye		

MOTION CARRIED.

Motion by Patrick Johnson, seconded by Gregory Todaro to **approve the Smith Minor Subdivision** on the south side of Wolcott Road, SBL 17.00-3-12.1 as per the submitted sketch plan received in the Planning Office on April 6th, 2022, with the following conditions:

1. Review and approval by the Erie County Department of Public Works for any future access to Wolcott Road.
2. Review and approval by the Erie County Health Department for any future on-site sanitary facilities for the newly created lots.
3. Review and approval by the Town Building and Engineering Departments for any future residential construction on the newly created lots.
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 Open Space and Recreation Fees.

The applicant has heard, understands, and agrees to the conditions as stated.

Patrick Johnson	Aye	Gregory Todaro	Aye	Wendy Salvati	Aye
Richard Bigler	Aye	Robert Sackett	Aye		

MOTION CARRIED.

Meeting **adjourned** at 7:28 p.m. with a motion by Wendy Salvati.

Amy Major
Senior Clerk Typist