

Town of Clarence
One Town Place, Clarence, NY 14031
Planning Board Minutes
Wednesday June 19, 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

Russell Salvatore/The Abbey Phase II
Restricted Business

Requests Development Plan Approval at 6449
Transit Road.

Item 2

Paul Marinaccio
Residential Single Family

Requests Minor Subdivision Approval to create
one (1) new lot at 5520 Shimerville Road.

Item 3

Gian Properties/Transitown Plaza
Major Arterial

Requests Architectural Approval and a
Recommendation for a Building Permit for a
façade upgrade at 4305 Transit Road.

Item 4

Benchmark Development/Sketchers
Major Arterial

Requests Development Plan Approval for a 7000
square foot +/- outbuilding at 4445 Transit Road.

Chairman Robert Sackett called the meeting to order at 7:00 p.m. Councilman Paul Shear led the
pledge to the flag.

Planning Board Members present:

Chairman Robert Sackett 1st Vice-Chairman Richard Bigler Timothy Pazda
Gregory Todaro Jason Geasling

Planning Board Members absent: 2nd Vice-Chairperson Wendy Salvati and Jeffrey Buckley

Town Officials Present:

Director of Community Development James Callahan
Councilman Paul Shear
Deputy Town Attorney Steven Bengart

Other Interested Parties Present:

Sharon Cook Patrick Sheedy Jr. Paul Runfola Mary Markiewicz Richard Sullivan

Motion by Gregory Todaro, seconded by Richard Bigler, to **approve** the minutes of the meeting held on June 5, 2019, as written.

Jason Geasling	Aye	Gregory Todaro	Aye
Timothy Pazda	Aye	Richard Bigler	Aye
Robert Sackett	Aye		

MOTION CARRIED.

Chairman Sackett explained 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 had. 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.

Item 1

Russell Salvatore/The Abbey Phase II
Restricted Business

Requests Development Plan Approval at 6449
Transit Road.

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 applicant is present seeking final Development Plan Approval for Phase II of The Abbey identifying eight (8) multiple family housing units. The project received a Negative Declaration under the State Environmental Quality Review Act on August 1, 2018. The Zoning Board of Appeals granted a variance to allow two (2) additional units for a total of eight (8) multi-family units. Concept Approval was granted by the Planning Board on December 5, 2018, the Town Board Issued a Special Exception Use Permit on May 8, 2019 including architectural approval on the building. The applicant is seeking Development Plan Approval as conceptually approved.

Patrick Sheedy Jr. from Carmina Wood Morris is present and representing RSA Development. He explained that the proposal is for two (2), four (4) unit multi-family additions to The Abbey project. The storm water management pond will be developed on the south side of the buildings to collect all storm water on site and will discharge through the existing storm water discharge site from The Abbey Phase I. Additional parking will be installed to help relieve some of the parking issues from mixed use building for The Abbey Phase I.

Chairman Sackett asked how the storm water will discharge. Mr. Sheedy said from the proposed storm water management area it will go through a pipe into the existing underground detention system in the parking lot, that system outlets directly to Transit Road into the state DOT system. The system is designed to detain storm water to the DEC requirements as well as water quality requirements. Any storm water created by this project, in excess of what already flows off the area, will not (flow off the area).

Mr. Geasling referred to the site plan and asked what the space is between the curb line and the dumpster enclosures, he is concerned about the width. Mr. Sheedy said it has a 24' width at its narrowest point and is almost 27' at its widest point. Mr. Geasling thought 24' seemed wide. Mr. Sheedy said that is the minimum requirement for a fire access lane. The gates of the dumpster will be closed when not in use.

Mr. Todaro asked how traffic will flow during business hours and construction. Mr. Sheedy said during construction the owner has worked out agreements with neighboring properties for temporary parking. As far as construction for the back area, the vehicles will enter through the existing driveway off Transit Road. The traffic will flow as it does now during normal business hours.

Paul Runfola, of 8050 Old Post Road West, asked if there would be standing water in the storm water management area if we have the same weather during spring next year as we did this year. Will the retention area remain dry or will there be standing water. He asked about the elevation of Phase II of The Abbey relative to Phase I. He went on to say that there is no proposal for the existence of a berm in front of the storm water management area, this was a topic of discussion with the architect, the neighbors also had a one-on-one discussion with Mr. Salvatore. Mr. Salvatore said they would definitely consider a berm, Mr. Runfola asked why there is no berm. He went on to ask if there will be lighting in the emergency vehicle turn-around area, will it be lit at night? Relative to the landscaping he asked why the Colorado Spruce is only 5'-6' as they did discuss more mature landscaping.

Mr. Sheedy explained that the storm water management system is designed to be a dry detention basin, the water will be detained for however long it takes to outlet through the pipe, once it is released through the pipe it will be dry.

Mr. Sheedy said rainstorm events are measured in years and they are required to design for the 100 year storm event, in which this pond is designed for.

Mr. Sheedy is not the architect therefore is not comfortable commenting on the elevation of the phases. He did explain that everything grades away from the building, the north portion of the land will go off to the north, the east will go east, the south will go south and the west will go west. There is a portion that will be caught by catch basins which outlet into the storm water management area. On the east side there is proposed swale to catch all the storm water run-off that will be directed into the storm water management area as well. The storm water management itself is a low spot so all water that sheds that way will be detained in that area as well.

Mr. Sheedy said there is no proposed lighting in the turn-around area. The only proposed lighting is the 21-space parking area and standard lighting above the garage doorways.

Chairman Sackett addressed the 5' Spruce tree comment and said that is the minimum requirement in the Landscape Code. He also reviewed the minutes and read nothing that required the applicant, nor did the applicant volunteer, to go over the minimum requirement. Chairman Sackett did not find the word "berm" mentioned anywhere in the minutes for this project. He explained that if there are conversations that occur outside the Town Board/Planning Board meetings they don't bind the applicant. It is important to get the information into the minutes and on the record. The Landscape Committee has to work with the Engineering Department and has to facilitate storm water. In Chairman Sackett's opinion, the Spruces will grow several feet higher than any berm that could be produced. He reviewed the Landscape Plan and found it dense and more than adequate, it will take time to grow out. To the south of the storm water area there is considerable foliage. The Landscape Committee approved the Landscape Plan.

ACTION:

Motion by Timothy Pazda, seconded by Richard Bigler, to **approve** the Development Plans for Phase 2 of The Abbey as per the submitted drawings from Carmina Wood Morris as updated on June 6, 2019, with the following conditions:

1. Subject PIP Permits as issued by the Town Engineer.
2. Subject to Building Permits as reviewed and approved by the Town Building Department on the proposed construction.
3. All exterior lighting fixtures to be shielded from adjoining properties and will be dark sky compliant.
4. No parking allowed outside of designated areas.
5. Subject to Open Space and Recreation Fees.
6. All landscaping will be maintained perpetually.

ON THE QUESTION:

Mr. Sheedy understands the requirements and agrees to them.

Jason Geasling	Aye	Gregory Todaro	Aye
Timothy Pazda	Aye	Richard Bigler	Aye
Robert Sackett	Aye		

MOTION CARRIED.

Item 2

Paul Marinaccio
Residential Single Family

Requests Minor Subdivision Approval to create one (1) new lot at 5520 Shimerville Road.

DISCUSSION:

Mr. Callahan provided the background on the property noting that it is located on the west side of Shimerville Road, south of Roll Road and consists of approximately 26 acres. The applicant recently constructed a home on the property and is now requesting a Minor Subdivision to split the new home from the parent parcel. Both properties will contain the minimum frontage and lot size to be acceptable lots in the Residential Single Family Zone. The Planning Board will have final approval authority on this split.

Florence Marinaccio is present and explained that this is a minor correction that the engineers have, they are correcting the acreage so it will match and meet with the requirements of the Town. The correction shows the lot is one (1) acre and the frontage is 127'. She advised she is asking for the split because they were told there had to be a certain amount of acreage for the parcel.

James Kazmierczak, of 5430 Shimerville Road, asked if this will be a single family home. He went on to ask if the access road will be down the existing driveway for the new home that was built prior. Will the applicant be able to continue to split the property again and again? Mr. Kazmierczak said the property in that area is surrounded by wetlands and the possibility of many houses being built back there will impact the drainage of all the people surrounding it. It is a complete wetland swamp with standing water behind his house now, the addition of more homes would complicate the matter even more.

Rich Sullivan, of 5420 Shimerville Road, asked what the red design is on the plan. Chairman Sackett said that indicates the split. Mr. Callahan confirmed that and said it is where the existing home is now constructed. Mr. Sullivan said after the property was bought, there was a survey done and it was all designated wetland, he is not sure how anyone can develop wetland. Chairman Sackett clarified that they are not talking about any development tonight, only about splitting the lot so that one piece is the existing home and the other piece is the remaining part of the parcel. Mr. Sullivan asked if there is wetland back there. Chairman Sackett said it would not affect the lot split, it will affect development but no development is being proposed.

The applicant, Florie Mears, is present. Ms. Marinaccio said Ms. Mears is her daughter and they built the house for her. Chairman Sackett asked if Ms. Mears knows of any further building anywhere on the property. Ms. Mears said at the current time it is her dad's land and she has no part in what he may want to do with that and cannot speak on behalf of him. But for herself and her piece of land, it will just be a house. Chairman Sackett explained that any further development would require additional action, Ms. Mears said that would be on her dad's part of the property and she does not know what his plans are. She went on to explain that it had to be parceled this way due to Town rules. Chairman Sackett clarified further that there is no development so there is no access road. Ms. Mears said her driveway is a single surface driveway leading to the house.

Mr. Pazda asked what could happen behind Ms. Mears' house. Mr. Callahan said there are no public sewers at this location and none proposed in the near future, so the options are limited. Potentially a 4-lot Open Development could be done, however this is not an as-of-right use, it would need Town Board approval and would have to go through full Planning Board and Town Board public hearings, as well as full environmental review, which would speak to the wetlands.

ACTION:

Motion by Gregory Todaro, seconded by Timothy Pazda, 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 Marinaccio Minor Subdivision located at 5520 Shimerville Road. This Unlisted Action involves the approval of a minor subdivision to create one (1) new building lot in the Residential Single Family Zone. After thorough review of the submitted survey 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	Gregory Todaro	Aye
Timothy Pazda	Aye	Richard Bigler	Aye
Robert Sackett	Aye		

MOTION CARRIED.

Motion by Gregory Todaro, seconded by Timothy Pazda, to **approve** the proposed minor subdivision at 5520 Shimerville Road to create one (1) new lot in the Residential Single Family Zone, with the following conditions:

1. Subject to review and approval by the Erie County Department of Public Works on future access to the new lot.
2. Subject to Erie County Health Department review and approval on any future on-site sanitary facilities on the new lot.
3. Subject to Town of Clarence Building Department review and approval on any future construction on the new lot.
4. Subject to review and approval by the Town of Clarence Highway, Legal and Engineering Departments on any required drainage easements on the new lot in the event same shall be required for future actions. The applicant agrees to prepare and record the public drainage easements in a form acceptable to the Town of Clarence and thereafter record the easement in the Office of the Erie County Clerk with a filed copy returned to the Town Attorney’s Office.

ON THE QUESTION:

Mr. Callahan explained the conditions are more for any future development because Ms. Mears already has an approved home with Building Department approval, she already has an approved access through Erie County Highway. There is discussion regarding drainage, Ms. Mears said there is drainage in the front of the property and that has been addressed with the Highway Department. She already has the Health Department certification and she can provide that to the Board. It is clarified that the conditions are standard and are asked of any applicant requesting a similar minor subdivision.

Ms. Mears understands and agrees with the conditions.

Jason Geasling	Aye	Gregory Todaro	Aye
Timothy Pazda	Aye	Richard Bigler	Aye
Robert Sackett	Aye		

MOTION CARRIED.

Item 3

Gian Properties/Transitown Plaza
Major Arterial

Requests Architectural Approval and a
Recommendation for a Building Permit for a
façade upgrade at 4305 Transit Road.

DISCUSSION:

Mr. Callahan provided the background on the project noting that it is located on the south side of Main Street, east of Transit Road. It is an existing outparcel in the existing Transitown Plaza. The applicant is proposing to renovate the façade of the building and is present seeking Planning Board approval of the architectural style.

Ned Gian, the managing partner of Transittown Plaza, is present. Chairman Sackett said this proposal is a step in the right direction for the corner of Main Street and Transit Road. Mr. Pazda agreed with Chairman Sackett saying it is a great improvement to the corner.

ACTION:

Motion by Timothy Pazda, seconded by Gregory Todaro, to **approve** the proposed new elevations and remodeling at 4305 Transit Road as per the submitted drawings from Smart Design Architecture, PLLC dated February 13, 2019, with the following conditions:

1. Subject to Landscape Committee approval for screening associated with the relocated dumpster(s), on the east side of the building, and any mechanicals along the Main Street building façade.
2. Subject to Town Building Department approval on the required building permits to proceed with the approved remodeling.
3. All exterior lighting fixtures to be dark sky compliant.
4. Subject to Open Space and Recreation Fees.

ON THE QUESTION:

Mr. Gian said he understands and agrees with the conditions of the motion.

Mr. Bigler suggested that when the applicant submits the Landscape Plan he provide something (plantings) for the north face of the building once the dumpsters are moved and the mechanicals are all in place. Mr. Gian agreed and said he will work with the Landscape Committee regarding this. Mr. Bigler also thanked Mr. Gian for the improvements.

Jason Geasling	Aye	Gregory Todaro	Aye
Timothy Pazda	Aye	Richard Bigler	Aye
Robert Sackett	Aye		

MOTION CARRIED.

Item 4

Benchmark Development/Skechers
Major Arterial

Requests Development Plan Approval for a 7000
square foot +/- outbuilding at 4445 Transit Road.

DISCUSSION:

Mr. Callahan provided the background on the project noting that it is located on the east side of Transit Road, north of Main Street. It is a proposed 7,000 square foot retail outbuilding and was conceptually approved on May 1, 2019. The applicant is present seeking final Development Plan approval as conceptually approved. Final Engineering approval on the plan has been received as well as a Landscape Plan approval by the Landscape Committee.

Kevin Zuggar, with the Benchmark Group, is present along with David Schutt from William Schutt and Associates. Mr. Zuggar said since the last Planning Board meeting they were at, they have incorporated all the comments of the Board into the plan. They have also incorporated all the Fire Chief's concerns as well as engineering concerns.

Mr. Todaro likes the plan now as it has addressed some of his concerns. Mr. Zuggar said they incorporated two (2) decorative columns on the east side of the building, so it will match the other sides of the building.

ACTION:

Motion by Richard Bigler, seconded by Jason Geasling, to **approve** the Development Plans for the proposed Sketchers Store located at 4445 Transit Road as per the submitted drawings from William Schutt and Associates dated June 4, 2019, with the following conditions:

1. Subject to PIP Permits as issued by the Town Engineer.
2. Subject to Building Permits as reviewed and approved by the Town Building Department on the proposed construction.
3. All exterior lighting fixtures to be dark sky compliant.
4. Subject to Open Space and Recreation Fees.

ON THE QUESTION:

Mr. Zuggar said he understands and agrees with the conditions of the motion.

Jason Geasling	Aye	Gregory Todaro	Aye
Timothy Pazda	Aye	Richard Bigler	Aye
Robert Sackett	Aye		

MOTION CARRIED.

Meeting adjourned at 7:45p.m.

Carolyn Delgato
Senior Clerk Typist