

Town of Clarence
One Town Place, Clarence, NY 14031
Planning Board Minutes
Wednesday June 5, 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

Saint Paul's Evangelical Lutheran Church
Traditional Neighborhood District

Requests a Minor Subdivision Approval to create one (1) new lot at 7700 Goodrich Road.

Item 2

Samuel's Grande Manor
Traditional Neighborhood District

Requests an Action under the State Environmental Quality Review Act and a recommendation of a Special Exception Use Permit for the addition of Multiple Family Housing to the existing banquet facility at 8750 Main Street.

Item 3

Cortese Construction Services
Commercial

Requests a Coordinated Review under the State Environmental Quality Review Act and a preliminary Concept Review of a proposed office/showroom/warehouse at 9074 Main Street.

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

Planning Board Members absent: none

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:

Mrs. Edward Popp Donald Campagna Scott Glasima Dan Hahn

Motion by Gregory Todaro, seconded by Richard Bigler, to **approve** the minutes of the meeting held on May 1, 2019, as written.

Jason Geasling	Aye	Jeffrey Buckley	Aye
Gregory Todaro	Aye	Timothy Pazda	Aye
Wendy Salvati	Abstain	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

Saint Paul’s Evangelical Lutheran Church
Traditional Neighborhood District

Requests a Minor Subdivision Approval to create on (1) new lot at 7700 Goodrich Road.

DISCUSSION:

Jim Callahan provided the background on the project noting that it is located at the northwest corner of Goodrich Road and Wolcott Road. The applicant is present to request the creation of one (1) new lot in the Traditional Neighborhood District and the Density Floodzone. The Planning Board will have final Approval Authority for this action.

Daniel Hahn is present representing Saint Paul’s Evangelical Lutheran Church.

Mrs. Salvati asked the applicant for the status of the driveway that cuts through the parcel that is being created, will an easement be established, will it stay with the church? Mr. Hahn said it will belong to the new owner and went on to clarify that everyone who will be using the church will be notified to use the two (2) entrances/exits on Goodrich Road.

ACTION:

Motion by Timothy Pazda, seconded by Wendy Salvati, pursuant to Article 8 of the Environmental Conservation Law, to **accept** Part 1 of the Short Environmental Assessment Form as submitted and approve Part 2 & 3 of the Environmental Assessment form as prepared, and to **issue** a Negative Declaration on the proposed Saint Paul’s Church Minor subdivision located at 7700 Goodrich Road. This Unlisted Action involves approval of a minor subdivision to create one (1) new lot in the Traditional Neighborhood District. 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	Jeffrey Buckley	Aye
Gregory Todaro	Aye	Timothy Pazda	Aye
Wendy Salvati	Aye	Richard Bigler	Aye
Robert Sackett	Aye		

MOTION CARRIED.

Motion by Timothy Pazda, seconded by Gregory Todaro, to **approve** the proposed minor subdivision application from Saint Paul’s Church as per the submitted drawing from GPI dated 1/24/19 and revised on 5/13/19 with the following conditions

1. Subject to review and approval by the Erie County Department of Public Works on any future or modified curb cuts associated with access to the newly created lot or parent parcel.
2. Subject to Erie County Health Department approval on any modification to existing on-site sanitary facilities associated with the newly created lot or parent parcel.
3. Subject to review and approval by the Town of Clarence Highway, Legal and Engineering Departments on any required public drainage easements on the property in the event same shall be required. The applicant agrees to prepare and record the public drainage easements in a form acceptable to the Town Attorney’s office and thereafter record same in the Erie County Clerk’s Office and providing of a Stamped “FILED” copy of the public drainage easements to the Town Attorney’s office.

ON THE QUESTION:

Mr. Hahn does not understand the conditions and will talk to his attorney about it. Mr. Pazda said it has to be approved by Erie County Department of Public Works for curb cuts. Mr. Hahn understands that. Mrs. Salvati said the Erie County Health Department would have to approve any modifications to the on-site sanitary system which would likely be the undertaking of the person who buys the lot. Mr. Hahn agreed. Mrs. Salvati said the last condition has to do with public drainage easements on the property would have to prepared and recorded in a form that is acceptable to the Town Attorney’s Office. Once the easements are drawn up they would have to be recorded in the Erie County Clerk’s office. A copy that is stamped “filed” would have to be provided to the Town Attorney’s Office. Mr. Hahn has no knowledge of easements on the property. Mr. Callahan said it is not known if this will be required, it is just the standard language of the approval. Mr. Hahn has a better understanding of the conditions and agrees to them.

Mr. Todaro said the school building on the site might have some historic significance, he asked Mr. Hahn if he knows what might happen with that building. Mr. Hahn has no knowledge of the building. Mr. Todaro wants it on the record that it is suggested that the Amherst Historical Museum is potentially a landing spot for the building. This would be up to the new owner.

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

MOTION CARRIED.

Item 2

Samual’s Grande Manor
Traditional Neighborhood District

Requests an Action under the State Environmental Quality Review Act (SEQRA) and a recommendation of a Special Exception Use Permit for the addition of Multiple Family Housing to the existing banquet facility at 8750 Main Street.

DISCUSSION:

Jim Callahan provided the background on the project noting that it is located on the north side of Main Street, west of Overlook Drive. It is an existing banquet hall facility. The applicant is proposing to convert upstairs banquet space to six (6) residential apartments. Per the Zoning Law the application will require a Special Exception Use Permit as issued by the Town Board.

Michael Metzger of Metzger Civil Engineering is present and noted that this project was last before the Board on April 10, 2019 in which they sent out for the SEQRA process. The thirty (30) days has lapsed and he is not aware of any adverse comments. When the project was initially built in the 1960’s there were six (6) apartments on the upper floor that were built and occupied for many years. The main business soon grew and the banquet facility needed more space so they took out the six (6) apartments and made it into a second floor banquet facility. New trends in the banquet business show that banquet facilities are not frequented as much as they have in the past, so the applicant wants to put the apartments back in. The onsite septic system was designed originally for the six (6) units.

Mrs. Salvati asked why the roof is flat. Mr. Metzger said the intent was to keep that addition as low-profile as possible so it doesn’t stand out. There will be proper gutter drainage.

Mr. Geasling said it is indicated that the project will match the existing building materials, what are the materials to be used? Mr. Metzger does not know, however he does know that they are proposing attractive wooden doors. Mrs. Salvati said it will be a condition that the building materials that are used are consistent with the building materials on the existing structure. Mr. Metzger said that is acceptable.

ACTION:

Motion by Gregory Todaro, seconded by Richard Bigler, pursuant to Article 8 of the Environmental Conservation Law, to **approve** Part 2 and 3 of the Short Environmental Assessment Form as prepared, and to **issue** a Negative Declaration on the proposed Samuels Grande Manor project at 8750 Main Street. This Unlisted Action involves a rehabilitation of space and the issuance of a Special Exception Use Permit by the Town Board to create six (6) new residential units in the existing banquet hall. After thorough review of the submitted site plan, received in the Planning Office on 2/21/19, 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
Gregory Todaro	Aye	Timothy Pazda	Aye
Wendy Salvati	Aye	Richard Bigler	Aye
Robert Sackett	Aye		

MOTION CARRIED.

Motion by Gregory Todaro, seconded Richard Bigler, to **approve** the ~~Concept Plan~~ Site Plan (subsequently added) and Architectural Elevations for the proposed Samuel’s Grande Manor project consisting of the conversion of existing banquet space to six (6) multiple family residential units as per the submitted site plan from JSB Architects, received in the Planning Office on 2/21/19 with the following conditions:

1. Subject to Open Space and Recreation Fees.
2. Subject to Landscape Approval of the submitted Landscape Plan prior to ~~Development Plan Approval~~. issuance of a Special Exception Use Permit (subsequently added).
3. All site lighting to be dark sky compliant with full cut-off shielding of any wall packs.
4. Construction of the garages to match the existing building in material and style, and detailed materials listed prior to issuance of a Special Exception Use Permit (subsequently added).
5. Review and approval by the Town Engineering Department prior to the issuance of a Special Exception Use Permit. (subsequently added.)

ON THE QUESTION:

Mr. Metzger said from a process standpoint will there be a Development Plan approval phase. Chairman Sackett said yes. Mr. Callahan said the question to ask is if a Development Plan is necessary because it is an existing structure and it is a minor addition to the overall structure. The only requirement for Development Plan might be to get Health Department approval on the sanitary system. He is uncertain whether Development Plan is needed although the Board is welcome to do what they want. There is no real construction activity on this project, which would invoke the Development Plan step. Deputy Town Attorney Steve Bengart said the project was sent to the Health Department and they had no comment. Mr. Todaro suggested that the architect’s renderings depict the materials that will be used. Mrs. Salvati said the project still has to go to the Town Board for the SEUP at which point the applicant should provide information demonstrating the matching materials. She went on to say that prior to this the applicant should meet with the Landscape Committee. The Board could still make it subject to Landscape approval without Development Plan. Mr. Callahan clarified that this will require a building permit and can be handled simply by referring it to the Engineering Department prior to the Town Board approving the SEUP. It is further clarified that the SEUP will not be issued until a landscape approval has been obtained.

Mr. Metzger understood and agreed with the conditions.

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

MOTION CARRIED.

Motion by Gregory Todaro, seconded Richard Bigler, to **recommend** a Special Exception Use Permit be granted by the Clarence Town Board for the construction of Multiple Family Housing project in

conformance with the site plan from JSB Architects, received in the Planning Office on 2/21/19 and conceptually approved by the Planning Board on 6/5/19.

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

MOTION CARRIED.

Item 3

Cortese Construction Services
Commercial

Requests a Coordinated Review under the State Environmental Quality Review Act and a preliminary Concept Review of a proposed office/showroom/warehouse at 9074 Main Street.

DISCUSSION:

Jim Callahan provided the background on the project noting that it is located on the north side of Main Street, west of Thompson Road. It is an existing vacant lot, the applicant is present to introduce a new concept for an office/showroom/warehouse building at this location.

Brian Sleevar is present and understands that the purpose of this evening's meeting is to potentially initiate coordinated review.

Mrs. Edward Popp from Barton Road said she has three (3) concerns, the first being the construction time table including dates and times. The second is the Main Street traffic concern, for example between Sheridan Drive and Shimerville Road. She went on to say that the first two (2) weeks in May 9139, 9175 and 9505 Main Street there were MVA's, she asked if there are plans to lower the speed limit on Main Street now that there is the bike path, the sidewalk and one (1) lane. When a vehicle makes a right turn in this area all the traffic is behind the vehicle and can't tell that a right turn is being made. As her third concern she asked if the Town has a more consistent plan in following Zoning Codes involving Commercial/Residential properties such as Zoning Code 229.14 Vibration, Noise, Odor and Lights. The document stating Mrs. Popp's concerns is on file.

Mr. Sleevar addressed the vibration concern and said this would be a wood frame structure. Construction times should be minimal. It is a regularly operated business so the traffic generation should not increase that much. They have fenced in the back area for the company vehicles to be in so they are not obtrusive on the road. The front parking lot is for guests and visitors.

As part of the coordinated review this project will go out to the NYS DOT for comment as they are the governing body relative to Main Street. The Building Code is the obligation of the Code Enforcement Officer who works out of the Engineering Department.

Mrs. Salvati said another concern is the site lighting, which should be done in such a way as to not impact the surrounding neighbors. Mr. Sleevar said there will be no blasting.

Mr. Pazda wants to make sure that the stone wall will not be plastic. Mr. Sleevar said no it is an 18" masonry stone wall. Dominic Cortese said the stone wall will be a stacked stone wall.

ACTION:

Motion by Jeffrey Buckley, seconded by Wendy Salvati, pursuant to Article 8 of the Environmental Conservation Law to **accept** Part 1 of the Short Environmental Assessment Form as submitted and seek Lead Agency status and commence a coordinated review among involved agencies on the proposed Cortese Construction Services project located at 9074 Main Street. This Unlisted Action involves the construction of an Office/Showroom and Warehouse located in the Commercial zone.

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

MOTION CARRIED.

Meeting adjourned at 7:35 p.m.

Carolyn Delgato
Senior Clerk Typist