

Town of Clarence
One Town Place, Clarence, NY 14031
Planning Board Minutes
Wednesday June 6, 2018

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

The Abbey Phase II
Restricted Business/Residential Single Family

Requests Concept Plan review of a proposed expansion to an existing mixed use project to add eight (8) residential units at 6449 Transit Road in the Restricted Business Zone.

Item 2

Suburban Pediatrics
Restricted Business

Requests a building permit and architectural approval for an expansion of the existing medical office building at 8643 Sheridan Drive.

Item 3

Paul Stephen/Rock Oak Manufactured
Housing Park
Commercial

Requests Concept Plan review of a proposed expansion to an existing manufactured housing park to add 28 residential units at 10075 Main Street.

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:

1st Vice-Chairman Richard Bigler
Gregory Todaro
Jeffrey Buckley

Timothy Pazda
Steven Dale
Jason Geasling

Planning Board Members absent: Chairman Robert Sackett, 2nd Vice-Chairperson Wendy Salvati

Town Officials Present:

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

Other Interested Parties Present:

Donald Pfalzer	Sharon Cook	Fred Cook	Patricia Schmidt
Paul Runfola	Emma Runfola	Caroline Runfola	Pam Kaminska
Eileen Nahigian	Charles Kobee	Doug Lipczynski	Phyllis Zak
Mary Klein	Bill Klein	Rick Zulewski	Richard Ehlers
Ron Kline			

Vice-Chairman Bigler noted that, due to the absence of Chairman Sackett, he will preside over the meeting this evening. 2nd Vice-Chairperson Wendy Salvati is also absent, therefore alternate Planning Board member Jason Geasling will have voting privileges for all agenda items. The protocol for the meeting will begin with Mr. Callahan introducing 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.

Motion by Gregory Todaro, seconded by Steven Dale, to **approve** the minutes of the meeting held on May 16, 2018, as written.

Jason Geasling	Aye	Jeffrey Buckley	Aye
Steven Dale	Aye	Gregory Todaro	Aye
Timothy Pazda	Aye	Richard Bigler	Aye

MOTION CARRIED.

Item 1

The Abby Phase II
Restricted Business/Residential Single Family

Requests Concept Plan review of a proposed expansion to an existing mixed use project to add eight (8) residential units at 6449 Transit Road in the Restricted Business Zone.

DISCUSSION:

Jim Callahan provided information on the project noting that it is located on the east side of Transit Road, north of Old Post Road. Phase I is an existing mixed-use project located in the Restricted Business Zone. The applicant is proposing Phase II which identifies multiple-family housing units to the rear, or east, of the existing Phase. The Town Board will have final approval authority on this multiple-family housing project.

Dave Sutton, of Sutton Architecture, is present and explained this is a Phase II of a project. They are proposing eight (8) townhouse style apartments on the east side of the property. All the development will occur within the proper zoning which is 600' from Transit Road. They will enhance the parking situation from Phase I, per the request of the Town. There are 42 existing parking spaces with the mixed-use property on the west portion of the property. They are adding 30 additional parking spaces which would be available for the commercial use, as well as 16 additional parking spaces for the introduction of eight (8) townhouse style apartments. Each of the townhouse units have an attached single-garage and there is a parking space available in front of that garage, thus the additional 16 spaces. The 30

additional parking spaces will be primarily for employees of the commercial spaces, and overflow for the commercial spaces on the completed part of the project.

After discussions with the Planning Committee and the Planning Department a fence has been added to the plan at the north property line, this is an enhancement to the screening. There will be dense landscaping in addition to the fence to protect properties to the north. There has been an addition to the fire access turn-around so there is adequate room for apparatus vehicles. There is a concept drainage plan that has been submitted to the Engineering Department for review, they are awaiting comments.

Vice-Chair Bigler asked for details on the location of the fence. Mr. Sutton said the plan shows the fence is to screen the whole back part of the property, but if the intent of this board is to extend it and go beyond to where the commercial project is in Phase I, Mr. Sutton thinks he can introduce that to the plan. It is clarified that the fence should be extended to the front of the building, Mr. Sutton will be sure this revision is made to the plan. With reference to the parking, Mr. Sutton said they will have a "no parking" sign, this along with the additional parking spaces will relieve some of the congestion on the site currently. Vice-Chair Bigler said it is very important to keep the roadway open and asked what the applicant will do to enforce the "no parking". Mr. Sutton said the sign will help and they will rely on the tenants to make sure they are enforcing it but providing additional parking should alleviate that problem entirely, he believes the parking in that area is out of necessity.

Mr. Dale asked where the construction people will park when and if this project goes forward. Mr. Sutton said they would most likely designate a construction phasing area or a staging area can be created to the east so that the vehicles will not disrupt the existing businesses. Mr. Sutton said they will show a construction staging area on the plan after they discuss it and find the most appropriate place. Mr. Geasling asked if the issue is the construction vehicles or the construction workers vehicles, Deputy Town Attorney Steven Bengart said both.

Mr. Pazda said there are not a lot of questions on this project because it is at the preliminary stage and once it is sent out for coordinated review there will be a more thorough discussion.

Fred Cook, of 6415 Woodberry Court, said Phase I was eight (8) residential units, this Phase is also eight (8) units. He said there was some talk about borrowing two (2) commercial units and adding it to the residential. He wants to know what the rule is and how it works. Mr. Callahan said the latest update to the Multi-family Housing Code identifies encouraging commercial development and in order to do that that Town Code offers incentives for the residential if the developer does commercial. There is a formula to calculate how much residential is limited on a commercial project. The calculations show that Phase II could incorporate six (6) units, they are proposing eight (8) which is a violation of the code and is something that will have to be addressed at the Zoning Board of Appeals level. At this level environmental concerns should be addressed to see if they can even go forward with six (6) units and before they get to the zoning issue of density. Phase I is part of the overall density of this site. Mr. Callahan clarified that the environmental review is on the current plan.

Allen Mann, of 8091 Clarherst Drive, said he was present at the meeting when Phase I was being discussed and at that time they were told there would be no further development, he remembers it clearly. The many other people in the audience who are angry about this project, as is Mr. Mann, remember the same thing. So they are all disappointed that this project has gotten this far. There are fairly expensive homes in this area and now he and his neighbor's property will be intruded upon with rental units. He expects this will decrease the value of his and his neighbor's properties. It will increase the noise level.

It will increase the vehicle traffic. He and the neighbors are really unhappy about this project and want to talk more about it.

Vice-Chair Bigler said there are several steps that will be taken on the project, it will be sent out for coordinated review this evening. If the applicant wants eight (8) units they will have to go to the Zoning Board of Appeals. Vice-Chair Bigler pointed out that the back third of the property is not being developed at all and must remain green. Mr. Mann asked if the minutes from previous meetings can be referenced to see what promises have been made. Deputy Town Attorney Steve Bengart assured Mr. Mann that the minutes have been reviewed and are available if anyone wants to view them. Mr. Mann asked if the review of the minutes showed what he has recollected. Deputy Town Attorney Steve Bengart said his recollection is that the applicant would come back and ask for anything in addition they would have to go through an additional coordinated review.

Paul Runfola, of 8050 Old Post Road West, has the same concerns as his neighbor mentioned. There is over-development in Clarence and the neighbors are concerned with loss of their property value. His development has been around since 1979. One of the cherished assets of the community is the woods and the privacy of the backyards. He has major concerns about the drainage issues. He is also concerned that the side entrance that was restricted in Phase 1 will re-surface. On behalf of his neighbors he said they have major concerns regarding this proposal. His question for Russell Salvatore, who grew up on this very street, is if he and his family would have approved of something like this.

Eileen Hickey, 8075 Old Post Road, she is concerned with drainage. Her backyard is affected by the previous building of the senior citizens residence. She and her neighbors know that since that property has been developed their backyards get a whole lot wetter than they used to, it is a continuing problem. She is not sure if this project will impact her because she is on the other side of the street. She asked if the Army Corp of Engineers have been involved. Vice-Chair Bigler explained that the Town Engineer will review the project for drainage.

Mr. Sutton said the with reference to the drainage concerns, the project will have a fully engineered drainage plan and it is the developers responsibility to make sure there is zero impact on neighboring properties. The Town and the project engineer will be obligated to meet all the criteria. With reference to the comment about no further development on the property, Mr. Sutton explained that when they first presented the project the townhouse portion of the project was a part of the submittal but, because of the new multi-family code that was being revamped, the applicant was asked to remove that part of the submittal and to address it at a later date. This was always the intent of the project, they have always anticipated doing townhouse style apartments at the back part of this property. The only reason they separated the project into Phase I and Phase II is so they could move forward on Phase I and not delay the whole project. He does not want any misrepresentation, they never intentionally or suggested or presented that this was to be a single project of a mixed-use building, it always had the townhouse portion, notes of priors meetings will support this. Mr. Sutton went on to say that these are very high-end apartments and there is a fair demand for them. They are a townhouse style apartments that will not detract from the quality of the neighbors. It is confirmed that the applicant will be responsible for the drainage of the back third of the property even though it will not be developed. They will be required to meet all the standards that are in place for involved agencies.

ACTION:

Motion by Steven Dale, seconded by Gregory Todaro, pursuant to Article 8 of the Environmental Conservation Law, to seek Lead Agency status and commence a coordinated review among involved

agencies on the proposed Abbey Expansion located at 6449 Transit Road. This Unlisted Action involves the expansion of an existing Mixed Use Project to include 6-8 new residential units in the Restricted Business Zoning District.

Jason Geasling	Aye	Jeffrey Buckley	Aye
Steven Dale	Aye	Gregory Todaro	Aye
Timothy Pazda	Aye	Richard Bigler	Aye

MOTION CARRIED.

Item 2

Suburban Pediatrics
Restricted Business

Requests a building permit and architectural approval for an expansion of the existing medical office building at 8643 Sheridan Drive.

DISCUSSION:

Jim Callahan provided information on the project noting that it is located on the south side of Sheridan Drive west of Boncrest Drive. It is an existing medical office building.

Elizabeth Holmes, of Barclay Damon is present representing the applicant. Stephanie Hunt, of Silvestri Architects is also present. Ms. Holmes explained that the proposal is for 10,000 square foot addition to the existing 6300 square foot building which currently houses Suburban Pediatrics. Suburban Pediatrics will be moving to the new addition and a new tenant will be filling their spot in the existing building. The proposed site plan preserves approximately 50% greenspace on the property, this is largely due to the existing 45' greenbelt on the southeast perimeter of the property. Additional landscaping will be installed at the southern border. They are proposing 99 parking spaces which includes five ADA spots, per code they only need two, so technically they are proposing 97 spots in conjunction with the addition, this is a 61 spot variance from what the code requires which they think is sufficient and supported by a letter the existing tenant. Currently the parking lot is never full and the hours are limited to business hours. The lighting will be improved, currently there are archaic globe-style lighting fixtures, the applicant is proposing code compliant LED down-cast fixtures. The façade of the addition will match the existing brick on the existing building, the elevations will be the same. Approval has been received from the Fire Safety Department and the applicant has submitted a drainage plan to Engineering, which Ms. Holmes believes has been signed off on.

Vice-Chair Bigler asked if the overall lighting can be reduced at night and have only security lighting. Ms. Holmes said yes, that is something they can implement.

Mr. Pazda asked what is going in the existing facility. Ms. Holmes said there are perspective tenants that will be medically oriented and at least one of the tenants would support the existing pediatric care facility.

It is clarified that the site plan is correct with reference to the parking spots, it was the number that was in error.

Mr. Dale asked if the client would be willing to extend the tree buffer around the corner and buffer the residential property. Mr. Holmes noted that there is a right of way at the south eastern side of the property so as long as it is acceptable to the Town that they landscape it, they will. Mr. Callahan said within the

proposed motion it is identified that the landscaping can be enhanced with coordination with the Town Engineer. Ms. Holmes said they are open to that.

Douglas Lipczynski, of 4756 Boncrest West and Charles Kobee, of 4766 Boncrest West. Mr. Lipczynski said their property sites substantially above theirs and they look down into it, they are concerned about property values, they will have increased pollution traffic. Trees will not do much to buffer them, even if there is a 10' fence installed that won't buffer them either. But if the fence was put on Mr. Lipczynski's and Mr. Kobee's property that would buffer them, if the fence had to be on the applicants property it would be best if it was at the furthest end of their property. They agree with the lights being turned off at night and they like the style of the lights. Mr. Lipczynski wants to know how big the tree buffer is, from the parking lot to where their property ends on the south side.

Mr. Callahan identified that there is a minimum 45' greenbelt of undisturbed land before the location of the proposed landscaping.

Ms. Holmes said they cannot place a fence on the neighbor's property. She noted that the 45' greenbelt is a code requirement when a commercial use abuts a residential use. The applicant is willing to work with the Planning office and beef-up the landscaping and buffering within the 45' greenbelt. The parking lot is not extending to far back from where the disturbance already is.

Ms. Hunt said there is 65' of greenspace between the parking lot and the end of the property.

Mr. Callahan clarified that there is a 45' greenbelt requirement that cannot be touched, so from the neighbor's back property line 45' cannot be touched, it will remain as is. Then there is another 20'-25' before the parking lot begins. The applicant is proposing trees to buffer the neighbors.

The turnaround will not be used every day, it is for the longer firetrucks, and the back parking will be used by employees. Mr. Dale asked if there are deliveries made to the facility, such as supplies, and what the times are for them. Ms. Holmes said she is sure there are deliveries although she does not know exactly where they go, but based on the layout she assumes deliveries are made to the front of the building. It would just be medical supplies, no significant deliveries. She does not believe that the delivery trucks would use the turnaround.

Mr. Geasling asked how much higher the neighbor's property is. Mr. Lipczynski said approximately 6' higher, if he is standing on his deck he looks at their roof. He sees their parking lot consistently.

ACTION:

Motion by Gregory Todaro, seconded by Timothy Pazda, pursuant to Article 8 of the Environmental Conservation Law, to **accept** the Part 1 Environmental Assessment Form as submitted and to **approve** the Part 2/3 Environmental Assessment Form as prepared and to **issue** a Negative Declaration on the proposed Suburban Pediatrics Addition located at 8643 Sheridan Drive. This Unlisted Action involves the expansion of an existing medical office building in the Restricted Business Zone. After thorough review of the submitted site plan and Environmental Assessment Form, it is determined that the proposed action is consistent with Clarence 2030 and local land use regulations, and will not have a significant negative impact upon the environment.

ON THE QUESTION:

The original project review in 1994 received a Negative Declaration under SEQRA on the entire property which included identification of no significant impact associated with wetland and archaeological impacts.

Jason Geasling	Aye	Jeffrey Buckley	Aye
Steven Dale	Aye	Gregory Todaro	Aye
Timothy Pazda	Aye	Richard Bigler	Aye

MOTION CARRIED.

Motion by Gregory Todaro, seconded by Timothy Pazda, to **approve** the site plan modifications and building expansion elevations as per the submitted drawings from Marks Engineering and Silvestri Architects dated 5/29/18, with the following conditions:

1. PIP Permits as issued by the Town Engineer.
2. Subject to review and approval by the Town of Clarence Fire Inspector and Harris Hill Fire Chief for all building additions and required modifications per the submitted plans.
3. Landscape Plan approval by the Landscape Committee prior to Building Permit issuance. The final landscape plan approval shall be coordinated through the Town Engineering Department to verify proper tree placement to eliminate any conflicts with existing utility easements.
4. Dark sky compliant lighting fixtures meeting Town Code.
5. Subject to review and approval by the Erie County Health Department on any modifications/additions/replacements to the on-site sanitary facilities.
6. Subject to review and approval by the Town of Clarence Building Department for all building additions and required modifications per the submitted plans.
7. Subject to Open Space and Recreation Fees on the required building permits.

ON THE QUESTION:

Ms. Holmes said they understand and agree to the conditions of the motion.

Mr. Dale asked if the maker of the motion would amend condition #3 to add “and to ensure adequate buffering with adjoining residential properties”. Mr. Todaro agreed to the change. Mr. Pazda does not think it is necessary and does not accept the requested change, he said he believes the condition is complete as stated above.

It is clarified that the applicant is willing to work with all those involved with regards to the lighting plan for the site.

Jason Geasling	Aye	Jeffrey Buckley	Aye
Steven Dale	Aye	Gregory Todaro	Aye
Timothy Pazda	Aye	Richard Bigler	Aye

MOTION CARRIED.

Item 3

Paul Stephen/Rock Oak Manufactured
Housing Park
Commercial

Requests Concept Plan review of a proposed expansion to an existing manufactured housing park to add 28 residential units at 10075 Main Street.

DISCUSSION:

Jim Callahan provided information on the project noting that it is located on the south side of Main Street, west of Shisler Road, it is adjoining an existing manufactured housing park. The Town Board will have final approval authority on this matter.

Noel Dill of Rock Oak LLC is present and said he is asking for a coordinated review under the State Environmental Quality Review Act (SEQRA) to begin on this project. He noted that an emergency entrance has been added to the plan. This will be a 30' right-of-way with 24' paved surface, exactly the Phase III design, so there will be adequate turning radius for firetrucks. They will also be able to provide benefits to Phase I which include adding fire hydrants. He pointed out that they provide an affordable alternative source housing that does not exist elsewhere in the Town. They have had a walk-through for wetlands delineation, when finalized it will be part of the SEQRA report, they will contain all water on the site. They have also started an archeological review.

Mr. Todaro referred to the sanitary system and asked where that drainage goes to. Mr. Dill said the septic system will be a modified sand-filter design and will fall under 10,000 gallons. They anticipate it will be engineered by the County. Mr. Dill said there is a small isolated wetland that is part of the septic location, it is less than one-tenth of an acre, which is permitted. Mr. Todaro asked if there will be blasting. Mr. Dill said there is rock there so if blasting took place it would be for the road, sanitary water and storm water. They have found that blasting is less disturbing overall then hammering because it happens more quickly. There are severe regulations in place on blasters.

Mr. Geasling asked if on-street parking is allowed. Mr. Dill said they generally don't permit on-street parking, in this case every home will come with an attached garage and there will be parking in front of that, plus they are providing separate off-street parking for visitors. A handful of garages has also been incorporated for residents of this Phase and Phase I for those who need a garage location. Mr. Geasling asked if there will be "no parking" signs. Mr. Dill said everybody that comes into the community is given a set of rules and there is section on parking included, the rules are distributed annually as well.

Richard Ehlers, of 9753 Kingsway Terrace, is present as a member of the Rock Oak Homeowners Association. He advised they put together a packet listing their concerns and submitted it to the board. They are not opposed to the project but have concerns, one of which is the wetlands drainage issue that affects the existing Phase I community. There has been flooding on the old property. They are also concerned with the traffic flow going in and out of the community, it will be a challenge to figure out. This needs to be looked at closely. There are other issues related to the existing community that they believe should be addressed before additions are made to the Rock Oak community. The most concerning

is the street lighting issue in Phase I where 25%-30% of the street lighting is non-functioning. The exit road to Main Street in Phase III has heaps of construction material, debris, broken concrete, construction equipment and fill located on it, it is an unsightly situation. Additionally, there are a few lots in Phase III that are used for construction equipment, storage of fill, etc. These are buildable lots that need to be cleaned up prior to any building taking place on the lots. Vice-Chair Bigler asked if Mr. Ehlers has made the applicant aware of their concerns. Mr. Ehlers said yes, some of these things have been going on for years. Vice-Chair Bigler noted that the issue before the Board this evening is the expansion, not prior phases.

Ron Kline, of 45 Rockland Ave, said his major concern is the safety. The driveway entrance off of Rockland near the little plaza on Main Street should be blocked off. People heading down Main Street going east go into Rockland and into the liquor store, there are two entrances Main Street for the plaza.

Mr. Dill said when they rebuilt the entrance way with the divider it was found that there was an issue with an easement, so they weren't able to bring the divider all the way out. He is not aware of any accidents that have happened at this location and he has been associated with this property for 21 years. With respect to the wetlands obviously it is subject to delineation, there is no water that will be able to leave the site. It will be a fully engineer site. The original site was not engineered at the time and it is flat and low, this proposal will benefit Phase I. With regards to the street lighting, he may disagree with Mr. Ehlers numbers but they had a very fruitful meeting with the president of the Homeowners Association and have agreed to work on that. Mr. Dill said there are 520 units in Rock Oak and there is a variety of exits/entrances onto Main Street, this new phase has 28 units and represents about a 5% change in the overall population of Rock Oak. They believe the community can handle this with no major impact, however it will be review under the SEQRA process.

ACTION:

Motion by Jeffrey Buckley, seconded by Timothy Pazda, pursuant to Article 8 of the Environmental Conservation Law, to seek Lead Agency Status and **commence** a coordinated review among involved agencies on the proposed Rock Oak Expansion south of 10075 Main Street. This Type I Action involves the expansion of the existing manufactured housing park, located to the south of Main Street and west of Shisler Road, to include 28 +/- new lots and including all on-site infrastructure to support the use.

Jason Geasling	Aye	Jeffrey Buckley	Aye
Steven Dale	Aye	Gregory Todaro	Aye
Timothy Pazda	Aye	Richard Bigler	Aye

MOTION CARRIED.

Meeting adjourned at 8:04 p.m.

Carolyn Delgato
Senior Clerk Typist