

Town of Clarence
One Town Place, Clarence, NY 14031
Planning Board Minutes
Wednesday July 17, 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

Alan Craik
Agricultural Flood Zone

Requests Minor Subdivision Approval to create one (1) new lot at 8850 Goodrich Road.

Item 2

Cortese Construction Services
Commercial

Requests an Action under the State Environmental Quality Review Act (SEQRA) and Concept Plan Approval for construction of a new office, showroom, and warehouse facility at 9074 Main Street.

Item 3

Theodore Hallac
Traditional Neighborhood District

Requests Preliminary Concept Review of a proposed new commercial building at 7149 Transit Road.

Chairman Robert Sackett called the meeting to order at 7:00 p.m. Boy Scout Troup #27 led the pledge to the flag. Chairman Sackett thanked Boy Scout Troup #27 and asked where Boy Scout Troup #27 meets and they answered at Zion Lutheran Church.

Planning Board Members present:

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

Town Officials Present:

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

Other Interested Parties Present:

Ryan Jensen Alan Craik

Motion by Gregory Todaro, seconded by Richard Bigler, to **approve** the minutes of the meeting held on June 19, 2019, as written.

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

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

Alan Craik
Agricultural Flood Zone

Requests Minor Subdivision Approval to create one (1) new lot at 8850 Goodrich Road.

DISCUSSION:

Mr. Callahan provided the background on the project noting that it is located at 8850 Goodrich Road on the west side of Goodrich Road, north of Tonawanda Creek Road. This is an existing 53 +/- acre parcel in the agricultural flood zone. The applicant is proposing a Minor Subdivision or lot split to create one (1) new lot on this property. Alan Craik is present and spoke. He stated that they would like to add a lot and would like to call it 8840 Goodrich Road. The lot would be the 1.33 acres that the Town mandates. It was asked by Mr. Sackett if Mr. Craik has any future plans for the rest of the parcel. Mr. Craik answered no, part of the lot is now being rented by Lakeside Sod and he has been renting that part of the property for 25-30 years and would like to renew the rental. Mr. Craik says that he is not interested in developing the property. He would like to keep the property undeveloped and has no interest in developing the property.

Chairman Sackett explains that Subdivision just means the dividing of land. It was then asked if the Board had any questions. Mrs. Salvati asks if he will identify the second parcel of the land that is remaining open, what is to the north? Mr. Craik said that it is a farm. There is a house, some metal buildings and the old Yoder farmhouse that is hidden back in the trees. She asked if you can access the property from the north end as well. Mr. Craik said that yes, it is connected in the back and there is a driveway that leads from the old farmhouse and there is a cut through from the driveway. He stated that in the winter time there used to be a bridge into Niagara County, the new bridge is 8-10 feet higher and the street was raised. He said that coming out of the north end driveway in the winter is treacherous and the speed limit is 55 mph in that area so they leave the other lot open.

Chairman Sackett asked if there were any other questions or comments and there were none.

ACTION:

Motion by Gregory Todaro, seconded by Wendy Salvati. Pursuant to Article 8 of the Environmental Conservation Law to accept the Park 1 EAF as submitted and to **approve** the Part 2 and 3 EAF as prepared and to issue a Negative Declaration on the Craik Minor Subdivision. This Unlisted Action involves a minor subdivision to create one (1) new lot in the Agricultural Flood Zone. After thorough review of the submitted surveys and Environmental Assessment Form (SEAF), it is determined that the proposed action will not have a significant negative impact upon the environment.

ON THE QUESTION:

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

MOTION CARRIED.

ACTION:

Motion by Gregory Todaro, seconded by Timothy Pazda. To **approve** the Craik Minor Subdivision at 8850 Goodrich Road to create one (1) new building lot in the Agriculture Flood Zone as per the submitted survey from McIntosh & McIntosh dated August 22, 2018, 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 and the parent parcel in the event same shall be required for future actions.

ON THE QUESTION:

Chairman Sackett asked the applicant understand the conditions listed above. Mr. Craik stated that he does not really understand the conditions. Chairman Sackett asked Mr. Todaro to explain the conditions to the applicant. Mr. Todaro went over conditions three (3) and four (4). Mr. Craik understood and Chairman Sackett spoke about the Towns need for access in case of an easement. He asked Mr. Chaik if he understood all of the conditions and Mr. Chaik answered yes, he understood and agrees to the conditions.

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

MOTION CARRIED.

Item 2

Cortese Construction Services
Commercial

Requests an Action under the State Environmental Quality Review Act (SEQRA) and Concept Plan Approval for construction of a new office, showroom, and warehouse facility at 9074 Main Street.

DISCUSSION:

Mr. Callahan provided the background on the property noting that it is located on the north side of Main Street between Shimerville Road and Thompson Road. This property is an existing, vacant two (2) acre parcel located in the commercial zone. The applicant is proposing to construct a new office, showroom and warehouse facility and is seeking an action under the State Environmental Quality Review Act and consideration of a Concept approval.

Chris Woods is present from Carmina, Wood, Morris, who is the engineer and architect for the project. They are proposing a 6500 sq. foot office/showroom building in the front and a 4500 sq. foot warehouse facility in the back that will be utilized by Cortese Construction. There will also be 34 parking spaces and the way the buildings will be placed is critical in maintaining the 400 foot space to the hydrant across the street. Therefore, any buildings cannot be built further to the north without putting in a sprinkling system and they are not pursuing at this time.

Chairman Sackett asked if there were any other questions or comments from members of the audience at this time on this project. Seeing that nobody came forward to speak they proceeded with the motion.

ACTION:

Motion by Wendy Salvati, seconded by Timothy Pazda, pursuant to Article 8 of the Environmental Conservation Law, to **approve** the Part 2/3 Short Environmental Assessment Form as prepared and issue a Negative Declaration on the proposed Cortese Construction Services Project located at 9074 Main Street. After thorough review of the submitted site plan and Short Environmental Assessment Form,, including coordinated review among involved agencies, 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:

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

MOTION CARRIED.

ACTION:

Motion by Wendy Salvati, seconded by Timothy Pazda, to **approve** the Concept Plans for the Cortese Construction Services Office, Showroom and Warehouse, located at 9074 Main Street as per the submitted plans from Carmina, Wood, Morris dated May 13, 2019, with the following conditions:

1. As per the submitted preliminary building elevations from Carmina, Wood, Morris dated may 7, 2019
2. Landscape Committee approval of a landscape plan prior to Development Plan Approval
3. All exterior lighting fixtures to be dark sky compliant to eliminate spill to neighboring properties.
4. All fleet vehicles and other materials/products/advertising must be screened from view and stored within the fenced in storage yard area.
5. Subject to Open Space and Recreation Fees on future building permits.

ON THE QUESTION:

Chairman Sackett asked the applicant understand the conditions listed above. Mr. Dominic Cortese responded they he understood and accepts the conditions.

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

MOTION CARRIED.

Item 3

Theodore Hallac
Traditional Neighborhood District

Requests Preliminary Concept Review of a proposed new commercial building at 7149 Transit Road.

DISCUSSION:

Mr. Callahan provided the background on the property is located at the southeast corner of Transit and Lapp Roads. The property contains about 2.8 acres and is located in a Traditional Neighborhood District and currently houses and renovated salon. The applicant is present to introduce a new concept for an additional commercial building.

Michael Metzger from Metzger Engineering located at 8245 Sheridan Drive is present with his clients Susan and Ted Hallac. Mr. Metzger stated that the property is approximately 2.4 acres and is located at the most northern end of the Swarmville district, there is an existing building on site. The building

was in disrepair when the Hallac's purchased the property. They have put blood, sweat and tears into the property fixing it up and they currently have it rented out. They would like to add a 7500 sq. foot building commercial building. The building would be for retail and/or office space. They have meet with varies town officials on the project to see how the project would be received and have taken some valuable input and have made some minor adjustments to the plan accordingly to make it a better plan. Originally we were proposing two (2) rows of parking but have now eliminated the front row of parking so now there is just one row of parking. We have utilized the established setback line and there is no parking or driveway supporting that parking forward of that line. By moving so and eliminating that parking we were able to move the building a little bit closer to Transit Road. Now, there was a little bit of parking that we have added to the back to accommodate those spaces that we lost from the front. There was also a feeling that we were possibly overparked. He would like to emphasize that there are no future plans for any additional development on this site. The Halloc's needs would be satisfied with this project. Mr. Todaro asked what types of businesses they were looking to put into the building, would they be boutique style businesses. Mr. Metzger stated that it is not an overly large space but in theory in could be one user or multiple users with the building being subdivided. The configuration of the building is such that it could easily have interior walls anywhere within the building. Nobody has stepped forward yet as it's too soon in the process. It was also asked if they had any future plans for any build outs along Lapp Road at this time or if they had plans to remove the little building on the corner. Mr. Metzger answered no plans for anything along Lapp Road and the building would remain. It was mentioned in the work session that there is stuff in the parking lot and that is only present to help with backing out.

Chairman Sackett asked if any members of the audience would like to ask questions on this project, there were no questions.

ACTION:

Motion by Timothy Pazda, seconded by Richard Bigler, to **approve** pursuant to Article 8 of the Environmental Conservation Law, to accept the Park 1 EAF as prepared and to seek Lead Agency Status and commence a review among involved agencies on the proposed Hallac Commercial Building project located at 7149 Transit Road. This Unlisted Action involved all necessary approvals associated with the construction of a new commercial building in the Traditional Neighborhood District.

ON THE QUESTION:

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

MOTION CARRIED.

Meeting adjourned at 7:30p.m.