

Town of Clarence  
One Town Place, Clarence, NY 14031  
**Planning Board Minutes**  
Wednesday July 19, 2017

**Work Session 5:30 pm**  
Status of TEQR Coordinated Reviews  
Review of Agenda Items  
Miscellaneous

**Agenda Items 6:00 pm**

Approval of Minutes

**Item 1**

Paul Bliss  
Residential Single Family

Requests an Action under the State Environmental Quality Review Act (SEQRA) for the demolition of a structure built prior to 1950 at 8660 Greiner Road.

**Item 2**

Benchmark Development  
Major Arterial

Requests a Minor Subdivision to create an additional building lot at 4401 Transit Road.

**Item 3**

Automotive Code Amendments

Discussion.

Chairman Robert Sackett called the meeting to order at 6:00 p.m. James Callahan led the pledge to the flag.

Planning Board Members present:

Chairman Robert Sackett  
Timothy Pazda  
Steven Dale  
Jason Geasling

1<sup>st</sup> Vice-Chairman Richard Bigler  
Gregory Todaro  
Jeffrey Buckley

Planning Board Member(s) absent: Wendy Salvati

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: Paul Bliss Kevin Zuger

Motion by Gregory Todaro, seconded by Richard Bigler, to **approve** the minutes of the meeting held on June 7, 2017, as written.

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

**MOTION CARRIED.**

Chairman Sackett noted that in the absence of Planning Board member Wendy Salvati, alternate Planning Board member Jason Geasling will have full voting privileges this evening.

Chairman Sackett explained the protocol for this evenings meeting noting that Mr. Callahan will introduce each agenda item, the applicant will have the opportunity to add information regarding the project. The Board will ask the applicant questions relative to the project. Members of the audience will be provided the opportunity to comment on the project. The applicant is asked to answer any questions the members of the audience had. When appropriate, Chairman Sackett or Mr. Callahan will answer questions, as well. The Board will then take action as they see fit.

**Item 1**

Paul Bliss  
Residential Single Family

Requests an Action under the State Environmental Quality Review Act (SEQRA) for the demolition of a structure built prior to 1950 at 8660 Greiner Road.

**DISCUSSION:**

Jim Callahan provided the background on the project noting that it is located on the north side of Greiner Road, west of Shimerville Road. Mr. Bliss is seeking approval to demolish the existing structures on the property. As those structures were built prior to 1950 the Action to demolish is classified as a Type I Action under the Town's Town Environmental Quality Review Law. The Planning Board as Lead Agency has solicited comment from involved agencies and has received a recommendation from the local Historic Preservation Commission and the Lead Agency is free to take action.

Paul Bliss is present.

**ACTION:**

Motion by Timothy Pazda, seconded Steven Dale, pursuant to Article 8 of the Environmental Conservation Law, to **accept** the Part 2 and Part 3 Environmental Assessment Form as prepared by the Planning Department and to issue a Negative Declaration on the proposed demolition of the home and barn located at 8660 Greiner Road. This Type I Action involves the demolition of structures built prior to 1950. After thorough review of the submitted plans and including coordinated review with the Historic Preservation Commission, it is determined that the proposed action will not have a significant negative impact upon the environment.

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

MOTION CARRIED.

**Item 2**

Benchmark Development  
Major Arterial

Requests a Minor Subdivision to create an additional building lot at 4401 Transit Road.

**DISCUSSION:**

Jim Callahan provided the background on the project noting that it is located on the northeast corner of Main Street and Transit Road. It is in an existing commercial plaza located in the Major Arterial Zone. The applicant is requesting a Minor Subdivision to create a new building lot. The Planning Board is Lead Agency on this request.

Kevin Zugger, with Benchmark, is present and explained they are requesting this subdivision because they have been limited with their lease agreement with Best Buy for years in which they would not let them develop the parcel. Recently they lifted that restriction and are allowing the parcel to be developed, thus Benchmark is requesting the minor subdivision. Mr. Zugger confirmed that the request is because of sight lines.

**ACTION:**

Motion by Gregory Todaro, seconded by Richard Bigler, pursuant to Article 8 of the Environmental Conservation Law, to **accept** the Short Environmental Assessment Form as prepared by the Planning Department and **issue** a Negative Declaration on the proposed Benchmark Development Group Minor Subdivision located at 4401 Transit Road. This Unlisted Action involves a minor subdivision to create a new building lot in the Major Arterial Zone. After thorough review of the submitted survey and Environmental Assessment Form it is determined that the proposed action will not have a significant impact upon the environment.

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

MOTION CARRIED.

Motion by Gregory Todaro, seconded by Richard Bigler, to **approve** the Minor Subdivision at 4401 Transit Road, as per the submitted survey from The Benchmark Group dated 5/22/17, to create an additional building lot in the Major Arterial Zone, with the following conditions:

- 1.) Future development of the newly created lot will be subject to review and approval from all local and regional regulatory agencies.
- 2.) Cross access to and from the newly created lot and the plaza shall continue to be maintained.

**ON THE QUESTION:**

Mr. Pazda asked who the applicant intends on marketing the newly created lot to. Mr. Zugger said they don't have anyone in mind right now, maybe a small restaurant or a two-tenant small building. Best Buy has been involved since 2007, they just renegotiated their options. Mr. Pazda asked, with this renegotiation, if there are any limitations on the height of a new building. Mr. Zugger said yes, and went on to say they will not put a 2-story building up.

Mr. Todaro asked if the traffic flow for a new building has been taken into consideration. Mr. Zugger said with the initial redevelopment a building was always intended for this space so the traffic that would be generated was accounted for.

Chairman Sackett noted that future traffic considerations will depend on the site plan, the applicant may need an amended traffic study, this is currently an open issue.

Mr. Zugger understands and accepts the conditions of the motion.

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

MOTION CARRIED.

**Item 3**

Automotive Code Amendments

Discussion.

**DISCUSSION:**

Jim Callahan provided the background on this agenda item noting that the Town Board adopted a moratorium on automotive uses along Main Street in April 2017 and has extended that moratorium through August. The Town Board also adopted a moratorium on automotive uses along Sheridan Drive in February 2017 and has extended that moratorium through August, as well to give the Planning Board and the Planning Department time to look at the Special Exception Use Conditions for automotive uses. The Planning Board and Planning Department have come up with a draft of potential changes to those sections of law which is up for discussion at this point.

Chairman Sackett suggested the Board widen the conversation and send the draft copy out for coordinated review so that other agencies can participate in the amendment process.

Mr. Dale said it is his understanding that once it is sent out for coordinated review it will limit any other changes that the Planning Board may choose to make; the involved agencies can make changes but the Board really can't. Chairman Sackett replied no and went on to explain that the Board will obtain the involved and interested agencies feedback. If a change comes from an involved agency that change will be made verbatim. If the change comes from an interested agency it is at the Board's discretion whether to make the change or not. So there will be an opportunity after the coordinated review to make changes if the Board sees the need to do so.

**ACTION:**

Motion by Timothy Pazda, seconded by Steven Dale, 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 automotive code amendments to the Zoning Law. This Unlisted Action involves the adoption of code amendments to address automotive uses in the Clarence Town Code, Chapter 229.

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

MOTION CARRIED.

Meeting adjourned at 6:12 p.m.

Carolyn Delgato  
Senior Clerk Typist