

Town of Clarence
One Town Place, Clarence, NY 14031
Planning Board Minutes
Wednesday September 18, 2019

Work Session 6:00 pm

Status of TEQR Coordinated Reviews
Review of Agenda Items
Miscellaneous

Agenda Items 7:00 pm

Approval of Minutes

Item 1

Sean Hopkins/Harris Hill Commons
Restricted Business Zone

Requests Preliminary Concept Review of a proposed Mixed Use project within Clarence Sewer District 10 on the north side of Sheridan Drive, west of Harris Hill Road.

Item 2

Omar Siam/Woodmeadows
Open Development Area
Agricultural Floodzone

Requests Development Plan Approval for a 4-Lot Open Development Area at 8611 Tonawanda Creek Road.

Item 3

Dominic Piestrak/Roll Road Self-Storage
Industrial Business Park

Requests an Action under the State Environmental Quality Review Act (SEQRA) and Concept Plan Approval for a proposed Self-Storage Facility on the north side of Roll Road, east of Harris Hill Road.

Item 4

General Code Updates

Discussion.

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
Timothy Pazda
Jason Geasling

Vice-Chair Richard Bigler
Gregory Todaro
Ari Goldberg

Planning Board Members absent: Wendy Salvati, Jeffrey Buckley

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:

Lori Nielsen	Betsy Murrett	Gail Pettis-Piato	Art Conner
Dennis Murphy	Mark Piontkowski	Jady Piontkowski	Andrew Marino
Omar Siam	Jackie & Mike Konitzer		Theresa Loudenslager
Robert/Claire Rung	Lynn Mahony	Joe Garlock	Kathleen Copperberg
Kristine			

Chairman Sackett noted that in the absence of Planning Board member(s) Jeffrey Buckley and Wendy Salvati, alternate Planning Board member Ari Goldberg will participate in all discussions and vote on all agenda items.

Motion by Gregory Todaro, seconded by Timothy Pazda, to **approve** the minutes of the meeting held on August 21, 2019, as written.

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

MOTION CARRIED.

Motion by Gregory Todaro, second by Timothy Pazda, to **approve** the minutes of the meeting held on September 4, 2019, as written.

Ari Goldberg	Aye	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

Sean Hopkins/Harris Hill Commons
 Restricted Business Zone

Requests Preliminary Concept Review of a proposed Mixed Use project within Clarence Sewer District 10 on the north side of Sheridan Drive, west of Harris Hill Road.

DISCUSSION:

Mr. Callahan provided the history on the project noting that it is located on the north side of Sheridan Drive, west of Harris Hill Road and consists of approximately 15 acres. The proposed use includes Multiple Family Housing therefore the Town Board will have final approval authority under a Special Exception Use Permit on this project.

Sean Hopkins, of the law firm of Hopkins, Sorgi and Romanowski, is present on behalf of the applicant, along with project engineer Ken Zollitsch, from Greenman Pedersen. Alan Randaccio, Pete Peterson and Elliot Lasky are also present on behalf of the applicant. Mr. Hopkins said the site is approximately 14.78 acres in size. The property that is located at the corner of Harris Hill Road and Sheridan Drive is zoned Commercial, the remainder of the site is zone Restricted Business. There will be two (2) separate components, the first being a mixed-use component along Sheridan Drive, and then behind it Town Home style multi-family units. The units do comply with the Town's Multi-Family Law in that the maximum is four (4) units per building, a maximum height of 2-stories, etc. There are six (6) mixed-use buildings depicted along the Sheridan Drive frontage, they consist of 4800 square feet of first floor commercial space, and then four (4) upper story family units in each of them. The applicant know that NYS DOT's policy is to minimize the number of curb cuts so they are showing two (2) curb cuts. They deliberately spaced the curb cuts so they are located at a considerable distance from the intersection of Harris Hill Road and Sheridan Drive. This project will require several approvals: Concept Plan approval, which triggers the need for an Environmental Review, they are also asking for Minor Subdivision approval and finally the project will require a Special Exception Use Permit from the Town Board, for Multi-Family Use. Once these approvals have been obtained the project will come back before the Planning Board for Development Plan. Mr. Hopkins went on to say that they are showing 35% greenspace on the site, 290 parking spaces versus the 247 parking spaces that would be. The project was presented to the Town Board during two (2) work sessions where there was a question regarding the phasing. The applicant submitted a letter to the Town confirming that the project will be built on a phase by phase basis. Each of the phases will include the mixed-use buildings along Sheridan Drive. There are three (3) phases starting on the west and working towards the east portion of the site. The precise spacing may change after a fully engineered report is done. There is no intention to build multi-family dwellings and leave the Sheridan Drive frontage for some future date. The applicant is asking for the Board to commence coordinated review pursuant to the State Environmental Quality Review Act (SEQRA). This is a Type I Action pursuant to the Town's Local Law because it involves more than 30 units. They included a Part I of the Full Environmental Assessment Form with their application. They have also submitted a traffic study and a no impact determination letter. There is a wetland at the border of the commercial and restricted business zone the size of 0.91 acres, however this jurisdictional determination expired last year. The applicant needs to go back to the Army Corp of Engineers and engage them in a permitting process. They will be seeking an updated jurisdictional determination and are reasonably confident that there will not be any jurisdictional wetlands on this site. Mr. Hopkins noted that the property on the corner of Harris Hill and Sheridan Drive will not be developed at this time, they are not proposing any project on this portion of the property. This is disclosed in the environmental documentation and as such does not involve a segmented environmental review pursuant to SEQRA. If there was to be development proposed on this portion of the site the applicant knows they will have to come back before the Board. Preliminary Grading and Drainage plans will be submitted to Tim Lavocat of the Engineering Department.

Chairman Sackett noted that there was a sewer agreement for the neighborhood to the north, he advised the applicant to review that agreement to see if it pertains to this project or if the applicant needs a new agreement. Mr. Hopkins said yes they will look at that, he went on to explain that the Town formed a

sanitary sewer district for this entire site out of Sanitary Sewer District #10 and this site was contemplated for development. He will look into this within the coordinated review period.

Mr. Todaro asked if there will be full land clear of all phases at once or will they clear based on phase. Mr. Hopkins said the goal is to clear on a phase by phase basis, subject to review of the engineered plans.

Mr. Hopkins said they are showing a recreational easement along the Harris Hill Road frontage which then runs a portion of the Sheridan Drive frontage for the possibility of a bike path in the future. He also noted that with Sheridan Drive being narrowed it will help slow down traffic.

Chairman Sackett asked for confirmation that the final phasing will be impacted by the Coordinated Review process. Mr. Hopkins confirmed and said they have committed that in connection with the first phase it will include two (2) mixed-use buildings, where they will precisely be is subject to technical review.

Mr. Todaro asked for information on the elevations of the townhomes behind the commercial. Mr. Hopkins said that is a work in process but they are presenting high-end materials. There are two (2) options for the townhomes, however they are not in a position to make a commitment yet. They would be two-story buildings with the possibility that the center buildings would be two-story and the end units would be ranches. They will have more details and color renderings by the time they come back before the Board.

Mr. Pazda said there are trees on the depiction in the area that the recreation trail might go. Mr. Hopkins said they will make sure that any plantings will not interfere with the recreational trail. Mr. Pazda asked what type of commercial use the applicant will be going after. Mr. Hopkins said they are hoping it will be primarily targeted to local and regional businesses, nothing big box or national in scope or scale. Mr. Pazda asked if there is a possibility that any of the buildings would be joined together to make a larger tenant. That is a possibility but the applicant has not contemplated that at this point. Mr. Pazda asked if they are over-parked. Mr. Hopkins said they are over-parked by 43 parking spaces on the plan. They are not sure they need the separate garage buildings shown on the plan. They want to make sure they have a little more than the required number of parking spaces to allow for visitors to park. They want to make sure they have enough parking for the needs of the tenants. The parking spaces that are used by the residential tenants are the same spaces that are used by the commercial tenants during the day, this results in a decrease in the overall demand of parking spaces especially during peak periods. They will allow one or two restaurant/bar operations as they do not want to make the rest of the parking space unusable. Mr. Pazda asked what the need is for the access to Harris Hill Road. Mr. Hopkins said it is helpful to have direct access to Harris Hill Road because it gets you to that signalized intersection. Traffic will be difficult in making a left hand turn out of Sheridan Drive, across the traffic heading west, by providing the Harris Hill access there is direct access to the signalized intersection.

Dennis Murphy, of 4801 Glenwood Drive, said when it rains severely there is a lot of water that comes down Sheridan Drive, his neighbor's driveway across the street takes on water. Mr. Murphy's front lawn gets heavily saturated. There is standing water close to his property where the development is going in. He would like something in writing stating that the first building closest to his property line can be a toned down situation, they do not want a bar or robust place with a lot of noise levels. He would not want a berm installed so the water will keep running past his property, he would also like to see a lot of trees and commercial fencing as a buffer to his property. There are mature trees at the back corner of his property and he ask that they be respected while construction is taking place at the site. He would like

to see as many trees saved at the site as possible. He also voiced his concern with the displacement of animals with this development.

Art Conner, of 4915 Glenwood, voiced his concern with all the building going on off of Harris Hill, there is Phase I, this new project and on the other side of Harris Hill is the 99 homes that are going in. This creates the same situation on Harris Hill that is now on Sheridan Drive, all that traffic going north trying to turn left into this project. He suggested updated Harris Hill because there will be a traffic jam with the amount of cars going through, there will be over 200 cars added. Mr. Conner went on to say that the start time seems to be non-existent in Phase I, he has heard diesel trucks running at 5:45 am once or twice a week and he was told there is no start time except maybe 7:00am. There should be a set start time with this new project, the neighbors should not have to live with a 5:45 am start time. He went on to say that there was no Landscaping Plan in Phase I and he hopes there is one in this project. Mr. Conner said there is a sewer line less than 20' from his property and he was told it is not possible to be connect to Sewer District #10, but now it has possible changed. This is something that should be analyzed as he would love an opportunity to connect to the sewer.

Theresa Loudenslager, of 4825 Glenwood, said she has the same concerns as the previous speakers. She worries about the traffic with 75 apartments coming in, that is at least 150 vehicles. With Sheridan Drive coming down to two (2) lanes she is worried about getting out and making a right onto Sheridan at 8:00am. She feels Sheridan Drive going down to two (2) lanes will congest the traffic and she won't be able to make a right or a left because there won't be a gap in traffic. Also, Glenwood is on an incline so in the winter you cannot stop at the stop sign. If this does have to go through, she would like a dense tree line to block the light from this development. Her backyard brings a lot of value to her house and she would like to preserve that. She has no problem with the commercial portion of the proposal.

Chairman Sackett explained that there are many phases to a project, it starts out with a coordinated review which includes interested party's input. The County and State will be involved, the sewer agreement is impacted with the Town and other agencies that service the Town. Restrictions will be put on the development to preserve the integrity of the environment. Next is the Concept Phase which has to be approved by the Town Board due to the nature of the project, mixed-use. The Town Engineer then has to review the project, there is also a Landscape Committee that will review the project and look at the items that have been brought up.

Mr. Hopkins said he welcomes the opportunity to meet with the two (2) individuals who reside at the intersection of Glenwood and Sheridan Drive to work with them to see what they want to see in terms of screening. The plan is showing the required 45' permanent Open Space buffer along the western portion of the site, so that area will remain vegetated and will not be developed in the future.

Mr. Hopkins confirmed that yes there is standing water on the site and said the site is not graded and that is why they have the wetland area that is hopefully non-jurisdictional. GPI will be preparing a Storm Water Management Plan and will need to demonstrate compliance with the DEC stringent storm water quality and quantity standards. They will need to retain a 100 year storm event on the site, they are not permitted to convey storm water on to any contiguous properties.

Mr. Hopkins said a traffic study has been done and will be reviewed by DOT and Erie County Department of Public Works and will occur in connection with the next step.

Mr. Hopkins reference lighting and said they will be required to submit a photometric plan and the Development Plan stage. He assured the board members that it will be low-level lighting with no spill-over on to contiguous properties.

Mr. Hopkins said if the three (3) individuals who spoke will provide him with their contact information he will keep them in the loop going forward. He will provide them with a copy of the current plan.

Mr. Zollitsch explained that during their drainage design and engineering they have to account for off-site drainage that is coming from other properties onto their property, it is not something they can block. He agrees with the resident that they don't want to see any berms because those tend to block drainage and cause ponding issues. The off-site drainage will have to be routed through the development. Mr. Zollitsch said he does not recall exactly where the Sanitary Sewer District ends. The possibility of the nearby residents connecting the existing sewer in Harris Hill Commons, the development to the north, may not be feasible if the residents are not in the sewer district, they would not be able to connect without an out-of-district agreement with the Town and Erie County.

Mr. Pazda asked if the applicant will do everything possible to save the existing trees in the perimeter. Mr. Hopkins said they will take a look at that, his concern is that he cannot make that commitment at this early stage of the review process. Mr. Zollitsch will have to prepare grading and drainage plans so Mr. Hopkins is deferring that decision until those plans are complete. If they can save those trees, they certainly will.

Mr. Pazda asked what the garbage plan is for the property. Mr. Zollitsch said there are select dumpster locations throughout the development, so the plan would be private service, at least for the back part of the building. He is not sure if the details have been worked out for the rest of the site. Mr. Bigler said there should be no 5:30 am (or similar early time) pick-up of the dumpsters. Mr. Hopkins said that is something that can be controlled moving forward, along with the start time of construction.

Mr. Todaro said the flow of construction vehicles on Harris Hill and Sheridan needs to be looked at. Mr. Hopkins said as part of the DOT's highway work permit process they will require the applicant to prepare plans showing how the construction will occur in terms of storage and equipment.

ACTION:

Motion by Richard Bigler, seconded by Timothy Pazda, pursuant to Article 8 of the Environmental Conservation Law, to **accept** the Part 1 Environmental Assessment Form (EAF) as submitted and to seek Lead Agency status and **commence** a review among involved agencies on the proposed Harris Hill Commons Mixed Use Project. This Type I Action involves the development of a mix of 28,800 square feet of commercial space with 24 second story residential units along the Sheridan Drive corridor and 52+/- residential apartments in thirteen 4-unit structures in the Restricted Business Zone and within Clarence Sewer District #10.

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

MOTION CARRIED.

Item 2

Omar Siam/Woodmeadows
 Open Development Area
 Agricultural Floodzone

Requests Development Plan Approval for a 4-Lot
 Open Development Area at 8611 Tonawanda
 Creek Road.

DISCUSSION:

Mr. Callahan provided the history on the project noting that it is located on the south side of Tonawanda Creek Road, west of Northfield Road. The property consists of approximately 46 acres and received Concept Approval in 2010.

Andrew Marino of Tredo Engineers is present representing the applicant Omar Siam. Mr. Marino said a Negative Declaration under SEQRA was issued and preliminary approvals were pursued through Engineering, Erie County Water Authority, Erie County Health Department, etc. These approvals were obtained and the applicant is currently awaiting NYS DEC approval in the mail. The review comments that came through the Fire Chief and the Landscape Committee have been addressed. The Highway Department also reviewed this project and the ditch is a highway department construction that occurred after the subdivision was originally approved in concept. It cleaved the property in half, the applicant has since worked to move that ditch to be reconstructed along the east property line. Mr. Siam has agreed to an easement on the property to allow the Town to access if and when necessary to service the ditch. There is also a gas line easement that cuts through the parcel, everything that is south of that is a floodplain and a wetland, thus all the development is up toward the front. The potential for the three (3) other homes, four (4) lots total, have all been vetted and approved, they are all properly sized lots to be contiguous with the single driveway to allow the fire department access to all the homes as well as private fire hydrants. The front of the site is narrow with approved frontage at 83'+ and a single driveway leading to the back. In the future there will be a gated entry. There will also be a decorative shed for purposes of containing the water devices. There is one other garage structure on the property that will remain, the other smaller structures will be demolished. Mr. Marino went on to explain that the first phase of the project is to build Mr. Siam's house, the other phases will follow as needed.

Chairman Sackett noted that Tonawanda Creek is a County road so the use of that road for development purposes will fall on the County. The Planning Board can give Development Plan Approval but the access and use of that road is controlled by the County. The applicant understands this.

Laurie Nielsen, of Northfield Road, said this proposal did not go forward in 2010 and she wants to know why. Her understanding was that there was an issue with the driveway, there was not enough clearance on either side. If he is going to do a driveway through here and all these poor houses are on the property, it is a driveway or is it a road, and who is going to take care of that? They want to infill the ditch that the Highway Department dug, what is the alternative for drainage. The FEMA maps were just redrawn, how do they plan to address that? If they fill-it, where is the run-off going to go? It is a low lying area, there are problems with mosquitoes. Tonawanda Creek Road falls in constantly, she has lived there for 23 years, that road has been inaccessible for 15 years. There probably won't be that much more traffic but that road is not fixed. Mark Poloncarz said that road was going to be gone at the beginning of the summer, it's still not. The northern part of Clarence is an agricultural area, if you put four (4) houses here now what is the guarantee that he doesn't put more in, which detracts from the whole essence of the northeastern part of Clarence.

Stephanie Adams, from the Law Office of Stephanie Adams, representing Shawn Anderson who resides at 8645 Tonawanda Creek Road, submitted a letter on behalf of her client. The letter is on file. There is

a theme for this development which is character, value and safety. The development is out of character for this neighborhood, the law says this is a serious consideration for the Planning Board to weigh in evaluating this plan. The character plays into the value of the property and is another factor the Planning Board has to weigh. There has been a serious road collapse since the approvals in 2010, this is a serious safety concern. She asked that particular attention be paid to drainage and the burden on the drainage systems that adding these residential properties in this proximity and reducing the ability of that property to reduce storm water run-off appropriately, this needs to be paid attention to. Until the road is repaired, allowing this project to proceed creates serious safety concerns. Drainage can impact the adjacent properties.

Lynn Mahony, of 8595 Tonawanda Creek Road, said the proposed road is only 8' off her property line, 50' off her foundation. Instead of the road going in the middle with 20' on either side, it is right next to her. She has already had her cement walls repaired from water damage at times. She can't believe it would be approved to be so close to her with no concern that it really affects her house. The original plan in 2010 had berms and trees on both sides, now there is no room for a berm. A little red barn is going to be removed and she will have to look directly into their house and they will look directly into her backyard. She has lived here all her life, it is agricultural and there is still farming that goes on. She is not happy with how it is situated. She understands that he bought the property but then to put three (3) more houses back there. This is not a good time to put heavy construction equipment on the road. There is only one way in and out of their homes right now. She drives five (5) miles out of her way every day. She is not happy with the design of this so far.

Jackie Konitzer, of 8625 Tonawanda Creek Road, voiced her concern with the road and said there would need to be a 17' variance given to put it in. This affects her and her neighbor's property, which now become corner lots. She reminds those who did not grow up in Clarence that her and her husband both grew up in Clarence Center, moved away and then moved back and raised their children in the town they love. They chose to purchase on Tonawanda Creek because of the rural setting. They wanted their children to experience Clarence Center the way they did with being able to be outside, seeing the stars, hearing the bullfrogs. Every morning they get up and watch the same deer come back year after year and have their babies. Having the green space was the most important reason for moving where they did, and it still is today. The proposal of an Open Development is completely out of character in their agricultural community. The Greenprint Mission put this together in 2012: "To preserve and protect ecological significant landscapes, the valuable agricultural resources, aesthetic beauty and the rural character of this town while maintaining a stable tax base and maintaining growth." Ms. Konitzer went on to say that years ago Kathy Hallock said we will never become another Amherst. Ms. Konitzer is so disappointed time after time to see these massive commercial things being brought in. The green space is almost gone, it keeps encroaching further and further north. When is it going to stop, once there is no more, once they are forced to move and go somewhere else to have crickets and bullfrogs and the stars? She asked whether the Board members have lived here all their lives or whether they just came in take a ride out and take a look at what they are faced with, with a road that has been collapsed since 2014. The road will continue to degrade with the amount of traffic/machinery/equipment that is allowed to go through, where will the next collapse be? Will they be landlocked with no escape? They have had to deal with emergency services not being able to respond. She does not know how things like this can even be proposed until all of the mess is cleaned up.

Robert Rung, of 8585 Tonawanda Creek Road, has lived here for 23 years. He moved out there because of the community green space. There is a pig barn next to the property, Mr. Rung raises chickens every year, his son tilled his property to parcels down because they will be planting on it. There is another nearby parcel that is cut every year for hay. He left Amherst to get away from a gated community, the

last thing he wants to see here is a gated community. The concrete barriers for the closed road are in front of his house, so anyone trying to get through stops in front of his house to turn around. The road is not in stable shape, he voiced his concern with bringing heavy equipment in. Putting that many houses that far back will detract from what they have all come to appreciate in the neighborhood.

Mark Piontkowski, of 8461 Tonawanda Creek Road, asked how many houses go on it before it becomes a permanent road versus a driveway. Once it becomes a road, who maintains it? Where is all the drainage going? How many houses do you have back there before it becomes a subdivision? What will happen with the taxes?

Kathleen Copperberg lives two (2) houses from where this development will be. She is on a fixed income and has to worry about the taxes and maintaining her house. She has lived there for 25 years and for 12 years the road has been caved in and it is starting to cave in between her house and the neighbor's. She doesn't know if she can stay there and maintain her house if things are crumbling around her.

Mr. Marino said the driveway is a private driveway, it is not a public roadway. This is not a subdivision in the common sense of the matter, it is an Open Development which allows for four (4) lots maximum. The approval that came with the previous Woodmeadows Estates included the allowance for the driveway to be repositioned from its current location. There is a driveway there now, it was requested to be relocated and the only proper location for it was to avoid some major trees that they mean to maintain. There are significant Maple trees that they wish to maintain for all the reasons the neighbors want them to be there. Mr. Marino said the current drainage of this property is non-existent, it is a flat site and that is why the Highway Department has proposed to improve it to the benefit of all the surrounding neighbors as this becomes the low point of the neighborhood. The drainage flows to the culvert leaving Tonawanda Creek Road today, this will not change. Mr. Marino referenced the stability of Tonawanda Creek Road and explained that it has collapsed in locations not due to traffic but due to the creek. The roadway is constructed to support the heavy traffic as all County roads are. The fact that the road is currently in disrepair is not considered. Mr. Siam anticipated that the road would be fixed by the time he was ready to develop, however it is not. This is a single family house that will be built. Mr. Marino referenced the character of the community and said there are multiple gated communities/compounds/open developments throughout the Town, agricultural, residential or otherwise, there is precedent. The plan hasn't changed since it was previously approved except that the ditch runs through the property now. This parcel may have been farmed at one point because it has been cleared. Mr. Siam wants to build here for the same reasons the neighbors stated they moved to the area, for the rural character. Farming cannot take place on the property because it has become a wetland. They will not raise the site, only the area where the house is for the purposes of the flood plain and obtaining flood insurance, this is the only grading they are allowed to do. The Highway Department agreed that by relocating the ditch that is the outlet for all the storm water both on the property and from the neighbors. There is no requirement to farm the property. There is no requirement for Mr. Siam to do anything other than the screening by landscaping in which he has already offered, which is a dense hedgerow of what will be full sized trees on both east and west sides to buffer the neighbors. There is not enough frontage or property to create a berm. Mr. Siam also offered to install a fence and has already obtained that permit. This will add to the screening for the neighbors. Mr. Marino said they did not receive the letter mentioned earlier to know what that neighbor is contesting. He referenced the character of the neighborhood and said that should have come up when it was subdivided and went for sale. Everyone in the area had the opportunity to purchase this property, Mr. Siam purchased it to move his family from Amherst to Clarence.

Chairman Sackett asked if the drainage ditch will be covered. Mr. Marino said no. Chairman Sackett clarified that Development Plan Approval is being sought tonight but that does not give approval for the road, the Town has no jurisdiction over that road. It is a County road and the County would determine what types of vehicles can be on the road, by weight and area. Several agencies have weighed in on this project since it was first proposed, including the Town Engineer who recommended the project. The Planning Board looks at all the comments in making their decision.

Mr. Pazda asked for details on the fence. Mr. Siam said it is a permanent fence 50' from the roadway all the way back along the entire property to the front to keep the privacy until the trees grow. The fence will be on both sides of the property. It is a wooden privacy fence, 6' in height. A fence permit has been obtained by the applicant.

ACTION:

Motion by Timothy Pazda, seconded by Richard Bigler, to **approve** the Development Plans for the proposed Siam Open Development area located at 8611 Tonawanda Creek Road as per the submitted drawings from Tredo Engineers dated August 6, 2019, with the following conditions:

1. PIP permits as issued by the Town Engineer with all regulatory agency approval in order prior to issuance.
2. Review and approval of a drainage easement by the Town Attorney's Office to be filed with the Erie County Clerk's Office for the ditch along the east side of the property.
3. Review and approval of a Homeowner's Agreement by the Town Attorney's Office for road access, use and maintenance.
4. Entrance and driveway lighting to be dark sky compliant and shielded to eliminate spill to adjoining properties.
5. All landscaping to be installed per approved Landscape Plan and maintained in perpetuity.
6. Open Space and Recreation Fees on future Building Permits.

ON THE QUESTION:

The applicant understands and agrees with the conditions.

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

MOTION CARRIED.

Item 3

Domenic Piestrak/Roll Road Self-Storage Industrial Business Park

Requests an Action under the State Environmental Quality Review Act (SEQRA) and Concept Plan Approval for a proposed Self-Storage Facility on the north side of Roll Road, east of Harris Hill Road.

DISCUSSION:

Mr. Callahan provided the history on the project noting that it is located on the north side of Roll Road, east of Harris Hill Road. The property contains approximately 29 acres.

Ken Zollitsch, engineer with Greenman Pedersen Inc., is present along with Bobby Corrao, part of the ownership group. The project is 8.5 acres. The applicant was requested to provide the full potential build-out of the entire site. It would consist of three (3) phases, the first two would be located on the south side of Gott Creek between Roll Road and Gott Creek. The third and final phase, if there was demand for it, would be located on the north side. The focus of the group now is to proceed with Phase 1 and 2 following all approvals of the Town. They have comments from the Engineering Department as well as Fire Safety where they have made some adjustments, increased widths of the aisles to allow for easier emergency vehicle access around the perimeter of the site. They have also provided information on proposed grading and drainage of the property. Gott Creek has a floodway associated with it at the center of the site so no development will be occurring within that area, as they cannot fill any portion of the floodway. There are some floodplains on the site which will require some filling. This project will be on septic for any of the small offices that may be located at the front. There will be a climate controlled facility located at the front of the site, the intent of this is to provide a different type of storage as well as provide some screening for the more typical self-storage type facility. The applicant will be required to submit a landscape plan as well as fully engineered design plans for the site detailing locations of fences, building lay-outs, etc.

Chairman Sackett referenced the elevation rendering and asked if all the buildings in the back will have pitched roofs. Mr. Zollitsch said yes.

Mr. Todaro asked if there will be any outside storage. Mr. Corrao said there is no plan for outside storage, it will all be inside. Mr. Todaro asked if there will be any business operations being run out of storage units. Mr. Corrao said there is no plan for businesses to operate out of the units, however a business could rent a unit and store equipment/materials there. Mr. Todaro asked about security and what type of lighting is proposed. Mr. Corrao explained the majority of the lighting will be dark sky and building mounted, there will be a light on top or at the top of the overhead doors. As far as security, there will be fencing around the perimeter of the site, running from building corner to building corner. Mr. Todaro asked how the fencing will be done if they are phasing the project. The perimeter is the blacktop area of the plan, the backside of the buildings would not have a fence because there is a natural barrier there, they would connect one building to the next with the fence. The entrance from Roll Road will have a security gate just past the parking spaces. It is clarified that the fence will be around the blacktop, the blacktop will be accessible.

Mr. Geasling asked what the boundary is between Phase 1 and Phase 2. It is clarified that it is the dashed line shown on the plan.

Mr. Bigler asked how snow removal will be handled. Mr. Zollitsch said as they move forward with engineering plans there will be various snow storage areas at the ends of the aisles, this will be added to the plans.

Mr. Pazda asked what the hours of operation will be. Mr. Corrao said it will probably be standard business hours at 7:00am to 4:00pm with available access to people upon request outside of those business hours. It is not a 24 hour operation.

ACTION:

Motion by Gregory Todaro, seconded by Timothy Pazda, pursuant to Article 8 of the Environmental Conservation Law, to **approve** the Part 2 and 3 Environmental Assessment Form (EAF) as prepared and to **issue** a Negative Declaration on the proposed Piestrak Self-Storage Project located on the north side of Roll Road, east of Harris Hill Road. This Unlisted Action involves the development of a self-storage facility in the Industrial Business Park Zone. After thorough review of the submitted site plan and Environmental Assessment Form (EAF), including coordinated review among involved agencies, it is determined that the proposed action will not have a significant negative impact upon the environment.

Ari Goldberg	Aye	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 Piestrak Self –Storage Project located on the north side of Roll Road, east of Harris Hill Road, as per the submitted Concept Plan from GPI dated August 7, 2019 and the submitted conceptual building elevations dated September 6, 2019, with the following conditions:

1. Landscape Committee approval prior to Development Plan approval.
2. All conditions of the Town Engineer included in Development Plans.
3. All regulatory agency approvals required prior to Development Plan approval.
4. Open Space and Recreation Fees on future building permits.

ON THE QUESTION:

The applicant understands and agrees with the conditions.

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

MOTION CARRIED.

Item 4

General Code Updates

Discussion.

DISCUSSION:

Mr. Callahan explained that there are some General Code Updates that the Planning Department, the Planning Board and the Legal Department have been working on. It is a draft at this point for consideration to recommend to the Town Board for discussion at a future joint meeting. These code updates include home generators, basically removing them as an accessory structure and allowed with a Building permit under New York State Code. It also includes single and two-family homes in the Commercial and Restricted Business Zone being removed as allowed uses in these zones to more streamline the Commercial uses in those zones. Also included is short-term residential rentals including BRBO, Air BNB and similar types of home rental uses to be outlawed in the Residential Single Family Zone and with strict parameters associated with other zones including applicant insuring and requiring they need certain protective and safety measures. Another update includes RV storage on residential

properties, allowing a second single-axle RV per code to eliminate large scale RV's and multiple axle RV's on driveways. Finally there are some sign amendments including eliminating large wall cabinet signs and encouraging channel letters on commercial businesses.

Chairman Sackett said the Planning Board becomes the applicant on this item by de facto. These suggested code updates will be moved to a joint meeting between the Planning Board and the Town Board so the concepts can be discussed. The Town Board will then seek input from the Town Attorney's office, there will also be a Public Hearing.

Leah Costanzo, of 8520 Lakemont Drive, is present to support the prohibition of short-term rentals in single family neighborhoods, like hers. She is living next to a home that is operating and Air BNB out of a portion of their house. People wearing nothing but shorts have been seen doing lunges across her lawn, there are people coming from all over who are not being vetted. People bring pets in. Back in June two renters parked at the end of her driveway and came up to the back of her property on to her patio and asked her young children how to get into the house. They were in the wrong location because the neighbor is using a photograph of her residence, and the neighbor across the street, as their advertisement for the property. She has lived in the house for three (3) years and have been dealing with this for two (2) years. She would like to get back to a safe and enjoyable neighborhood. Ms. Costanzo explained that the property owners live at the residence and rent out a room that they consider to be an in-law suite but she has been told it is not an in-law suite by code, because it does not have a kitchen. It happens almost every weekend, there are people who rent for months at a time. You can find out what weekends are booked by visiting the on-line site. With the Bills season coming up it is going to get worse.

ACTION:

Motion by Jason Geasling, seconded by Gregory Todaro, to **recommend** consideration of the draft code updates, as reviewed by the Planning Board and prepared by the Planning Department, to the Town Board and Town Attorney's Office for review at a joint Town Board/Planning Board meeting scheduled for October 30, 2019.

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

MOTION CARRIED.

Meeting adjourned at 8:35 p.m.

Carolyn Delgato
Senior Clerk Typist