

Town of Clarence
One Town Place, Clarence, NY 14031
Planning Board Minutes
Wednesday September 4, 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

John Brach
Agricultural Rural Residential

Requests Preliminary Concept Review of a proposed Major Subdivision on Heise Road.

Item 2

Jim Klyczek
Residential Single Family

Requests Minor Subdivision Approval to create one (1) additional building lot at 4540 Shisler Road.

Item 3

M & T Bank
Traditional Neighborhood District

Requests a Recommendation for a Special Exception Use Permit for a Drive-Thru Facility at 10614 Main Street.

Chairman Robert Sackett called the meeting to order at 7:00 p.m. Councilman Paul Shear led the pledge to the flag.

Planning Board Members present:

Chairman Robert Sackett
2nd Vice-Chair Wendy Salvati
Gregory Todaro
Jason Geasling

Vice-Chair Richard Bigler
Timothy Pazda
Jeffrey Buckley
Ari Goldberg

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:

Jim Klyczek	David Webster	Kristen Webster	Melissa Marino
Mike Hyman	Sandy Mancuso	Steve Movalli	Jason Burford

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

John Brach

Agricultural Rural Residential

Requests Preliminary Concept Review of a proposed Major Subdivision on Heise Road.

DISCUSSION:

Jim Callahan provided the background on the project noting that it consists of 48+/- acres on the east side of Heise Road between Clarence Center and County Roads. The applicant is proposing a major subdivision to create ten (10) lots and is present to introduce the concept to the full Planning Board.

Jason Burford with GPI Engineering is present and representing the Brach family. Elliot Lasky is present as consultant on this project.

Chairman Sackett noted that the only action the Board can take tonight is to commence coordinated review. Preliminary storm water approval needs to be obtained by the applicant from the Town Engineer during the coordinated review process.

Mr. Burford went on to explain that the project is for ten (10) large lots with their own private septic system and a cul-de-sac proposed to be a public road.

Chairman Sackett said this project will have a thorough review given that it is unsewered and in an agricultural zone. When this was referred from the Town Board there was no comment on the private or public road, the Planning office will be asked to seek the Town Board's comment on public versus private. Any storm water effects on local land need to be done prior to Concept Plan approval in the form of a preliminary storm water report.

Elliot Lasky said part of the property is in the Sewer District and part is not. Whether they had access to capacity was an issue, which they obtained with a prior plan that had much higher density. They came in with a 2nd and 3rd design. Mr. Callahan cautioned the applicant that there may be an issue with the public road versus the private road. The applicants met with the Highway Superintendent. There is a drainage problem with the property immediate to the south of the project site. Mr. Lasky said the Highway Superintendent said if the parcel were to be developed it could be engineered and designed in such a fashion to totally alleviate and solve that pre-existing condition that has nothing to do with the subdivision. They discussed the viability of a private road versus a public road, the Brach family decided it would not be able to go forward, as is Mr. Lasky's recommendation, if it were to be a private road. He went on to say that the Highway Superintendent has no objections to the public road. They originally presented 2 cul-de-sacs, however they were able to eliminate one of them which minimizes the amount of road to be maintained. If it were to be a private road Mr. Lasky said it is hard to get all the homeowners together and come up with a maintenance agreement and everyone is dependent on each other to honor their obligations, they don't find the population for these high-end homes very amenable to getting stuck with agreements. Farming this land is not viable either.

It is clarified that the project is designed as individual septic.

Steve Kirk’s family has owned the property to the north of the project site for more than 30 years. Mr. Kirk said it is a working horse farm and went on to say that over the years they have had assurances from the Brach family that this would remain agricultural. They have serious concerns regarding this proposal. There are federally identified wetlands on the property. There is a pond adjacent to his driveway that drains along his driveway and through his property to the north towards County Road. All of that property drains through his property. His family’s water supply is a private well, the addition of ten (10) septic systems with drainage towards and through his property is very concerning. He urges the Board to do a very thorough storm water SEQRA report, a traffic study would probably also be in order.

Mr. Lasky said there are wetlands in the southeast portion of the property. Wilson Environmental Technologies performed a wetland delineation. He is not sure of the results and/or if it affects the buildability of the lots. They will work with the Town Engineer. Mr. Lasky was not aware of an existing drainage problem in the northern part of the property but drainage will not be going to someone else’s property. They will cooperate fully in designing a drainage plan that does not create any run-off problems. They believe this is the best option for the use of the property.

Jacob Brach has lived on this property at 6511 Heise Road since 1977. He noted that it is the property owners who are developing the land.

ACTION:

Motion by Gregory Todaro, seconded by Richard Bigler, pursuant to Article 8 of the Environmental Conservation Law, to **accept** the Part 1 Environmental Assessment Form as submitted and to seek Lead Agency status and commence a coordinated review among involved agencies on the proposed Brach Major Subdivision. This Type I Action involves the development of a ten (10) lot major subdivision in the Agriculture Rural Residential Zone and not connected to public sewage systems.

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

MOTION CARRIED.

Item 2

Jim Klyczek
Residential Single Family

Requests Minor Subdivision Approval to create one (1) additional building lot at 4540 Shisler Road.

DISCUSSION:

Jim Callahan provided the history on the project noting that it is located on the west side of Shisler Road between Main Street and Wehrle Drive. The applicant is proposing a minor subdivision to create one (1) new lot. Both lots will meet existing dimensional requirements in the Residential Single Family Zone. The Planning Board will have final approval authority on this action.

Jim Klyczek is present.

Mrs. Salvati read a letter dated September 4, 2019 from Noel Dill into the record, “Jim and Jon, I am writing regarding the proposed minor subdivision at 4540 Shisler Road. As a representative for Shisler Road Associates, which owns a 76 acre +/- parcel directly behind and adjacent to 4540 Shisler Road, including road frontage, we are not opposed to the subdivision provided that it is understood that the land behind the subdivision will ultimately be developed as an industrial business park, for which it is correctly and lawfully zoned, with an entrance road to be located directly adjacent to the newly created parcel. The creation of an additional building lot will give up whatever additional buffer to this entrance the existing home enjoys, and that the owner of the new building lot should expect to experience truck traffic adjacent to the building lot at some point in the future. We feel that it is important to have this understanding to be read into the record of this approval should the Planning Board be so inclined.”

Chairman Sackett makes it clear that they are not here tonight to approve or disapprove the industrial development mentioned in the above paragraph. The owner of the property just wanted to make the applicant aware that he will be applying for an access road sometime in the future. Mr. Klyczek said that is good to know and perhaps they will create a thicker tree line on that side of the property.

ACTION:

Motion by Wendy Salvati, seconded by Timothy Pazda, pursuant to Article 8 of the Environmental Conservation Law, to **accept** the Part 1 Short Environmental Assessment Form (SEAF) as submitted and approve the Part 2/3 SEAF as prepared and to issue a Negative Declaration on the proposed Klyczek Minor Subdivision. This Unlisted Action involves a lot split to create one (1) additional building lot in the Residential Single Family Zone. After thorough review of the submitted site plan and SEAF it is determined that the proposed action will not have a significant negative impact on the environment.

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

MOTION CARRIED.

Motion by Wendy Salvati, seconded by Gregory Todaro, to **approve** the Klyczek Minor Subdivision as per the submitted drawing received in the Planning Office on August 23, 2019 with the following conditions:

1. Review and approval by the Erie County Department of Public Works for access to Shisler Road from the newly created building lot (for a curb cut).
2. Review and approval by the Erie County Health Department for on-site sewer facilities for the newly created lot (for the sand filter/septic system).
3. Review and approval by the Town Building and Engineering Department for any future construction on the newly created lot (via building permits).
4. In the event that any drainage easements will be required by the Town to address on-site drainage issues on the properties, said easements shall be approved by the Town Engineering, Highway and Legal Departments pursuant to their requirements.
5. Open Space and Recreation Fees on future building permits.

ON THE QUESTION:

The applicant understands and agrees with the conditions.

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

MOTION CARRIED.

Item 3

M & T Bank
Traditional Neighborhood District

Requests a Recommendation for a Special Exception Use Permit for a Drive-Thru Facility at 10614 Main Street.

DISCUSSION:

Jim Callahan provided the history on the project noting that it is located on the north side of Main Street, west of Bank Street and within the Clarence Hollow Overlay and Traditional Neighborhood District Zoning. The applicant is proposing a drive-thru ATM at this branch. The Town Board will have final approval authority and has referred this project to the Planning Board for a recommendation.

Steve Movalli, of Scheid Architectural, is present along with M & T Bank’s regional manager Sandy Mancuso and senior project manager Mike Hyman.

Mr. Buckley suggested the addition of signage as the car would exit the ATM lane. He does not believe there is a rear or side entrance to the bank so all pedestrian traffic pass by the side of the building and go in the front. He is concerned with the cars exiting the ATM lane and coming out at an angle, perhaps some signage would remind them to watch for pedestrians and use caution as they exit. Mr. Movalli said that makes sense and went on to explain that they have signs shown as a vehicle exits the ATM kiosk, it is a “do not enter” sign on the south side and a “yield/caution” sign on the right hand side. Mr. Buckley would like signs to face the vehicles right before they exit the ATM lane, Mr. Movalli said those signs were added and are on the plan.

Mrs. Salvati asked if there will be signage to direct people to the ATM. Mr. Movalli said yes there is wayfinding directional signage as you enter the property, as you move along the property line there is another sign that points you to the back of the lot, on the pavement there are directional arrows. Mrs. Salvati asked for clarification that the brick on the ATM will match the color on the existing building. The metal framing is white. Mrs. Salvati said she is concerned as to why there is so much light there, it was explained to her that it has to do with the NYS ATM Safety Act, Mr. Movalli confirmed. He explained that there is a certain amount of light required at 5 foot, 30 foot and 60 foot radiuses. The lighting is designed so that there will be no light spilling off the site, there are cut-off shields. The pole is 20’ high with three (3) heads.

Mr. Todaro asked if the machine creates any noise. Mr. Movalli said no it is just a typical ATM.

Mr. Pazda asked if the sidewalk that comes out on the blacktop should be cross hatched as a pedestrian crossing there. Mr. Movalli said he is willing to comply with this request. The existing ATM will remain on the property. Mr. Pazda asked if there will be any more diagonal parking spaces added. Mr. Movalli said no, they are actually losing (1) space.

Annette Fiderio, of 4990 Bank Street, is concerned with the traffic at the back of the property with regards to safety for children and animals that visit her property. She is also concerned with the lighting. She is also concerned with security, she knew the bank was always closed and now people can go through the ATM 24/7.

Chairman Sackett said the Planning Board Executive Committee discussed with M & T a three-sided building and it was explained that one reason they don't make a three sided building is exactly the issue Ms. Fiderio just addressed, security. M & T is certainly aware of security, thus the lighting standards and the openness. Mrs. Salvati said they don't want to create a place for anyone to hide.

Mr. Movalli said security it of utmost importance to the bank that's why they seek to follow the most strict security measures in the NYS ATM Safe Act. The ATM will be audited twice per year. There are also security cameras.

Mr. Hyman said the machine has security cameras in it, the structure will also have cameras in it. These cameras are monitored downtown 24/7. He does not foresee too much more traffic, most people who visit the site know that there is an ATM there. The structure will go in the grass area, there will be no clearing of any trees.

ACTION:

Motion by Timothy Pazda, seconded by Wendy Salvati, to **recommend** that the Town Board issue a Special Exception Use Permit to allow for a drive-thru ATM as per the submitted drawings from Scheid Architects dated August 29, 2019, with the following conditions:

1. All lighting fixtures to be dark sky compliant and screened to eliminate spill to adjoining properties.
2. Review and approval by the Town Building and Engineering Department for any required construction permits.
3. Compliant directional signage and striping to guide ATM use.

ON THE QUESTION:

The applicant understands and agrees with the conditions.

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

MOTION CARRIED.

Meeting adjourned at 7:45 p.m.

Carolyn Delgato
Senior Clerk Typist