

Town of Clarence  
One Town Place, Clarence, NY 14031  
**Planning Board Minutes**  
Wednesday June 5, 2013

**Work Session 6:30 pm**

Status of TEQR Coordinated Reviews  
Review of Agenda Items  
Miscellaneous

**Agenda Items 7:30 pm**

Approval of Minutes

**Item 1**

McGuire Development  
Traditional Neighborhood District

Requests Preliminary Concept Review of a proposed 20,000 square foot professional office building at 8321 Main Street.

**Item 2**

Northwoods Open Space Design Subdivision  
Residential Single Family

Requests Recommendation on a Final Supplemental Environmental Impact Statement.

Chairman Robert Sackett called the meeting to order at 7:30 p.m.

Steve Jagord led the pledge to the flag.

Planning Board Members present:

Chairman Robert Sackett  
Timothy Pazda  
Richard Bigler  
Steven Dale

2<sup>nd</sup> Vice-Chairman Paul Shear  
George Van Nest  
Gregory Todaro

Planning Board Members absent: Vice-Chairperson Wendy Salvati

Town Officials Present:

Director of Community Development James Callahan  
Junior Planner Michael Hutchinson  
Deputy Town Attorney Steven Bengart

Other Interested Parties Present:

David & Heather Britton  
Bob & Rita Wolinski  
Norman Radtke

Ken Pearl  
Gabriele Maddalena  
Gail Berger

Lynn Liaros  
 Jim Rash

Dave Horbinski  
 Karen Willyoung

Chairman Sackett called for a moment of silence for Patrick Conway who was in a fatal motorcycle accident today.

Motion by Timothy Pazda, seconded by Paul Shear, to **approve** the minutes of the meeting held on May 15, 2013, as written.

Steve Dale	Aye	Gregory Todaro	Aye
Richard Bigler	Aye	George Van Nest	Aye
Timothy Pazda	Aye	Paul Shear	Aye
Robert Sackett	Aye		

**MOTION CARRIED.**

Chairman Sackett explained that Mr. Callahan will provide information on each agenda item. The applicant will discuss the project with the Planning Board. The public will be invited to speak. The Board and/or the petitioner will address the comments from the public. The Planning Board will then take an action.

**Item 1**

McGuire Development  
 Traditional Neighborhood District

Requests Preliminary Concept Review of a proposed 20,000 square foot professional office building at 8321 Main Street.

**DISCUSSION:**

Jim Callahan provided the background on the project noting that it is located on the south side of Main Street, west of Susan Drive. It is existing residential property located within the Harris Hill Traditional Neighborhood District zoning classification. The applicant is proposing to demolish the existing home and construct a new 20,000 +/- square foot professional office building. Per the Zoning Law a Special Exception Use Permit (SEUP) as issued by the Town Board will be required after review and recommendation by the Planning Board.

Michael Metzger, of Metzger Civil Engineering, is representing the applicant. Mr. Metzger noted that the property is 2.33 acres in size. The proposal is for a 19,000 square foot office building for Tronconi Segarra, it will be a one-user building. It is an allowed use within the zoning classification; it does require a Special Exception Use Permit because of its size. The project is compliant with the zoning requirements as far as the setbacks, no variances will be needed. There is no front yard parking and they are proposing to buffer the parking that is alongside the building. The front yard setback is consistent with the existing buildings in the area on either side. The building will be single-story and will have a gabled roof as opposed to a flat roof; this is compliant with the TND zoning and provides a residential “feel” for the building itself. Mr. Metzger noted that along the back property line is a significant stand of evergreen trees, the applicant intends on leaving most, if not all, of them on the property.

Mr. Metzger said there is a possibility in the future to expand the building towards the back of the building. The plan shows the possible future building addition along with additional parking for that

expansion, if needed. Currently the applicant feels they have adequate parking and it complies with the Zoning Regulations. As the business operates and grows they will monitor the need for additional parking. Mr. Metzger said they may ask for parking to be “banked”.

Jim Dettinger of McGuire Group is Mr. Metzger’s direct contact for this project. Mr. Dettinger has met with some of the neighbors and has made a few minor changes to the plan to accommodate some of the input from those neighbors.

Mr. Shear noted the reduction in building size from 20,000 square feet to 19,000 square feet and asked if that was done to accommodate the 40% greenspace. Mr. Shear also noted the potential building addition and the additional parking and said both will take the project to less than the 40% required greenspace. This is a concern and something the applicant should consider. Mr. Metzger confirmed that the plan now, without the additional building or parking, is at 41% greenspace. With the expanded building and parking in the future that would put the greenspace below the requirement, the applicant would have to go before the Zoning Board of Appeals in order to move forward with the expansion. Mr. Metzger said they are aware of that and clarified that the applicant is only asking for the 19,000 square foot building now, not the expansion.

Chairman Sackett discourages the applicant from the thought of doing something with the potential of going to the Zoning Board of Appeals since that frustrates the code. He said the only way to stay within the greenspace requirement is to build a second story when it comes time for expansion, he asked if there is the potential for a second story when it comes to construction. Mr. Metzger said the plan is not for a 2-story building but it is something they can look at.

Mr. Dale said he would like the applicant to consider screening the storm water detention pond like what is done with the parking on the side. Mr. Metzger explained that the detention pond will not be a wet pond, it will be dry. They are planning on using injection wells for disposal of storm water so the detention pond area will look like a front lawn, it will be graded in such a way and top-soiled and seeded; it will be a mowed lawn. There will be a depression to it as well. The applicant can look into putting some additional landscaping around the pond, but Mr. Metzger is not sure the area is something that necessarily needs to be hidden. He knows that at the site plan approval stage the Landscape Committee will look at the proposal. There are no calculations drawn up on the depth of the pond yet.

Chairman Sackett said the code talks about the side parking to be shielded with a wall or a hedge, so when the project gets to that point, deciduous trees aren’t going to make it. Mr. Metzger said he will look into a stone wall as a buffer as well.

Mr. Pazda asked if the applicant anticipates using all the parking that is proposed. Mr. Metzger said the client currently has 80 employees, the plan shows 100 parking spaces. There will be times when clients come to the building for a meeting, so 100 spaces is not unreasonable.

Jim Neill, of 4260 Clardon Drive, is concerned about the buffer in the back of the property. There are trees in that area that are 80’ high. He spoke with Mr. Dettinger who said they will clean under the trees and garden them up. Mr. Neill would like another buffer behind the trees so that once it is cleaned there isn’t a visual see through to parking lot and automobiles. He said the area shown on the plan for future parking looks tight. Chairman Sackett said the buffer will be addressed through the Landscape Committee.

Bob Wolinski, of 4282 Susan Drive, said he is concerned with the huge development of woodchucks that is on the east side of the property. If a building is built back there he does not want the woodchucks to move to his back yard, he has had problems with them digging along his foundation in the past. He asked if the Planning Board can address the wildlife situation. Mr. Wolinski asked if there are plans to put a 6' or 8' fence along the three main residences in the back of the property to act as a sound barrier and to block the view of the parking lot.

David Britton, of 4292 Susan Drive, is concerned with the plan showing a lot of black top and non-absorbing surface for rain water. He would like more detail on how the water from the project will escape and not go into his backyard. He wonders what will happen to the value of his and his neighbor's property if this building is built. Currently he looks out on greenery and a residence; he hopes that this building will not be two-story as that would greatly impact his view.

Chairman Sackett said in order to get a storm water permit the plan must be approved by the Town Engineer. One of the requirements is that no more water goes from this land to surrounding land than what goes there now.

Heather Britton, of 4292 Susan Drive, has two unhealthy children with respiratory problems, so when the construction work is being done how will her family be protected from the dust that will be created.

Mr. Metzger addressed the buffering question. McGuire Development wants to be a good neighbor; Mr. Dettinger will do what he can to satisfy the concerns of the neighbors. Mr. Metzger said he and the applicant will make sure nothing creates a drainage issue for any of the neighbors. He also noted that they are proposing one-story, not a two-story. Chairman Sackett said he mentioned the two-story only because he wants the applicant to stay in code. Mr. Metzger said dust control is closely monitored during construction. Projects have to be watered when it is dry. There are frequent inspections made during construction from representatives of the Town, the applicant and the NYS DEC to make sure guidelines are adhered to.

Chairman Sackett said, with regards to wildlife, the DEC is part of the coordinated review and if citizens have a specific issue that they want the DEC to address, the public is free to correspond with the DEC.

Mr. Pazda asked for details on the hours of operation of the business. Mr. Metzger does not know the hours of operation but he will find out. The applicant currently operates out of an office in Amherst, NY. Mr. Pazda clarified that if this project goes forward the Planning Board will look at lighting in the parking lot and on the building.

Chairman Sackett explained the three major steps the project will have to go through: the Environmental Review, the Site Plan Review and the Development Plan Review. The Planning Board is a recommending body in this process for the first two phases.

Mr. Metzger confirmed that the areas on the plan identified as future expansion and future parking are now considered green space in the calculation.

#### **ACTION:**

Motion by Paul Shear, seconded by George Van Nest, to **accept** the Part 1 Environmental Assessment Form as amended and **recommend** to the Town Board to seek Lead Agency Status and commence a

coordinated review among involved agencies on the proposed McGuire Development Professional Office Building located at 8321 Main Street. This Type I Action involves the demolition of a residential structure built prior to 1950 and the construction of a 19, 000 +/- square foot professional office building in the Traditional Neighborhood District.

**ON THE QUESTION:**

Chairman Sackett noted that the amendment involved the number of jobs created; that number was corrected to 14.

Mr. Shear identified the involved agencies as NYSDOT, NYSDEC, ECDEP, ECSD #5, ACOE, NYSHPO and the Town Historic Preservation Commission. A tree survey is required to determine buffering issues/requirements.

Mr. Metzger referred to the tree survey requirement and noted that the only significant stand of trees that the applicant could preserve on the property are the large evergreens at the back of the property. He asked that the Planning Board consider saving his client some money in providing a tree survey to basically say the only trees that will be saved are those at the back of the property, which they have already acknowledged are there. Chairman Sackett said they are more interested in what the applicant will tear down, there are quite a bit of trees at the western boundary of the property. He reminds the applicant there is a 2 for 1 replacement requirement for trees that are removed.

Steve Dale	Aye	Gregory Todaro	Aye
Richard Bigler	Aye	George Van Nest	Aye
Timothy Pazda	Aye	Paul Shear	Aye
Robert Sackett	Aye		

MOTION CARRIED.

**Item 2**

Northwoods Open Space Design Subdivision                      Requests Recommendation on a Final  
Residential Single Family    Supplemental Environmental Impact Statement.

**DISCUSSION:**

Chairman Sackett noted that the public comment period ended May 1, 2013 on this proposal. He noted the comment regarding the bike path on an easement and explained that the Town Attorney looked into the issue and found that it is not allowed.

Mr. Pazda recused himself and left the dais.

Jim Callahan provided the background on the project noting that it is located on the north side of Greiner Road between Shimerville and Thompson Roads. It is a proposed Open Space Design Subdivision for which a Positive Declaration under the State Environmental Quality Review Act (SEQRA) has been issued. Following the SEQRA process, the next step in the review is a development of a Final Supplemental Environmental Impact Statement (FSEIS). The FSEIS has been drafted and the Planning Board may recommend action on it to the Town Board. The Town Board is Lead Agency in this project review and will have final acceptance authority. Subsequent to the acceptance of the FSEIS, the final stage in the SEQRA review process will be the development and

adoption of project findings by all involved agencies. The document is available to the public; copies can be found in the Planning Office.

Mr. Shear referred to the document and noted responses #3 and #5 under Section 2.1 Wetlands and Gott Creek Buffer both indicate a 100' buffer will be required around the Gott Creek Tributary, the DEC indicates much the same language: "regulated 100' adjacent area," The Planning Board's understanding is that the buffer is 50' on each side, but they want clarification from the DEC. Mr. Shear said the street designation for Country Club needs to be clarified, is it Drive or Lane? There was a question with regards to using Country Club as a construction access point; response #21 from Mr. Cimato does not specifically answer the question. Chairman Sackett said that the response continues to say that Country Club Lane must be improved to meet Town standards. Construction vehicles will not be allowed to utilize Country Club Lane, they must use Roll Road; this was recommended by the Planning Board to the Town Board.

**ACTION:**

Motion by Paul Shear, seconded by Richard Bigler, to **recommend** to the Town Board to accept the FSEIS as prepared and amended on the proposed Northwoods Open Space Design Subdivision.

Steve Dale	Aye	Gregory Todaro	Aye
Richard Bigler	Aye	George Van Nest	Aye
Timothy Pazda	Recuse	Paul Shear	Aye
Robert Sackett	Aye		

MOTION CARRIED.

Meeting adjourned at 8:13 p.m.

Carolyn Delgato  
Senior Clerk Typist