

Town of Clarence
Planning Board Minutes
Wednesday January 25, 2012

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

Dan Palumbo
Industrial Business Park

Requests preliminary Concept Review and determination under the NY State Environmental Quality Review Act (SEQRA) for the construction of an Industrial Business Park at 9210 County Road.

Item 2

Benderson Development
Major Arterial

Requests a Building Permit and Architectural Approval for building renovations at 5205 Transit Road.

2nd Vice-Chairperson Wendy Salvati called the meeting to order at 7:30 p.m.

Councilman Robert Geiger and Councilman Bernard Kolber led the pledge to the flag.

Planning Board Members present:

2nd Vice-Chairperson Wendy Salvati
George Van Nest
Gregory Todaro

Timothy Pazda
Paul Shear

Planning Board Members absent:

Chairman Al Schultz
Richard Bigler

Vice-Chairman Robert Sackett

Town Officials Present:

Director of Community Development James Callahan
Deputy Town Attorney Steven Bengart
Councilman Peter DiCostanzo
Councilman Robert Geiger
Councilman Bernard Kolber

Other Interested Parties Present:

Steve & Margie Dale
 Randy Bolt
 Ben Olivieri

Dan Palumbo
 Gary Talboys
 Don Horfler

In the absence of Chairman Al Schultz and the absence of Vice-Chairman Robert Sackett, 2nd Vice-Chairperson Wendy Salvati will preside over the meeting. In the absence of Planning Board member Richard Bigler, alternate Planning Board member Gregory Todaro will participate in all discussions and vote on all agenda items this evening.

Motion by George Van Nest, seconded by Paul Shear, to **approve** the minutes of the meeting held on January 11, 2012, as written.

Gregory Todaro	Aye	Paul Shear	Aye
George Van Nest	Aye	Timothy Pazda	Aye
Wendy Salvati	Abstain		

MOTION CARRIED.

Item 1

Dan Palumbo
 Industrial Business Park

Requests preliminary Concept Review and determination under the NYS Environmental Quality Review Act (SEQRA) for the construction of an Industrial Business Park at 9210 County Road.

DISCUSSION:

Jim Callahan provided the history on the project noting that it is located on the north side of County Road east of Heise Road. The applicant is proposing to develop an Industrial Business Park use on the property. Per the Zoning Law the Planning Board will have final approval authority on the proposed project.

Dan Palumbo, 5425 Shadyside Drive, is present. He is looking for approval on the proposal tonight and explained that he hired Bissell Stone to do the site work. He does not know what will go in the building; he is building it on spec. He will build it and then rent it out.

Mr. Pazda asked if the building will be divided. Mr. Palumbo said yes, it will be one long structure and could be divided into three (3) different businesses.

Mr. Todaro asked about the proposed location of the septic system and asked if it could be moved to the front. Its proposed location is near a drainage ditch that is along one of the borders of the property and could potentially cause problems. Mr. Palumbo said if it is located to the front of the property there is a possibility that a pump would have to be used, because the topography goes downhill at least 10 inches in that area. It makes more sense to use a gravity system as opposed to a power system. Mrs. Salvati said a concern is the close proximity of the septic system to the detention basin and the possibility of having effluent from the absorption field getting into water that might be in the detention

basin and therefore carry into the water way that you want to drain in. This is a question for the engineer.

Mrs. Salvati explained that there will be no decision made on the project at this meeting. However, an environmental review will be commenced. The applicant will have to come back before the Planning Board and Mrs. Salvati asked the Mr. Stone be present to answer questions regarding the proposal. Mr. Palumbo agreed to have Mr. Stone at the next meeting. There are questions regarding an easement off the back of the property.

Mr. Van Nest asked if there have been discussions regarding the easement with the adjoining neighbors. Mr. Palumbo explained that the owner of the property behind his has agreed to give him a 3' wide by approximately 27' long section of her property. Mr. Palumbo will have a pipe in the ground about 2 ½' down emptying into the ditch that is there.

Mrs. Salvati asked if the ditch behind Mr. Palumbo's property carries water and overflows or floods at any time during the year. Mr. Palumbo is not aware of any issues. He has owned the lot for 15-20 years but has not walked to the rear of the lot until a month ago.

Mr. Van Nest asked what Mr. Palumbo is envisioning for the landscape berm of his property. Mr. Palumbo explained that he will use the dirt from the pond for the berm. He will put evergreens along the back.

Mr. Shear referred to the absorption mound between the sand filter and the storm retention pond. He asked what an absorption mound is. It is clarified that this goes into the leach field; it has piping with holes in it so that it will leach into the soil. Mr. Stone will be better able to explain this at the next meeting.

Ken Seitz, of 9201 Martin Road, and is most concerned with the septic system. The water flows across the street, any drainage from Mr. Palumbo's sewage system will go into the creek. The creek overflows in Spring and Fall. The lawns of Mr. Seitz' neighbors on the north side across Martin Road completely flood. He doesn't think any of his neighbors would appreciate the proposed septic system going into the creek and then flowing into their houses. He is also concerned that he will be looking at the parking lot of the proposed project versus the back of a building from his property due to the proposed location of the building. Vehicle headlights will shine into Mr. Seitz' house from those vehicles coming off County Road. Mr. Seitz said a little berm of 2' in the back of the property is not going to cut it; he wants something more substantial. He does not want to look out his backyard and see dead trees.

Annette Seitz, of 9211 Martin Road, is also concerned with the drainage ditch. There is an extreme amount of water when it rains. The front lawn of the neighbor across the street from her is a pool when it rains. She is also concerned with the size of the berm. She has three small children under the age of eight; she would like a lot more trees and a lot more landscape at the berm. She is also concerned with what type of business will go there, the parking lot and the lights.

ACTION:

Motion by Timothy Pazda, seconded by Gregory Todaro, to **accept** the Environmental Assessment form as complete and pursuant to Article 8 of the Environmental Conservation Law, to seek Lead Agency status and commence a coordinated review on proposed Dan Palumbo Industrial Business

Park. This Unlisted Action involves the development of a 20,450 square foot structure with associated parking and open space in the Industrial Business Park Zone at 9210 County Road.

ON THE QUESTION:

Mr. Shear noted that when the coordinated review is done the project information is sent out to various agencies like the NYSDEC, NYSDOT and the Erie County Health Department. The comment period is open for 30 days at which time any member of the public may submit comments.

Gregory Todaro	Aye	Paul Shear	Aye
George Van Nest	Aye	Timothy Pazda	Aye
Wendy Salvati	Aye		

MOTION CARRIED.

Item 2

Benderson Development
Major Arterial

Requests a Building Permit and Architectural Approval for building renovations at 5205 Transit Road.

DISCUSSION:

Jim Callahan provided the history on the project noting that it is located on the east side of Transit Road, south of Greiner Road. It is existing Commercial property located in the Major Arterial Zoning classification. The applicant is proposing to renovate the existing building and is present seeking architectural approval on the project. Per the Zoning Law, the Planning Board will have final approval authority on architectural style in the Major Arterial Zone.

Eric Recoon with Benderson Development is present along with architect Jim Rumsey. Mr. Recoon explained that Benderson Development is the new owner of the former Glen Campbell Suzuki site on the east side of Transit Road. He is envisioning a complete rehabilitation of the exterior of the building. There will be changes in the colors and elevations of the existing building.

Mrs. Salvati asked where the signage would go. Mr. Recoon said the signage would go on the tower at the north end of the building, the tenant is Spot Coffee and their logo will go on the tower. Spot Coffee will occupy roughly 60% of the building. Further to the south, on the elevation that changes color, will be where the sign goes for the second tenant. There is not a second tenant yet.

Mrs. Salvati said there was discussion at the Planning Board work session for a potential open cross access to the property that adjoins to the south. The Town asks applicants along Transit Road to consider cross access and possibly closing driveways if that is an option. Mr. Recoon said he is aware of the letter received by the Planning and Zoning office yesterday from P & R Casilio Enterprises. Mr. Recoon said the building to the south houses approximately 9700 square feet, including two (2) restaurants. The parking field only has 70 spaces and patrons occasionally borrow neighboring space. He sees this frequently on weekday evenings and continually on weekend evenings. This is a known and understood situation that goes on. Mr. Recoon said Benderson Development is more than happy to speak with the owners of the property, P & R Casilio Enterprises, regarding this issue and what could be done to enhance arrangements between neighbors. But as far as the request to simply grant the cross access, Mr. Recoon said they could not do that as they need to protect their parking field.

Benderson's site is approximately 5800 square feet and they have about 90 parking spaces. He thinks there is a pre-existing challenge at the neighboring site and does not want to be the relief valve for them. Mr. Recoon said he would be happy to speak with Pat Casilio or the Planning Board could notify Mr. Casilio in writing that he is welcome to contact Mr. Recoon directly.

Timothy Pazda reads a letter from P & R Casilio Enterprises to Al Schultz, Planning Board Chairperson, dated January 24, 2012 into the record: "Dear Mr. Schultz: Please be advised that P & R Casilio Enterprises Inc. owns the property at 5185 Transit road which is adjacent to 5205 Transit Road. P & R would like to request as part of the project action that the parking lots are connected on the north or east property boundary. We believe this will relieve further congestion and better traffic control. P & R also wishes to have the above request and content of this correspondence be read into and be part of the minutes of the Wednesday January 25, 2012, Planning Board meeting. Thank-you, sincerely, Mary Powell, President of P & R Casilio Enterprises." It is noted that the letter is not from Councilman Patrick Casilio. A copy of the letter is in the file.

It is clarified that Benderson owns the Eastgate Shopping Center which is behind and to the east of the property in question. Mr. Recoon explained that this parcel has been tied into the greater parcel of the shopping center in accordance with traffic calming. Mr. Van Nest asked the applicant if he would consider tying in the adjoining parcel to alleviate parking considerations and issues that exist on the parcel to the south. Mr. Recoon said that is a conversation he is willing to have.

Mr. Pazda applauds the applicant for opening up the parking lot but questions why it was done three (3) times. Mr. Recoon believes that because there are pre-existing rows of parking that come in front of BJ's, the curb cuts were a continuation of those rows. He pointed out that if those three (3) openings to Transit Road were not there it would be a dead end at the end of a parking row which should always be avoided. Mr. Recoon assured the Planning Board that there will be nothing behind the building to block traffic circulation.

Mr. Recoon pointed out that there will be new landscaping done on the site. Mrs. Salvati asked that he consider the possibility of increasing the amount of landscaping along Transit Road. Perhaps some parking spaces along Transit Road could be moved back 5' or 6' to provide additional area out front for landscaping. Mr. Recoon said if there was enough area to make a meaningful change, like 10' or 12' of green, Mrs. Salvati's request would be reasonable; however the reality is it would be an unwarranted expenditure to rip up the pre-existing asphalt. They have no aversion to enhancing the look there.

Mr. Pazda strongly encourages the applicant to put in cross access. He likes the proposal.

Mrs. Salvati noted that this Action does not require SEQRA review.

ACTION:

Motion by Gregory Todaro, seconded by Paul Shear, to **approve** the architectural style for a building permit on the Benderson Development at 5205 Transit Road for the proposed rehabilitation of the structure, subject to the following conditions:

- a. In substantial conformance to submitted architectural details as prepared by Optima Design and Engineering dated 12/5/11.
- b. Review and approval of a building permit by the Building and Engineering Department.

- c. Landscape Committee review and approval of the project site.
- d. Open Space and Recreation Fees apply.

Gregory Todaro	Aye
George Van Nest	Aye
Wendy Salvati	Aye

Paul Shear	Aye
Timothy Pazda	Aye

MOTION CARRIED.

Meeting adjourned at 8:15 p.m.

Carolyn Delgato
Senior Clerk Typist