

Town of Clarence  
Planning Board Minutes  
Wednesday October 3, 2012  
**6:00pm-7:00pm**  
Kathleen Hallock Conference Room

**Agenda Items:**

Approval of Minutes

**Item 1**

Niagara County Produce  
Major Arterial

Requests Development Plan Approval for a new  
produce market facility at 8555-8615 Transit  
Road.

**Item 2**

Bernard Christner  
Agricultural Rural Residential

Requests Minor Subdivision Approval to create  
one (1) new residential building lot at 10715  
Clarence Center Road.

**Item 3**

Country Park Daycare  
Restricted Business

Requests a Building Permit and Architectural  
Approval for proposed façade renovations at 8469  
Sheridan Drive.

Chairman Al Schultz called the meeting to order at 6:00 p.m. Deputy Town Attorney Steve Bengart led the pledge to the flag.

Planning Board Members present:

Chairman Al Schultz  
2<sup>nd</sup> Vice-Chair Wendy Salvati  
George Van Nest  
Paul Shear

Vice-Chairman Robert Sackett  
Timothy Pazda\*  
Richard Bigler  
Gregory Todaro\*\*

Planning Board Members absent:

\*Timothy Pazda came late and did not act on agenda items.  
\*\*Gregory Todaro came late and acted on one agenda item.  
Councilman Peter DiCostanzo

Town Officials Present:

Director of Community Development James Callahan  
Assistant Director of Community Development Brad Packard  
Deputy Town Attorney Steve Bengart

Other Interested Parties Present:

Cliff Jones                      Steve and Margie Dale                      Lou Visone

**OLD BUSINESS****Approval of Minutes of Three Meetings:****Work Session Minutes August 29, 2012**

Motion by Richard Bigler, seconded by George Van Nest, to approve the minutes of the work session held August 29, 2012.

Paul Shear	Abstain	Richard Bigler	Aye
George Van Nest	Aye	Wendy Salvati	Abstain
Robert Sackett	Aye	Al Schultz	Aye

MOTION CARRIED.

**Board Meeting Minutes of September 5, 2012**

Motion by Paul Shear, seconded by Robert Sackett, to **approve** the minutes of the meeting held on September 5, 2012, as written.

Paul Shear	Aye	Richard Bigler	Aye
George Van Nest	Aye	Wendy Salvati	Aye
Robert Sackett	Aye	Al Schultz	Aye

MOTION CARRIED.

**Work Session Minutes September 19, 2012**

This is a reiteration of the Environmental Impact Statement which is already in the record. No need to approve.

**NEW BUSINESS****Item 1**

Niagara County Produce  
Major Arterial

Requests Development Plan Approval for a new produce market facility at 8555-8615 Transit Road.

**DISCUSSION:**

One change is a slightly smaller building to the East with an outside seasonal storage area immediately adjacent completely obscured by the building. The question of landscaping including use of some green areas in the parking lot rather than complete asphalt and a question arose about the retention pond being safe from wandering children which is (designed with State guidelines) accessible.

**ACTION:**

Motion by Paul Shear, Seconded by Wendy Salvati, after thorough review of the submitted Plans and Engineer's Report as submitted by Metzger Civil Engineering, received September 17, 2012 in the Planning and Zoning Office, the Planning Board approves the Development Plans and Architectural Style on the proposed Niagara County Produce redevelopment with the following conditions:

1. Subject to all conditions of the Special Exception Use Permit as issued by the Town Board on July 11, 2012.

2. Subject to all conditions and requirements of the Town Engineer in a letter dated September 24, 2012.
3. Subject to all permitting from regional regulatory agencies for site utilities and wetland impacts.
4. Final Landscape Plans subject to review and approval by the Landscape Committee.
5. Subject to PIP's as issued by the Town Engineer prior to any work on-site.
6. Subject to Town building Department review and approval of any building permits.
7. Subject to Open Space and Recreation Fees.

Paul Shear	Aye	Richard Bigler	Aye
George Van Nest	Aye	Wendy Salvati	Aye
Robert Sackett	Aye	Al Schultz	Aye

MOTION CARRIED.

**Item 2**

Bernard Christner  
Agricultural Rural Residential

Requests Minor Subdivision Approval to create one (1) new residential building lot at 10715 Clarence Center Road.

**DISCUSSION:**

A large parcel (T-shape) splitting off home and barn with access to Clarence Center Road and Salt Road. The remaining piece does not appear to have any plans.

**ACTION 1:**

Motion by Robert Sackett, seconded by Wendy Salvati, pursuant to Article 8 of the Environmental Conservation law, to issue a Negative Declaration on the proposed Bernard Christner minor subdivision located 10715 Clarence Center Road. After thorough review of the submitted site plan and Short Environmental Assessment Form (SEAF), it is determined that this Unlisted Action will not have a significant negative impact upon the environment.

Paul Shear	Aye	Richard Bigler	Aye
George Van Nest	Aye	Wendy Salvati	Aye
Robert Sackett	Aye	Al Schultz	Aye

MOTION CARRIED.

**ACTION 2: Parcel Split**

Motion by Robert Sackett, seconded by George Van Nest, to approve the minor subdivision application of Bernard Christner located at 10715 Clarence Center Road to create one additional building lot in the Agriculture Rural Residential Zone with the following conditions:

1. Future development of the property subject to review and approval by the Building and Engineering Department.
2. Future Development of the property subject to review and approval by the Erie County Health Department for on-site sanitary facilities.

**ON THE QUESTION:**

On the split parcel, the split is already approved with house on premises.

Paul Shear	Aye	Richard Bigler	Aye
George Van Nest	Aye	Wendy Salvati	Aye
Robert Sackett	Aye	Al Schultz	Aye

MOTION CARRIED.

**Item 3**

Country Park Daycare  
Restricted Business

Requests a Building Permit and Architectural Approval for a proposed façade renovations at 8469 Sheridan Drive.

**DISCUSSION:**

Architecture concerns include the driveway causing congestion. The landscape would include a drop-off on a secondary spot and make aesthetics more commercial. Two spaces in front (employee parking) omitted would give more room for landscape green but will be presented in Spring. The drop-off would include a two-way traffic flow and if narrowed to one-way drive, could keep landscape of crabapple trees.

Comments included questions addressed to the presenter and were not in order. Questions on the driveway and lighting came from the other interested parties attending which were redirected directly to the Board.

**ACTION:**

Motion by Richard Bigler, seconded by Gregory Todaro, to approve the updated site plan and architectural style of the proposed façade update at Country Park Daycare located at 8469 Sheridan Drive per the drawings submitted by Douglas Klotzbach dated September 19, 2012, subject to following conditions:

1. Landscape committee review and approval of updated landscaping prior to issuance of any building permits.
2. Open Space and Recreation Fees

**ON THE QUESTION:**

Could a third condition requiring the proposed driveway be designed for one way entrance with the easterly entrance posted with a “Do Not Enter” sign.

Gregory Todaro	Aye	Paul Shear	Aye
Richard Bigler	Aye	George Van Nest	Aye
Wendy Salvati	Aye	Robert Sackett	Aye
Al Schultz	Aye		

MOTION CARRIED.

Meeting adjourned at 6:33 pm

**Town Board/Planning Board**  
**Joint Meeting 7:01pm**  
Auditorium

**Agenda:** Discuss concepts associated with Multiple-Family Housing Code Development and familiarize members with guidelines.

**DISCUSSION:**

Objections are expected. Some pieces are regarded with favor but some do not want ANY zoning for multifamily zoning.

Speaking with members of Town of Amherst over lunch, they informed that in 1975, they established multifamily zoning designs basically for an expected growth spurt mostly in university growth. This property was zoned residential/commercial to provide “transitional zoning” bordering between residential and commercial. At this time it is all used up. Therefore, additional zoning has to be of a “special zoning” action. A lot of University Housing (apartments) has taken up the space.

In discussing the logistics with Amherst, their answer to us was that they were not going to advise us on zoning but they suggested different times, situations in the town, and circumstances suggests “one size does not fit all.” Their input was interesting and encouraging but not enough for a letter of support.

Al Schultz went through a power point presentation on the draft concepts that were recommended by the full Planning Board (attached).

After review, the town Board agreed to have the Planning Board proceed with development of a draft code with the discussed concepts as a basis.

The draft code will identify various design alternatives. These alternatives can be discussed by the Town Board. This will lead to a final draft on which a public hearing can be scheduled.

Meeting adjourned at 8:00 p.m.

Joan Gloss Snyder for  
Carolyn Delgato  
Senior Clerk Typist