

Town of Clarence
One Town Place, Clarence, NY 14031
Planning Board Minutes
Wednesday February 3, 2016

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

Cutaia Acquisitions LLC/Heritage Path
Traditional Neighborhood District

Requests Development Plan Approval for a proposed 16-unit Multiple Family Housing Project at 6150 Goodrich Road.

Item 2

Dominic Piestrak/Spaulding Green
Open Space Design Subdivision

Requests Concept Approval for a proposed amendment to the previously approved Open Space Design Development.

Item 3

Town of Clarence Police and Court Project
Community Facility

Requests Site Plan Approval for a proposed new policy and court facility at One Town Place.

First Vice-Chairman Richard Bigler called the meeting to order at 7:30 p.m.

Deputy Town Attorney Steve Bengart led the pledge to the flag.

Planning Board Members present:

1 st Vice-Chairman Richard Bigler	2 nd Vice-Chairperson Wendy Salvati
Gregory Todaro	Steven Dale
Jeffrey Buckley	

Planning Board Members absent: Chairman Robert Sackett, Timothy Pazda

Town Officials Present:

Director of Community Development James Callahan
Junior Planner Jonathan Bleuer
Councilman Paul Shear
Deputy Town Attorney Steven Bengart
Councilman Robert Geiger

Other Interested Parties Present:

Duane Burkard	Carol Cornwall	Rob Pidanic
Al Hopkins	Donna Leeney	Marjorie Hagberg
Sandra Baker	Roger Metz	Al Schultz
Anne Dafchik	Wil Straitiff	Daniel Corbett
Mike Weixlmeur	Redtchik Anatoli	

Vice-Chairman Bigler noted that Chairman Robert Sackett and Timothy Pazda are both absent. Vice-Chairman Bigler will preside over the meeting.

Motion by Gregory Todaro, seconded by Steve Dale, to **approve** the minutes of the meeting held on January 13, 2016, as written.

Jeffrey Buckley	Aye	Steve Dale	Aye
Gregory Todaro	Aye	Wendy Salvati	Aye
Richard Bigler	Aye		

MOTION CARRIED.

Vice-Chairman Bigler explained the protocol for the meeting noting that Mr. Callahan will provide the background on each project. The applicant will then have the opportunity to add comments for the project. The Board will ask questions on the project. The audience will be invited add comments and/or questions regarding the project. The applicant will be asked to answer any questions he can. The Board will take an action.

Item 1

Cutaia Acquisitions LLC/Heritage Path
Traditional Neighborhood District

Requests Development Plan Approval for a
proposed 16-unit Multiple Family Housing
Project at 6150 Goodrich Road.

DISCUSSION:

Mr. Callahan provided the background on the project noting that it is located on the west side of Goodrich Road, south of the Peanut Line. It is existing residential and vacant land located in the Clarence Center Traditional Neighborhood District, within the Clarence Overlay District. The project received a Negative Declaration and a Concept Approval from the Planning Board on August 7, 2013, and a Special Exception Use Permit on September 25, 2013 from the Town Board.

Sean Hopkins, of the Law Firm of Hopkins, Sorgi and Romanowski, is present on behalf of the applicant Cutaia Acquisitions LLC. Nick Cutaia is present, as well as Al Hopkins with Metzger Civil Engineers. Mr. Hopkins explained that the parcel has frontage on Goodrich Road and on Long Street. They are not proposing any connection to Long Street. The project consists of four (4), 4-unit buildings. They will all be owner-occupied units. They layout is consistent with the previous review, it has been refined as the result of the Development Plan review process. The applicant has agreed that the vegetation on the far side of the driveway (which is the north side) will be preserved. They have also agreed that the landscaping at the end of Long Street will be preserved. The applicant has added a decorative split rail fence to the landscaping along the Goodrich Road frontage and along the portion of the driveway leading back to the units. In the work session there was a discussion regarding connecting the split rail fence.

Mr. Hopkins noted that the split rail fence can be extended along the Goodrich Road frontage, but they need to preserve access to the RPZ that is located there. A gate would not work with a split rail fence, and there is no other way of accessing it, so a gap works best.

Mr. Hopkins said they have received all the required approvals including, but not limited to, Erie County Department of Public Works, Erie County Water Authority, Erie County Division of Sewerage Management, the Town Engineer's Department and the Landscaping Review Committee has approved the Landscape plan. The applicant is aware of the comments received from the Clarence Center Community Preservation Committee who had three (3) suggestions. The first was the hours of construction be limited to 7am-5pm Monday through Saturday. The applicant thinks it will be more realistic to limit construction hours to 7am-7pm on weekdays, 7am-5pm on Saturdays and no construction activities on Sundays. The second suggestion was that the line of trees at the end of Long Street be preserved and if any such tree dies in the future it will be replaced. Mr. Hopkins said if any of the trees or vegetation noted on the approved Landscape plan dies it will be replaced by the association to be formed. The third suggested condition was that no construction vehicles, including pick-ups, are to use Long Street as an entrance to the construction site. This is acceptable to the applicant. The details on the Landscape Plan shows an addition of approximately 56 new trees, 86 brushes and shrubs. There are three (3) types of trees and four (4) types of brushes and shrubs.

Mrs. Salvati asked how the applicant plans on lighting the site. Nick Cutaia explained that the units have carriage lights that are on the exterior located next to each garage. As far as entrance lighting, there will be Heritage Path signage as well as illuminate up-lighting for the main entrance. There will be no site lighting as far as poles. Any lighting will be dark sky compliant, there will not be excessive illumination on the site.

Mr. Dale said since one of the objectives of the fence is to mask the boulders surrounding the detention pond, would the applicant be willing to use a three-rail fence instead of a two-rail fence as shown on the Goodrich Road elevations? Mr. Hopkins said yes.

Mr. Todaro asked what the time line is for construction to begin and end. Mr. Hopkins said it will be three (3) months before they start building the buildings. Mr. Cutaia said start to finish will be 12 months. It will be a one phase project.

Mr. Dale asked for clarification on the extending the fence. Mr. Hopkins said the fence along Goodrich Road will be extended so that it will line up with that point where the fence is for the interior driveway. They need to leave a gap in the fence for access to the RPZ. A gap on the driveway makes more sense than the gap on Goodrich Road. Mr. Dale agreed.

Ken Pearl, of 6254 Tamarack View, asked if a turnaround space could be at the end of the long driveway. He and his neighbors are familiar with the beeping sounds that come from plows, buses, UPS trucks and garbage pick-ups. He noticed that there isn't anything designed for a turnaround for larger vehicles that have the "back-up" beeping sounds. He and the neighbors would be interested in seeing that improved.

Mr. Hopkins referred to the upper left hand side of the site plan on display and said that is an actual emergency access turnaround design per the requirements of appendix D of the 2010 Fire Code of the State of New York, basically to ensure that an emergency vehicle does have adequate room to turn around. Mr. Hopkins does not envision a lot of large vehicles visiting the site but people moving in and out may require large vehicles and of course in the event of an emergency, a large emergency vehicle may be used.

Mrs. Salvati asked for details on the garbage service. Mr. Cutaia said everybody will have door-to-door trash pick-up. Each tote will come out and be collected by which ever disposal company is being used. The Homeowners Association will contract one vendor to service the entire complex. They will also use one (1) snow plow company, one landscape company, etc. The Homeowners Association Agreement will be forward to the Town Attorney’s Office for review.

ACTION:

Motion by Wendy Salvati, seconded by Gregory Todaro, to **grant** Development Plan and Architectural Approval on the proposed Heritage Path Multiple Family Housing Project as per the final site plan as submitted by Metzger Civil Engineering, dated January 27, 2016 and as per the architectural renderings received on January 11, 2016, with the following conditions:

1. Installed Landscaping must be maintained and replaced as needed to maintain buffers to adjoining residential uses.
2. No construction vehicles, including pick-up trucks are to utilize Long Street to access the construction site.
3. Hours of operation, during construction, shall be limited to 7:00 a.m. to 7:00 p.m. Monday through Friday and Saturday 7:00 a.m. to 5:00 p.m.
4. All lighting to be dark sky compliant and shielded to prevent spill to adjoining properties.
5. Home Owners Association Agreement for maintenance of common areas subject to review and approval by the Town Attorney’s Office.
6. Open Space and Recreation Fees.
7. Extend the fence along the Goodrich Road frontage to align with the Heritage Path Parkway fence along the driveway. The fence shall consist of three rails on both the Goodrich Road frontage and along the driveway.

ON THE QUESTION:

The applicant understands the conditions.

Jeffrey Buckley	Aye	Steve Dale	Aye
Gregory Todaro	Aye	Wendy Salvati	Aye
Richard Bigler	Aye		

MOTION CARRIED.

Item 2

Dominic Piestrak/Spaulding Green
Open Space Design Subdivision

Requests Concept Approval for a proposed amendment to the previously approved Open Space Design Development.

DISCUSSION:

Jim Callahan provided the background on the project noting that it is generally located east of Goodrich Road and north of Greiner Road. This project was originally approved in 2003 and consists of 380 units. Numerous variations to the original design have been reviewed, the applicant proposed an amendment to add 49 acres and 45 lots to the original concept which will increase the total lot count to 425 units. Coordinated review was initiated on November 18, 2015, comments have been received from involved agencies. The applicant is present seeking final Action under the State Environmental Quality Review Act.

Ken Zollitsch, with Greenman Pedersen, Inc., is present along with the property owner Dominic Piestrak. Mr. Zollitsch said since the original approval in 2003 the project has evolved and the owner has acquired additional acreage and is now looking to increase the total unit count to 425 units, which is an increase of 45 units. Spaulding Green LLC has purchased 9 additional acres; they are looking at using those 9 acres plus 40 acres that were previously noted as an exception under the original concept plan. Those 40 acres are on the north side towards Clarence Center Road. The applicant has performed the density calculation, they removed the undevelopable land such as wetlands, steeped slopes, basically the Ransom Creek Corridor that runs through there. This left 40 acres that could be developed. The density calculation has been provided to the Town. The calculation determined there could be an increase of 56 lots, at this time they are only seeking 45 lots. They still meet the 50% open space requirement as they are actually around 51% or 52%, which is 10 acres over the minimum requirement. They would like to continue with Phases 7 and 8.

Carol Conwall, of Meadowbrook Road, asked if they will be coming out onto Kraus Road now. They come off of Greiner Road and they come off of Goodrich Road if more building lots are being added to the east. If there is a fire emergency will there be enough time to get those vehicles in to where they are developing. She voiced her concern with the increased traffic, noting there will be further burden on the roads and a safety issue for the children in the area. Will the added homes create more traffic for the existing neighborhoods?

Mr. Zollitsch noted that with regards to emergency services, the access points into the development are from Greiner Road, Goodrich Road for the parkway and the last part of the development will connect to Green Valley Drive. The additional lots being proposed do not extend any dead end roads further into the project. Spaulding Green LLC does not own property along Kraus Road so they cannot connect to it. They have provided the potential to connect to it in the future. Most of the connection points lead into other phases of Spaulding Green or County roads, they do not lead into existing subdivisions/neighborhoods.

Mr. Zollitsch said that as part of the traffic study, Spaulding Green will be responsible for installing a traffic signal at Thompson and Greiner Roads. Robert Pidanick, of Nussbaumer and Clarke, Inc., said his firm designed the traffic signal. The design plans are nearing completion and will be submitted to the County for review. The County's engineer reviewed a conceptual plan for the signal which was approved within the last couple months and they (Nussbaumer and Clarke, Inc.) are now working on the detailed design plans. They will submit the detailed plans to the County within the next two (2) weeks. The proposed plans will be consistent with what the County conceptually approved, so it should be a minor matter of review to move forward. Mr. Pidanick will forward the approval to the Planning Office.

Mr. Zollitsch said there is a condition on the approval that the signal must be in place prior to receiving final Plat Approval from the Town.

Mrs. Salvati asked for status on the bike path. Deputy Town Attorney Steve Bengart said there is work still to be done on the conservation easement and there is an issue regarding a license versus ownership over a portion that goes across the high pressure gas line. Mr. Piestrak said they are ready to pave the bike path now.

Mrs. Salvati said as part of the SEQRA review comments were received by the NYS DEC and Erie County. The DEC is concerned with storm water management and are requiring detailed downstream sewer capacity analysis to be performed. The County has asked the Town to consider traffic. She would like to see the applicant update the traffic numbers from the prior study.

ACTION:

Motion by Wendy Salvati, seconded by Gregory Todaro, to **table** any action on the proposed Concept Plan Amendment for Spaulding Green Open Space Subdivision. The applicant shall provide required information on traffic analysis to complete the Part 2/3 Environmental Assessment Form, which includes, at a minimum, updated traffic information.

ON THE QUESTION:

The applicant understands the action.

Jeffrey Buckley	Aye	Steve Dale	Aye
Gregory Todaro	Aye	Wendy Salvati	Aye
Richard Bigler	Aye		

MOTION CARRIED.

Item 3

Town of Clarence Police and Court Project
Community Facility

Requests Site Plan Approval for a proposed new
police and court facility at One Town Place.

DISCUSSION:

Jim Callahan provided the background on the project noting that in 2015 the Clarence Town Board initiated the development of the Town Court and Police project to include the NYS police, Erie County Sheriffs and local court authorities. A Negative Declaration under the State Environmental Quality Review Act for the project was issued by the Town Board in 2014. The design has been completed by Kidney Architects.

Anne Dafchik, of Kidney Architects, is present along with Robert Pidanick from Nussbaumer and Clarke. Ms. Dafchik explained the project is a 20,000 square foot one-story building that will be located directly south of the Town Hall. They are looking to expand some parking around the building on the west, south and east side. The building materials will include brick, which will match what exists on the campus.

Mr. Pidanick said Nussbaumer and Clarke is in charge of the site work on the project. They have worked closely with the Town Engineer Tim Lavocat and Ken Pearl. Mr. Pidanick said years ago it was a mandate by most of the communities in WNY that they had to deal with water quantity, now they have to deal with water quality. They have had to meet requirements by the state DEC for a number of years,

Clarence normally would police that on their own. This project is going to be policed by the DEC. There is minimal storm drainage piping on this site. Mr. Pidanick is proposing to run the parking lots into swales. They are running the water over land to swales that adjoin the parking lot, those swales are tributary to rain gardens. They are working with the landscape architect Frank Brzynski who will be including plantings for the rain gardens for what will be an attractive feature for the site. The water lines are existing that will serve the site, there is adequate pressure and flow. The sanitary sewer that they will be connecting to exists already, they will be tying a lateral into the existing sewer. They are nearing completion of the design plans, the bid date is February 19, 2016. Mr. Lavocat said the NYS Police, Erie County Sheriffs and the Town of Clarence Court Office/facility will occupy the building.

Mrs. Salvati pointed out the restricted and public parking indicated on the site plan. Mr. Pidanick said there will be signage advising restricted parking and public parking areas. The curve of the road has been designed to steer people in the direction of the public parking. There will be sufficient and ample parking. Mr. Dale asked if the plan allows traffic to pass through the restricted area as long as they don't park. Mr. Pidanick identified the areas where there will be signage leading the drivers to appropriate parking. Ms. Dafchik explained the entrance furthest to the north is the court entrance, she then pointed out the entrance to the Erie County Sheriff's Office and the entrance further to the south is the public entrance for the State Police. The rest of the access points into the building are for staff access and/or restricted access. Mrs. Salvati said she is glad to see a sidewalk connection to Town Hall on the plan. Ms. Dafchik said the sidewalk was designed for staff access; Mr. Lavocat said it would be restricted.

Mr. Todaro referred to the rain gardens and asked about safety features so people won't fall into them and drown. Mr. Pidanick said the rain gardens are dry, they look like flower gardens. Their function is to filter roof, pavement and road run-offs. Ms. Dafchik noted that the flower gardens are constructed in such a way that the layers of soils and gravel allow the water to filter into the area without having standing water on the surface.

ACTION:

Motion by Gregory Todaro, seconded by Steve Dale, to **grant** site plan approval on the proposed Town of Clarence Police and Court Project as per the submitted site plans from Kideney Architects dated January 22, 2016 and architectural approval as per the submitted architectural elevations from Kideney Architects dated January 28, 2016, subject to the following condition:

-Landscape Committee review and approval.

ON THE QUESTION:

Mrs. Salvati suggested adding the condition for Landscape Committee review and approval. Gregory Todaro and Steve Dale agreed to add this as a condition to the motion.

Jeffrey Buckley	Aye	Steve Dale	Aye
Gregory Todaro	Aye	Wendy Salvati	Aye
Richard Bigler	Aye		

MOTION CARRIED.

Meeting adjourned at 8:10 p.m.

Carolyn Delgato
Senior Clerk Typist