

Town of Clarence
Planning Board Minutes
Wednesday March 21, 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

Ron Grimm
Agricultural Rural Residential

Requests Development Plan Approval for a 4-lot
Open Development Area at 6491 Conner Road.

Item 2

Joe Voelkl
Major Arterial

Requests Amended Concept Approval for a
Business Park at 6031 Transit Road.

Item 3

Larry Engasser
Traditional Neighborhood District

Requests Approval for a 1-lot Open Development
Area at 8346 County Road.

Item 4

David Lewis
Commercial

Requests a Change In Use to a Professional
Office/Montessori School at 8970 Main Street.

Item 5

Damon Morey, LLP
Major Arterial

Requests Preliminary Concept Review of a
proposed Automotive Sales/Service Operation at
5817 Transit Road.

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

Andrea Kimbriel led the pledge to the flag.

Planning Board Members present:

Vice-Chairperson Wendy Salvati
George Van Nest

Timothy Pazda
Paul Shear

Planning Board Members absent:

Chairman Al Schultz
Richard Bigler

Vice-Chairman Robert Sackett
Gregory Todaro

Town Officials Present:

Director of Community Development James Callahan
Planner Brad Packard
Councilman Peter DiCostanzo
Deputy Town Attorney Steven Bengart

Other Interested Parties Present:

Tom Tsiolekis
Pat Spoth

Syed

In the absence of Chairman Al Schultz and Vice-Chairman Robert Sackett, Vice-Chairperson Wendy Salvati will preside over the meeting. She explained the process of the meeting which begins with Jim Callahan introducing each agenda item. The applicant will be invited to speak on the project. The Planning Board will discuss the project. The public will then be invited to comment on the project. The Planning Board will then make a decision.

Item number 4 has been removed from the agenda at the request of the applicant. Documentation is on file.

Item 1

Ron Grimm
Agricultural Rural Residential

Requests Development Plan Approval for a 4-lot
Open Development Area at 6491 Conner Road.

DISCUSSION:

Jim Callahan provided the history on the project noting that it is located on the east side of Conner Road, north of the intersection with Stahley Road. It is existing vacant land. The Planning Board previously issued a Negative Declaration under the State Environmental Quality Review Act (SEQRA) on the project and approved the Concept Plan in August 2011. The applicant is present seeking Development Plan Approval on the project as conceptually approved. Per the Subdivision Law, the Planning Board has final authority on such Development Plans.

Wes Stone of Bissell Stone Associates is present representing the applicant. Mr. Stone explained that the site is 8.8 acres in size and will be divided into four (4) single family residential lots.

Vice-Chair Salvati noted there is a letter on file from the Erie County Department of Public Works dated August 16, 2011 which indicates the applicant has worked with the County to satisfy some requirements and to work out the necessary things for drainage. Mr. Stone clarified that the storm retention on the site has a design for a 100 year storm. It was noted that the neighbors had concerns regarding flooding/drainage in the area. The County has been working in the area, however the details are not known. Mr. Stone said the County had him prepare a map showing the flow from the site to

the creek, there were a few areas of concern. He does not know if they have addressed these areas; but the County is aware of them.

Felice Patruzo, of 6620 Conner Road, objects to this project because the ditch on County Road is a disaster, if more water is put into the ditch from this project it will make things worse. He would like to buy some time for the County to fix the problem. Mr. Stone has not discussed this issue with the County; however, his project design has been approved by the Town Engineer and the Erie County Highway Department. The design will not allow more water to go into that ditch than what is coming off the site at present. The increase in run-off because of the development is being retained on site. The development will not make the situation worse.

Mr. Patruzo asked where the water from the new development will drain. Vice-Chair Salvati explained that it will go into the ditch but it will be go in a slow released manner because a large detention pond will be constructed on site.

Mr. Van Nest said the Planning Board is aware of the drainage issue on County Road and have taken that into consideration when reviewing this project. The design has been reviewed and approved by the applicable agencies that have authority to review and approve this type of project. Under current regulations the applicant is required to design a plan where storm water run-off does not increase over existing flow from that site; a storm water detention plan may actually improve what is currently there. The water is still going to the ditch but there won't be any more water going in that ditch that what is going in there now. Mr. Pazda explained that the water currently goes into the ditch at an uncontrolled rate, when the project is complete the pond is designed to release water into the ditch at a regulated rate.

ACTION:

In light of the fact that this project has been discussed at previous meetings and in Concept Approval many questions were asked and reviewed, the following action is taken: motion by Timothy Pazda, seconded by George Van Nest, to **approve** the Development Plans, submitted by Bissell Stone and Associates, on behalf of the applicant, and dated January 13, 2012, for the proposed Grimm 4-Lot Open Development Area at 6491 Conner Road, with the following conditions:

1. Subject to all conditions/permits from the Town Engineer.
2. Subject to Landscape Committee review and approval for tree removal and replacement.
3. Right to Farm notification on future lot sales.
4. Subject to Open Space and Recreation fees.

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

MOTION CARRIED.

Item 2

Joe Voelkl
Major Arterial

Requests Amended Concept Approval for a
Business Park at 6031 Transit Road.

DISCUSSION:

Jim Callahan provided an overview on the project noting that it is located on the east side of Transit Road, north of Clarence Center Road. It is existing vacant land, currently zoned Commercial and Single-Family. Per the 2008 Master Plan 2015 Amendment approval this area is identified in a Restricted Business classification. A Negative Declaration under the State Environmental Quality Review Act (SEQRA) was issued by the Town Board in July 2008 on this project. Concept Plan approval was recommended by the Planning Board on November 12, 2008. The applicant is present seeking approval on an amended Concept Plan recommendation and a recommendation on rezoning and a Special Exception Use Permit (SEUP).

Dave Sutton, of Sutton Architects, is present along with Michael Metzger who is civil engineer for the project. The contractor Russ Anderson is present and owner Joe Voelkl is present as well. Mr. Sutton explained the changes to the approved Concept Plan. They are reducing the square footage of the overall buildings from 61,000 to 45,000. The 45,000 square feet is broken down into four (4) buildings ranging from 10,000-13,000 square feet each. They want to create a successful office park environment. They are also proposing altering the position of the buildings on the site. They have also upgraded the architectural components on the buildings. They want to follow suite with the building that introduces the property, which is Buffalo Pharmacy. They are maintaining all the Zoning Ordinances which includes 45' setbacks and parking. They are not sure of the end use of the buildings; it may be medical or office. Mr. Sutton knows that the different use has different criteria for parking, so they are proposing a figure somewhere in the middle at 369 parking spots. They are prepared to bank some parking as well and look for direction on where to do that on the site. This will allow the applicant to maintain as much green space as possible, introducing asphalt and parking as needed. The entrance has already been established between the Verizon building and Buffalo Pharmacy. Mr. Sutton is looking for Concept approval for the whole plan; however, the project will probably be phased. The building closest to Transit Road and to the south will be turned parallel to Transit Road (as shown on the new plan) will probably be the first building they will introduce. Then will introduce the other buildings as the project develops.

Vice-Chair Salvati noted that the parking ratio for office space is 1 space per 200' square feet of building; for medical it is 1 space per 100' square feet. Using the standard of 1:150 is a good balance; this would require the applicant to have approximately 300 spaces. There is room for land-banking. Vice-Chair Salvati asked Mr. Sutton what his suggestions are for land-banking on the site. Mr. Sutton said they are looking at possibly eliminating parking spaces at the southern property line. They may also recommend a series of pockets which would eliminate spaces throughout the site. They could eliminate two (2) spaces at each one of the northern most part of the sections of parking. Mr. Sutton also suggested land banking spaces behind the existing business; this would act as a buffer and would be a nice introduction into the office park. Vice-Chair Salvati agrees with these suggestions.

Mr. Van Nest asked how the reduced parking is working at Buffalo Pharmacy; is it acceptable for the needs there? Mr. Sutton said it is more than acceptable; there have not been any parking issues at all.

Mr. Pazda recommends a walkway, with green space on each side of it, be installed between buildings within the complex to allow pedestrian traffic.

Vice-Chair Salvati asked if the applicant will maintain the existing vegetation in the 45’ buffer area at the northern boundary line. Mr. Sutton said they will always maintain as much as they can and will enhance what is there with supplemental plantings.

Vice-Chair Salvati asked for details on the site lighting. Mike Metzger, of Metzger Civil Engineering, noted that the project is only at the concept phase but he suspects there will not be alot of intense lighting. There will probably be building fixed wall-pack type lighting. If anything on the back of the building(s) it will be minor security lighting. Sporadically, there will be site lighting on poles throughout the parking lot, just enough to make a safe environment. Vice-Chair Salvati provided copies of pictures that suggest screening around the lighting standards to help reduce light spill to Mr. Metzger. Mr. Sutton noted that there will be no glare lighting on any of the adjacent properties.

ACTION:

Motion by Paul Shear, seconded by George Van Nest, to **approve** the amended concept for a Professional Business Park as submitted by Metzger Civil Engineering dated March 8, 2012, on behalf of the applicant, Joe Voelkl, with the following conditions:

1. Subject to Rezoning the property to Restricted Business in conformance with the previously approved 2008 Master Plan 2015 Amendment.
2. Subject to a Special Exception Use Permit (SEUP) as issued by the Clarence Town Board for individual structures exceeding 10,000 square feet and cumulative structures exceeding 30,000 square feet in the Restricted Business Zone.
3. Subject to Landscape Committee review and approval on future Development Plans.
4. Parking is to be land-banked at the southern property line and other areas as noted by the applicant in this discussion.
5. The applicant is to consider installing a walkway between the buildings that are parallel to Transit Road.

ON THE QUESTION:

Vice-Chair Salvati reiterated that the property needs to be rezoned by the Town Board. She suggested adding conditions 4 and 5 to the motion. Paul Shear and George Van Nest agreed to have conditions 4 and 5 added to the motion.

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

MOTION CARRIED.

ACTION:

Motion by George Van Nest, seconded by Timothy Pazda, to **recommend** the Town Board rezone property at 6031 Transit Road as Restricted Business in conformance with the previously approved 2008 Master Plan 2015 Amendment.

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

MOTION CARRIED.

ACTION:

Motion by Wendy Salvati, seconded by George Van Nest, to **recommend** the Town Board approve a Special Exception Use Permit (SEUP) for individual structures that exceed 10,000 square feet and the cumulative structures exceeding 30,000 square feet in the proposed Restricted Business Zone at 6031 Transit Road.

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

MOTION CARRIED.

Item 3

Larry Engasser
Traditional Neighborhood District

Requests Approval for a 1-lot Open Development Area at 8346 County Road.

DISCUSSION:

Jim Callahan provided an overview on the project noting that it is located on the north side of County Road, east of Stahley Road. It is existing vacant land located along an existing private drive in the Swormville Traditional Neighborhood District. Per the Subdivision Law, the Planning Board has the authority to approve a 1-lot Open Development Area.

Larry Engasser, owner of the property, is present and explained he wants to give the two (2) acre corner piece of his property to his son and future daughter-in-law to build a house. It is currently a wooded land-locked area; however there is an existing roadway that meets Town specs that goes to that area. There is a County sewer that goes back to the area as well. Mr. Engasser currently lives at the adjacent property. He owns approximately 8 acres total.

Mr. Shear said the Planning Board is concerned with the common driveway. Although a family member will share the driveway now, there should be an easement in place in terms of maintenance of the driveway for future owners. Mr. Engasser said a Homeowners Association will be put into effect.

Vice-Chair Salvati suggested some landscaping enhancements along the front property line to create a buffer for those homes that are at the road. Mr. Engasser does not have a problem with this request.

ACTION:

Motion by George Van Nest, seconded by Paul Shear, to **accept** the Part 1 Environmental Assessment Form as prepared as complete and seek Lead Agency status and initiate a coordinated review under SEQRA on the proposed Engasser Open Development Area to create one new residential building lot at 8346 County Road.

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

MOTION CARRIED.

Item 4

David Lewis
Commercial

Requests a Change In Use to a Professional Office/Montessori School at 8970 Main Street.

Item 4 has been removed from the agenda at the applicant’s request. Documentation is on file.

Item 5

Damon Morey, LLP
Major Arterial

Requests Preliminary Concept Review of a proposed Automotive Sales/Service Operation at 5817 Transit Road.

DISCUSSION:

Jim Callahan provided the background on the project noting that it is located on the east side of Transit Road, north of Highland Farms Drive. It is existing vacant land located in the Major Arterial zone. The property consists of approximately 4.33 acres; the applicant is proposing to develop an automotive use. Per the Zoning Law the Town Board has final approval authority under a Special Exception Use Permit (SEUP) after recommendation from the Planning Board. The Town Board referred the project at the February 22, 2012 Town Board meeting.

Jeff Palumbo, of Damon Morey, LLP, is present along with the petitioner Jeff Muccerelli. Mr. Palumbo explained this proposal includes three (3) different uses. One use is a rental car facility, the second use is high-end vehicles sales and the third use of the property is the collision area. Mr. Palumbo is aware that the proposed parking needs to be changed and noted this issue will be addressed.

Mr. Palumbo said the drainage will most likely be a combination of on-site and underground detention storage of the water. The applicant will look at this closely and will submit a clearer plan to the Board.

Mr. Palumbo is aware of the concern of the access to the property to the south and will address this issue. He will also submit a clearer plan on the greenspace that is planned.

The applicant has similar facilities in Tonawanda, Cheektowaga, the Town of Amherst and the Village of Williamsville.

Mr. Palumbo explained that the vehicles that need collision work will be brought into the building to be worked on, there will be no cars parked outside the buildings for long periods of time. There is a

45' buffer area. Two (2) of the three (3) existing structures will be removed. The remaining structure will be used strictly for storage.

Vice-Chair Salvati said the next plan should show calculations for building coverage, parking requirements, the amount of greenspace that will remain. The Board is concerned with where the detention pond will be located. The proposal is showing future development for a 1.1 acre parcel; the Board is questioning this because, in addressing other issues noted here, the applicant may need to use that land to expand or accommodate any additional parking requirements or detention requirements. The applicant also needs to address cross access.

Mr. Van Nest suggested the applicant look at decreasing the amount of parking spaces without compromising their needs.

It is clarified that all vehicles for sale will be parked inside a building; there will be nothing out front. The car rental facility will not be selling vehicles; it is strictly rental for the collision aspect of the business. The site would never be cluttered with an abundance of rental cars. There are holding lots for the rental cars off premises.

Mr. Muccerelli explained the layout: there are two (2) prep decks where the cars are prepared for paint, there are two (2) finishing decks where the cars are sprayed, and there is one (1) booth for a final coat and reassembly. The equipment he uses is manufactured in Italy and is better than anything on today's market. He will be using water board paint. In a few years lead-based paint will be outdated and not allowed in New York State, Mr. Muccerelli is already set up for this. There is no lead in the paint that will be used at this facility. He understands that the operation is still subject to restrictions and permitting of the DEC.

Vice-Chair Salvati noted that the applicant will need a Special Exception Use Permit from the Town Board.

ACTION:

Motion by Timothy Pazda, seconded by George Van Nest, to **table** the application, seeking additional information related to the overall lot coverage on the preliminary design, the amount of parking needed for the proposed uses and preliminary determination of need and location for a detention/retention area on the concept and all items discussed this evening.

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

MOTION CARRIED.

Motion by Timothy Pazda, seconded by George Van Nest, to **approve** the minutes of the meeting held on Wednesday February 29, 2012, as written with the following correction:

-the word "site" is replaced with "sight" at the end of the second line in the second paragraph from the bottom on page 2012-18.

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

MOTION CARRIED.

Meeting adjourned at 8:20 p.m.

Carolyn Delgato
Senior Clerk Typist