

Town of Clarence
One Town Place, Clarence, NY 14031
Planning Board Minutes
Wednesday March 9, 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

Dunn Tire
Commercial

Requests Architectural Approval and Building Permit for Additions/Alterations and a Recommendation for a Special Exception Use Permit at 6585 Transit Road.

Item 2

Bammel Architects/Nototious D.O.G.
Traditional Neighborhood District

Requests a Recommendation on Architectural Style for a façade update at 8625 Main Street.

Item 3

Stephen Development
Commercial/Residential Single Family

Requests Preliminary Concept Review of a proposed Mixed-Use Development at 9560 Main Street.

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
Timothy Pazda	Gregory Todaro
Steven Dale	Jeffrey Buckley

Planning Board Members absent: Chairman Robert Sackett

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:

Jim Bammel

Scott Snyder

Jess Salvatore

Laura LaCongo

Vice-Chairman Richard Bigler will preside over the meeting as Chairman Robert Sackett is not in attendance.

Motion by Steve Dale, seconded by Wendy Salvati, to **approve** the minutes of the meeting held on February 3, 2016, as written.

Jeffrey Buckley	Aye	Steve Dale	Aye
Gregory Todaro	Aye	Timothy Pazda	Abstain
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

Dunn Tire
Commercial

Requests Architectural Approval and Building Permit for Additions/Alterations and a Recommendation for a Special Exception Use Permit at 6585 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 Miles Road. It is an existing Commercial building located on approximately 1.87 acres. The applicant is present seeking an action under the State Environmental Quality Review Act, Site Plan Approval and a recommendation for a Special Exception Use Permit. The Town Board has final approval authority for automotive use.

Sean Hopkins, of the Law Firm of Hopkins, Sorgi and Romanowski, is present on behalf of the applicant. Robert Clarke from Dunn Tire is also present. The property was acquired less than a month ago and Dunn Tire is interested in a retail location at that site. The existing building is in good shape and will be incorporated into the redevelopment project, that area will be used for storage/warehouse use. The retail portion and waiting area will be towards the front at Transit Road. There will be six (6) bays, three (3) facing to the east and three (3) facing the west. The project was presented to the Town Board at its February 10, 2016 meeting in which it was referred to the Planning Board. The project requires several approvals which include a Special Exception Use Permit (because it is an automotive use), Development/Site/Architectural Plan approval, Landscape Review Committee approval, an area variance for a front yard setback for the building/addition. Mr. Hopkins went on to explain that they want to cover the front facade of the concrete building and enhance the appearance from Transit Road, they are adding the waiting area in front of the building, the code requires an 80' front yard setback, the applicant is looking for a 10' variance to allow a 70' front yard setback. They cannot put that addition

on without the need for the variance. The applicant is only utilizing 45% of the site. Mr. Hopkins noted that there are two (2) curb cuts onto Transit Road, the northern curb cut is awkward. The applicant will replace the curb cuts with one (1) curb cut that will be perpendicular to Transit Road. That curb cut will need to accommodate tractor trailers. The tractor trailer delivery area is at the back of the building and will be side-loaded. The front portion of the building will be brick and Dryvit, the remaining portions of the addition on the south and north sides will be concrete block. The applicant's preference would be to repaint the concrete block. A landscape plan has been submitted to the Town. The applicant's only concern is they would like to use decorative lower level trees along the frontage, they chose trees that are on the Town's tree list. Signage is not part of this application and will be reviewed separately in the future. There are no plans for the remainder of the site but if the Board deems it appropriate to have a discussion about a minimum greenspace area in the back of the property, the applicant would consider that, and Mr. Hopkins would suggest 75'. They would agree to a deed restriction stating that the eastern most 75' of the site would be permanently preserved as permanent open space, they would agree to this being a condition of the approval. The applicant is asking the Board to issue a Negative Declaration pursuant to the State Environmental Quality Review Act, this project will not result in any potentially significant adverse environmental impacts. They are also asking the Board to grant Development Plan and Architectural plan approval subject to conditions. Those conditions would include the Town Engineer's review of the fully engineered plans that being prepared by C & S Engineers. A second condition would be Landscape Plan review and approval. If the Board deems it acceptable, a third condition would be the 75' permanent open space area be protected by a deed restriction which will need to be reviewed and approved by the Town Attorney's office. A final condition would be a recommendation for a pending request for a Special Exception Use Permit (SEUP), the application for the SEUP would go back to the Town Board for a Public Hearing and a decision. Mr. Hopkins referred to storm water drainage at the site and noted that there have been no drainage improvements, but as part of the fully engineered plans the applicant will work with Tim Lavocat to ensure they comply with the applicable stringent storm water quantity and quality standards.

Mrs. Salvati said whatever species of tree is selected for the landscaping at the front of the property the applicant needs to make sure it is salt tolerant. The landscape architect indicated the same. Mrs. Salvati suggested the applicant save the large evergreen tree at the southwest corner of the property. The applicant does not know if the tree is on his property, he will look into it. Mrs. Salvati went on to ask that the site lighting be dark sky compliant, any lighting on the building should be shielded. The applicant agreed.

Mr. Todaro asked about the truck loading in the rear of the building. The tractor trailer will pull all the way in to the east and then back in, it will be a side-loading trailer. The trailer is there because tires are taken in, which is required by law, when the truck gets full they take it out. Mr. Todaro asked if the dumpster will be shielded. Mr. Hopkins said the dumpster will be fully enclosed. Mrs. Salvati told the applicant to make sure the fence is higher than the dumpster.

Scott Snyder of 8100 Miles Road noted that the building, being an auto service center, will cause significant noise. He requests that the doors be closed except for when vehicles are going in and out of the building; he would like this stated in the Certificate of Occupancy. He asked if there will be a cover on the dumpster so it won't be exposed to the elements and keep mosquitoes from breeding. Currently the dumpster is located 14' 3" from the property line, but the fire code states that dumpsters containing tires must be 50' from lot lines, he would like this looked at. Mr. Snyder went on to say that the Zoning Law states that accessory buildings, he thinks a dumpster enclosure counts as an accessory building, needs to be 45' from a lot line to a residential lot, or 25' from a Major Arterial use lot line. He said most Dunn Tire locations offer oil changes and coolant flushes, there is no note as to where the tank will be

that stores this used product; anti-freeze is classified as hazardous waste and must meet guidelines. The property is 176' wide, the building is going to be 106' wide. The Zoning Law states that a structure housing hazardous waste material must be 100' from the property line. The plan states that the building is going to be using a septic system, the EPA has stated that auto service stations connected to septic systems can cause significant ground water contamination, which in turn violates the Clean Water Act. Mr. Snyder would like this looked at to be sure it does not leech into the surrounding property.

Ann Koerner, of 8050 Miles Road, voiced her concern regarding the hours of operation and the noise factor. She said Transit Road is so busy now, and you are adding another business with more traffic coming out just before Transit Road narrows to one (1) lane. She also wondered if there will be that hideous tire smell and the hydraulic noise when they are putting the tires on, which would disturb a nice summer weekend, afternoon or evening.

Mr. Hopkins said it is impossible to agree that the overhead doors for the bays would always be closed, given the climate control situation. They can agree that the three (3) bays facing the east will remain closed.

Robert Clarke said the hours of operation will be 8am-7pm weekdays, until 4pm on Saturdays and until 2pm on Sundays.

Mr. Hopkins said the area for storing waste product indoors is indicated on the site plan. There will be no outdoor storage tanks or outdoor storage materials. He noted that as part of the acquisition of this property, it was contaminated. The applicant has completed the clean-up in consultation with an environmental consultant. They have eliminated the contamination that existed there up until a couple of months ago.

Mr. Todaro asked if the existing hydraulic lifts will be removed. Mr. Clarke said yes, all existing equipment in the structure will be removed.

Mr. Hopkins said the property is currently serviced by septic, the applicant would like to connect to the sewer line which is Erie County Sewer District #5. Mr. Hopkins has discussed this with the Town Engineer who said he hopes there is capacity, but there will be no confirmation until the fully engineered plans are submitted to Erie County.

In terms of the residential area, Mr. Hopkins said they are willing to deed restrict the back area. This will ensure that, if there is any further redevelopment on this site, that back area will be permanent greenspace.

The applicant will make their best effort to preserve the large evergreen tree that Mrs. Salvati spoke of.

Vice-Chairman Bigler asked about the noise factor and the possibility of closing the rear doors to mitigate the noise. Mr. Hopkins said the applicant can keep the doors that face the east closed.

It is confirmed that the dumpster will have a cover on it. No tires will be stored in the dumpster. The tires are recycled. Deputy Town Attorney Steve Bengart clarified that dumpsters are not considered an accessory structure by law. Mrs. Salvati asked if the scrap tire container has to be 50' from the property line. The truck backs up to the scrap tire container. Mr. Hopkins believes they are in compliance with the code, he pointed out that they will need to obtain a building permit so this issue will be addressed during that process. The anti-freeze will be stored inside.

Mr. Clarke does not know what the comment regarding the tire smell referred to other than the smell of the product itself. It is a non-existent factor at the other locations. They do not perform a lot of heavy automotive work.

Mr. Dale asked the applicant if he would consider additional landscaping in the back of the lot to attenuate noise. Mr. Hopkins agreed and noted that there is a lot of vegetation at the back of the lot, they are currently not going to touch any of that. Mr. Dale suggested pine trees as a form of noise attenuation. Mr. Hopkins suggested a row of evergreens just to the east of the pavement at the back of the site; he does not want to take down existing trees to accommodate new 6' trees. It is suggested that the Landscape Committee evaluate the situation of a row of evergreen trees just east of the paved portion at the rear of the site to attenuate noise. Mr. Hopkins agreed with this.

Mr. Hopkins suggested the light standard that is directly behind the building be replaced with a couple of wall pack lights that face downward.

Scott Snyder referred to the comment regarding the inside storage of anti-freeze and said the Zoning Law states that any structure that houses hazardous material should be 100' from the property line. Vice-Chairman Bigler said this project will be studied by the Town Engineer, the Fire Department and other involved agencies, so there will be compliance with the code. Mrs. Salvati said the State will make sure that the applicant is dealing with this stuff properly. Mr. Hopkins said Dunn Tire has a stellar track record with compliance with the various stringent environmental regulations.

Mr. Pazda asked if the Board is ok with the applicant repainting the block on the south elevation. Mrs. Salvati is ok with the repainting of the block, the neighboring property blocks a good portion of that side of the building anyway. The paint will be color coordinated with the rest of the building.

Mr. Todaro asked what the estimated construction time is for the project. Mr. Hopkins said the applicant would like to open this Fall, they hope to build it in 120 days or less.

ACTION:

Motion by Wendy Salvati, seconded by Gregory Todaro, pursuant to Article 8 of the Environmental Conservation Law, to **accept** the Short Environmental Assessment Form Part 2/3 as prepared and issue a Negative Declaration on the proposed Dunn Tire Store addition and rehabilitation located at 6585 Transit Road. This Unlisted Action involves the construction of an addition and rehabilitation of an existing commercial building for the purpose of opening a Dunn Tire Store. After thorough review of the submitted site plan and Short Environmental Assessment Form it is determined that the proposed action will not have a significant impact upon the environment.

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

MOTION CARRIED.

Motion by Wendy Salvati, seconded by Gregory Todaro, to **approve** the site plan and architectural style of the proposed Dunn Tire Store located at 6585 Transit Road as per the submitted site plan and elevations from Silvestri Architects dated January 20, 2016, with the following conditions:

1. Subject to Zoning Board of Appeals granting a front yard setback variance to allow for the proposed 70' front yard setback in the commercial Zone.
2. The establishment of a deed restriction to preserve the eastern most 75' of existing vegetation at the rear of the property subject to the Town Attorney's review and approval.
3. All lighting at the site be dark sky compliant, the lighting standard located to the east behind the building be replaced with dark sky compliant lighting on the façade of the building.
4. The dumpster is to be properly enclosed and covered and the waste tire disposal meet the applicable code requirements.
5. The three (3) bay doors on the eastern façade to the rear of the building be kept closed with the exception of egress and ingress of vehicles.
6. Evaluation by the Landscape Committee with regards to the installation of a row of evergreen trees just east of the paved portion of the site to attenuate noise.
7. The applicant will connect to Erie County Sewer District #5 upon the approval of the District, so long as capacity exists.
8. Subject to Landscape Committee review and approval prior to Building Permit issuance.
9. Subject to NYSDOT approval on the driveway access plan.
10. Subject to review and approval by the Town Building and Engineering Department on required permits.
11. Subject to Open Space and Recreation Fees.

ON THE QUESTION:

In response to Mr. Dale's suggestion to revise the condition of the evergreen trees to include the words "rear of the property", it is clarified that the condition is **not** for the rear of the property. The Board wants it just east of the paved area, near the lighting standard. The idea is for the Landscape Committee to evaluate the proper placement of these trees; they first need to see what exists there now so they are not taking out existing vegetation to replace it with smaller trees.

The proposed trees and the landscaping on the front of the property along Transit Road should consist of species that are salt tolerant to ensure their life expectancy. If the large pine tree to the southwest corner of the property is indeed on the applicant's property they are asked to preserve it to the greatest extent possible.

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

MOTION CARRIED.

Mr. Hopkins said the conditions are acceptable to the applicant.

Motion by Wendy Salvati, seconded by Gregory Todaro, to **recommend** approval of a Special Exception Use Permit for automotive use to the Town Board for the development of a Dunn Tire Store in the Commercial Zone as per the approved site plan.

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

MOTION CARRIED.

Item 2

Bammel Architects/Notorious D.O.G.
Traditional Neighborhood District

Requests a Recommendation on Architectural Style for a façade update at 8625 Main Street.

DISCUSSION:

Mr. Callahan provided the background on the project noting that it is located at the southwest corner of Main Street and Circle Court. This is an existing plaza located in the Traditional Neighborhood District. The applicant is proposing a façade update and the application has been forwarded from the Town Board for a recommendation on the proposed architectural style.

Jim Bammel is present on behalf of the applicant.

Mr. Todaro referred to the rendering and noted that there is a break in the awning between the dog store and the vacuum store, he asked why the awning does not extend across the entire store frontage. Mr. Bammel said the owner purchased both locations, the store itself is what the applicants are putting in which is the dog store, this is the part of the building that they are highlighting with the awning; however they upgrading the vacuum portion of the building as well. It is mostly because of the amount of store front they have, there will not be a lot of banners to advertise. The awnings are fabric. Mr. Dale asked if the applicant if he would consider extending the awnings across the vacuum store, Mr. Bammel said yes. The back portion of the building is concrete block and will be painted.

Michelle Panzer, of 8545 Nottingham Terrace, asked for details regarding the signage. Will there be a change to the existing sign out near the road?

Mr. Bammel said the sign was applied for separately. The existing sign has been re-designed and re-approved. Mr. Bleuer clarified that the building signage is through another application and is not part of this approval.

ACTION:

Motion by Steve Dale, seconded by Wendy Salvati, to **recommend** approval, to the Clarence Town Board, of the architectural style of the proposed plaza façade renovations at 8625 Main Street as per the submitted drawings from Bammel Architects, dated February 9, 2016.

ON THE QUESTION:

Mr. Todaro suggested a review takes place with the owner of the vacuum store to determine the feasibility of installing awnings at that store.

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

MOTION CARRIED.

The applicant understands the motion.

Item 3

Stephen Development
Commercial/Residential Single Family

Requests Preliminary Concept Review of a proposed Mixed-Use Development at 9560 Main Street.

DISCUSSION:

Mr. Callahan provided the background on the project noting that it is located on the north side of Main Street across from Clarence High School. It is an existing vacant former hotel located in the Commercial Zone, as well as within the Residential Single Family Zone to the rear. The application involves a multiple family housing component. A Special Exception Use Permit will be required as issued by the Town Board.

Dave Sutton, from Sutton Architects, is present and explained the project site was formerly the Fountain Motel. The proposal encompasses a two-story building in the front of the property, located approximately 119' from the right-of-way. It will be a mixed use with just over 1800 square feet of retail space on the first floor and a total of 14 luxury apartments on the second floor. This project is a follow-up/continuation of the Main and Goodrich project, which has received a lot of success. This project will be a slightly higher quality product not only from a retail standpoint but from an architectural standpoint as well. Behind this property will be a series of ten (10) two-story townhouses, each of which will have their own attached garage. They are trying to develop all of this development in the properly zoned 330' depth of this property. Beyond that they will use the remaining structure as a buffer to the neighbors, all the infrastructure will be back there including the septic system, detention and drainage. Beyond the infrastructure on the northern most portion of the parcel the property will be divided into three (3) estate-type lots. This is an excellent buffer and use of the property. The three (3) estate-type lots are not part of this project now, but the applicant feels it is important to present the entire intent of the project. Those three (3) lots will be accessed from Goodrich Road, there will be no access or connectability to the development/commercial project being presented this evening. Mr. Sutton said the ingress and egress will line up with the light. There is another means of ingress and egress primarily for the residents just to the west of the site. There will be enhanced landscaping to the front of the property.

Mr. Dale said this is a big improvement over what is there now and even over what was presented a few years ago. He referred to Clarence Town Code §229-126 (D)(1)(b) in which it limits the minimum lot size of a multi-family project in a Commercial or Restricted Business Zone to five (5) acres. He asked the applicant if there is any reason why this project cannot be designed to that requirement. Michael Metzger, of Metzger Civil Engineering, said the entire parcel is 10.88 acres. Once the back portion is

subtracted, the remaining property for the mixed-use project is 4.5 acres. Mr. Dale asked if the application can do some rearranging of the project to meet the five (5) acre requirement. Mr. Metzger said they felt it best to provide as much low density buffer as possible between this project and the existing homes to the north.

Mr. Dale referred to Clarence Town Code §229-126(F)(1)(c) which limits the number of residential units in a multi-family project on a commercially zoned unsewered lot to a maximum of 16. He asked if there is any reason why this project cannot be designed to conform to this requirement. Mr. Metzger said if they met that requirement they would have to seek a variance from the Zoning Board of Appeals. He noted that the overall project is on 10.8 acres in size, the number of residential units on the property is 27, which makes the density 2.5 dwelling units per acre. The Code also indicates that the allowed density for multi-family is eight (8) dwelling units per acre unless it is not on public sewers, then it drops to four (4) dwelling units per acre. The applicant feels that the low density project with the buffering that is being proposed is more than adequate to minimize any concerns that there might be for density, therefore they will pursue the request to the Zoning Board of Appeals for the variance from 16 units to 24 units within the multi-family portion. The economics of the project mandate that they have to have the proposed number of residential units for it to be a successful project.

Vice-Chairman Bigler asked how big the septic system will have to be. Mr. Metzger said it will be just over 7,000 square feet in size. They overestimated to over 11,000 square feet on the plan, but it will not be that big. They are proposing a dry detention pond that only holds water for short period of time, within 24 hours after the storm it is gone. There will be a sand filter at the bottom of that dry detention pond, so there will be no open water. Mr. Metzger said they will provide as much landscaping up front as possible to make the property as attractive as possible. Mrs. Salvati asked if they considered rain gardens. Mr. Metzger said they would like to take advantage of what Mother Nature has given them on the site, which is the availability of fissured bedrock. The stormwater management system will have drilled wells that go down about 180'-200'. There will be an open-bottom sand filter. The plan shows the color blue indicating the detention area, Mr. Metzger explained that should be green as it will be a dry pond.

Mrs. Salvati said the Code requires that if there is going to be multi-family residential projects there must be about 15% of the area devoted for recreational use by the residents, and must be formalized as recreation space. She asked the applicant how they will address this. Mr. Metzger said the Code also states that can be passive recreation space and the required open space can be a part of that component. As the project evolves the applicant will entertain suggestions. Mrs. Salvati said the Code indicates that part or all of such space shall be in the form of developed recreational use, usable for recreational purposes. Mr. Sutton said all the townhouses will have rear yards with a patio and the idea is to create a sense of community and encourage some recreation area.

Mrs. Salvati suggested the applicant design the plan on the western boundary in the parking area include a feature to allow cross access to the Tiso property next door. This will provide another means of access. She would like to see the westerly curb cut closed. The traffic that goes in and out of the site should go through the controlled intersection. Mr. Metzger said the applicant is in favor of cross access and is willing to discuss it with Dr. Tiso, they will reach out to him. Mr. Metzger said the intent is that the west entrance be used for residents who live in the apartments in the back, this will keep some separation in the residential and commercial traffic. Mrs. Salvati voiced her concern on how that traffic will be controlled and only used by the residents who live in the back. Mr. Metzger said he did not imply that it would be restricted in any way. Mrs. Salvati said that is the problem, people will try to avoid the signal, she does not want a driveway that conflicts with the main driveway considering the volume of

traffic that intersection supports. Mr. Pazda said DOT is going to play an important part in this project. He can see why the applicant would like to have that access for tenants, but he can also see the business customers will try to beat the light and try to go out the right, there is a lot of traffic in the afternoon, this could be a problem. Mrs. Salvati voiced her concern about the kid walking down the sidewalk looking at their cell phone and not paying attention to the cars that are coming in and out of the driveways.

Mr. Dale asked for confirmation that the applicant will not be using blasting for the construction of this project, Mr. Metzger confirmed that is correct. Mr. Dale voiced his concern regarding the traffic on Main Street especially between the hours of 3:00 p.m. and 5:00 p.m. When the applicant comes back for final Concept Review, Mr. Dale asked the applicant to provide evidence that Main Street has the capacity to handle the additional traffic generated from this project. Mr. Metzger said they have been in discussions with the DOT and they will see if they can obtain some input on this from them. Mr. Dale asked that when the applicant comes back for final Concept Plan to make sure the elevation drawings show the building materials that they will be using. Mr. Sutton said he will come back with a well-defined rendering and actual samples of the materials they will be using.

Mr. Todaro asked for clarification on the EAF, which indicates there are two (2) phases, one (1) phase is seven (7) months for the demolition to be completed in 2016. The second and final phase is said to be twelve (12) months to be completed in 2020. Is this a twelve (12) month construction project and the land is sitting for some time? Mr. Metzger said there is confusion in the EAF and they will clarify it. The intent is to go immediately from the demolition to the construction and to build the residential and commercial uses at the same time. The expected completion date for the construction of the project is 2017. Mr. Dill noted that the three (3) open development lots are separate from this project for the purposes of completion. He said between 2017 and 2018 they anticipate having the commercial structures done. The three (3) open development lots will be subject to real estate market forces. The EAF should be left at 2020 because Mr. Dill would expect the open development lots to be sold by then.

Mrs. Salvati said the applicant indicated there was room on the site in the event the septic system failed and needed to be replaced, she asked where that room is. Mr. Metzger said there is plenty of room on this site, they overestimated and they know the system will be smaller than what is indicated on the plan. The area is 62,000 square feet and on that will be a storm water management area less than 10,000 square feet. The system for the project is 7,000 square feet.

Mrs. Salvati said the applicant could put in a small trail system on the acre and a half that is in the back of the property. Mr. Metzger said they can look into that.

Vice-chairman Bigler noted that the residences above the commercial use do not have greenspace area. Mr. Sutton said those residents would appreciate the common green space and there are a couple of end units that they are designing outdoor patio-type spaces for.

ACTION:

Motion by Timothy Pazda, seconded by Steve Dale, pursuant to Article 8 of the Environmental Conservation Law, to seek Lead Agency status and **commence** a coordinated review among involved agencies on the proposed Stephen Development Mixed Use Project located 9560 Main Street. This Type I Action involves the demolition of an existing structure and the construction of a new mixed use project consisting of 24 multi-family residential units, 18,500+/- square feet of commercial space and a 3-lot Open Area Development in the Commercial and Residential Single Family zones and on-site sanitary sewer facilities.

ON THE QUESTION:

Mrs. Salvati said this is a nice project and will be an improvement for the site.

Vice-Chairman Bigler noted that the Board is sending the proposal out for review only; the project does not meet the current code of 16 units. The applicant understands.

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

MOTION CARRIED.

Meeting adjourned at 8:50 p.m.

Carolyn Delgato
Senior Clerk Typist