

Town of Clarence
One Town Place, Clarence, NY 14031
Planning Board Minutes
Wednesday April 23, 2014

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

Dean Adamski
Commercial

Requests a Change In Use from Vacant to Gun Shop at 10,000 Main Street.

Item 2

Simon Yu
Traditional Neighborhood District

Requests an Action under the State Environmental Quality Review Act (SEQRA) on the proposed demolition of a structure built prior to 1950 at 10647 Main Street.

Item 3

Regent Development /Wehrle Dome Apartments
Commercial

Requests Preliminary Concept Review of a proposed Multi-Family Residential project at 8230 Wehrle Drive.

Chairman Robert Sackett called the meeting to order at 7:30 p.m. Councilman Robert Geiger led the pledge to the flag.

Planning Board Members present:

Chairman Robert Sackett
George Van Nest
Gregory Todaro

Timothy Pazda
Richard Bigler
Steven Dale

Planning Board Members absent: Vice Chairman Paul Shear and 2nd Vice Chairperson Wendy Salvati

Town Officials Present:

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

Other Interested Parties Present:

Kathy Yu	Carol Conwall	Katie Yu
Nick Yu	Lew Wargo Sr.	Nick Davies
Kathy Ward-Lovejoy	Lou Terrognoli	Susan Reinecke
Charles Gullo	Susan Szramkowski	Ken Szramkowski
Jim Rash	Bruce Wisbaum	Karen Jozwliak
Donna Truman	Kathryn Alm	Dorothy Shaw
Scott Shaw	Bill Toole	Julie Jurgens
Frank Jurgens	Gabriele Maddalena	Anthony Ditsious

In the absence of two Planning Board members this evening, the alternate member Steve Dale will participate in all discussions and vote on all agenda items.

George Van Nest, who has been a Planning Board member for ten (10) years, announced his retirement from the Board this evening. This will be his last meeting. He has been a great contributor and Chairman Sackett thanked him for his service.

Chairman Sackett explained the procedure for the meeting noting that Jim Callahan will introduce each project. The applicant will have the opportunity to add to Mr. Callahan's introduction. Then the Planning Board will ask the applicant questions. Next, the public will have a chance to participate. Public participation is limited to three (3) minutes per speaker due to the size of the audience. The applicant then has the opportunity to answer questions that were raised by the audience. The Planning Board will then make the appropriate recommendation or take the appropriate action.

Item 1

Dean Adamski
Commercial

Requests a Change In Use from Vacant to Gun Shop at 10,000 Main Street.

DISCUSSION:

Jim Callahan provided the background on the project noting that it is located on the north side of Main Street, east of Kraus Road. This is an existing vacant commercial building located in the Commercial Zoning classification. The applicant is proposing to open a new retail store in the building and is present seeking a Change In Use as the building has been vacant for over two (2) years.

Dean Adamski is present. He explained that there will be no structural change to the outside except for aesthetics. Inside it is an open floor plan with a storage area. He will need to obtain permits for re-wiring, fixing the parking lot (it floods), there are sidewalk problems and handicap accessible problems, just to name a few. All of these issues would be addressed before he opens for business. Chairman Sackett asked if the applicant would agree to some minor landscaping to be consistent with the rest of the area. Mr. Adamski said he will do considerable landscaping and will maintain a good frontage.

Mr. Dale asked if the applicant anticipated adding any lighting to the parking lot. Mr. Adamski hadn't thought of that but said it is probably a good idea especially in the winter when it gets dark by 6:00pm. He confirmed that any lighting would stay within the property and not affect surrounding residences.

Mr. Pazda asked if the applicant is agreeable to cross access with the business next to his. Mr. Adamski said yes his is agreeable to cross access on both sides of his property.

In response to Mr. Van Nest’s question, Mr. Adamski said he will purchase the building. This is a re-location of an existing store so Mr. Adamski is familiar with the process.

Anthony Pacenzia lives at 4755 Schurr Road and owns Tony’s Barbara Salon on Main Street. Mr. Pacenzia goes by this site several times a day and said it is an eye-sore. He is all for this and thinks it is a great proposal.

ACTION:

Motion by George Van Nest, seconded by Gregory Todaro, to **approve** the change in use from vacant to Sporting Goods Store at 10,000 Main Street, subject to the following conditions:

1. Review and approval by the Town Engineer related to drainage facilities.
2. Building Department approval on any required building permits for required renovations.
3. Landscape Committee review and approval for landscaping updates to the property.

Steve Dale	Aye	Gregory Todaro	Aye
Richard Bigler	Aye	George Van Nest	Aye
Timothy Pazda	Aye	Robert Sackett	Aye

MOTION CARRIED.

Item 2

Simon Yu
Traditional Neighborhood District

Requests an Action under the State Environmental Quality Review Act (SEQRA) on the proposed demolition of a structure built prior to 1950 at 10647 Main Street.

DISCUSSION:

Jim Callahan provided the background on the project noting that it is located on the south side of Main Street between Sawmill and Ransom Roads. It is an existing structure built prior to 1950 in the Traditional Neighborhood District and within the Clarence Hollow Overlay. The applicant is proposing to demolish the structure, per the local TEQR Law the action is considered a Type I Action under the State Environmental Quality Review Act. The Planning Board is Lead Agency on this review.

George Van Nest recused himself and left the dais. He has prepared and submitted the necessary forms for recusal on this agenda item.

Kathy Yu is present and explained that they want to demolish what is presently there and build a new structure attached to the existing structure. The addition will be some outdoor dining and some inside space that can be used for meetings and bigger groups. Mr. Pazda asked for more details on the addition. Ms. Yu said the space in between is similar to a courtyard and there will be parking out back, too. She clarified that parking on Main Street is not part of the plan.

Mr. Dale asked if the applicant will use the same entrance as what is used now for the whole facility. Ms. Yu said she believes there will be two (2) entrances but the building will all be connected from the inside.

Mr. Todaro asked for an estimated time as to when the demolition will start and end. John Wargo is doing the demolition and is present. Mr. Wargo said all the requirements set forth by the Town have been met, so upon review and sanction of this Board tonight demolition could start on Friday of this week and be completed by early next week.

Anthony Pacenzia, of 4755 Schurr Road, has been a Hollow resident since 1985. Mr. Pacenzia said this a unique situation, these people have lived here for a long time and already have a business in that location and have invested a ton of money in the place they already have; it turned into a nice success. It is a great enhancement for the area. He understands that there are issues with the building, as it was built prior to 1950, but it is one of the biggest eye-sores in the Hollow and behind that building it's a junkyard. The building hasn't been properly taken care of, it's time to move on. These people are willing to continue to invest in the Hollow. To be fair, the Yu's did look into the historical value of the building and found it was not on the Historical Value List. Mr. Pacenzia would love to see this project move forward.

Paula Cochran, of 10871 Boyd Drive, said she grew up in this area and the house has become disgusting. She agreed with Mr. Pacenzia in that the property has been let go, tacked onto and messed up. She would recommend that a good business like the Hollow Bistro be allowed to become a better business.

Susan Reinecke is the attorney for the Cornerstone Bar and Grill, which is adjacent to the project site. She said her clients are not necessarily opposed to the demolition but have questions on the demolition. How would their property be protected during demolition, how would they be protected from vehicles coming in and out of the site. Her clients are also concerned with the proposed parking lot being put back there. There was discussion of removing a large tree there and some other items. The clients are not opposed to the tree coming down, but they are concerned that with the tree being removed it may damage their parking lot. There is also concern with a shared sewer and they would like information on what the plans are to locate the sewer and to separate it. They are also concerned with any interference of their business during the demolition process. Ms. Reinecke's clients own part of the driveway that runs alongside the property in question and when asbestos was previously removed from the building vehicles and dumpsters were brought in without her client's knowledge or permission. The vehicles went over their property and through their back parking lot. A dumpster was put on her client's property and another dumpster full of asbestos was left for weeks before it was removed. There was damage done to her client's property that has not yet been repaired.

Chairman Sackett said the demolition will not be approved at this meeting; that is something the Building Department handles. This meeting is to discuss the environmental impact(s) of taking the building down. Ms. Reinecke's concerns would be monitored by the Building Department.

Joe Weiss noted that the Yu's have put a lot of time and effort into this business which enhances the Hollow. He does not want a precedent to be set for those looking to invest in the Hollow. If the Yu's are denied then the next person with an idea for the Hollow may have second thoughts about moving forward. To have a prosperous Hollow it is important that the Yu's move forward with their good work. He said Mr. Wargo does a good job.

Donna Truman said she wants to speak in favor of this project, too. It is time to move forward.

Mr. Pazda referred to the photo on display and said everyone would probably agree that the structure is ugly. The real concern on some people’s minds is the value of the original structure. He asked if a study has been done that shows how much money it would cost to rehabilitate and use that in the plan. Ms. Yu said they had architects and designers look at the place and they provided their written opinion as to whether it is worth rehabbing and it is not. One expert said there is nothing original left in it. If it was to remain, he space it would provide does not work with the banquet room plans, anyway.

ACTION:

Motion by Gregory Todaro, seconded by Richard Bigler, to **accept** the Part 2 and Part 3 Environmental Assessment Form as prepared and finalized.

Steve Dale	Aye	Gregory Todaro	Aye
Richard Bigler	Aye	Timothy Pazda	Aye
Robert Sackett	Aye		

MOTION CARRIED.

ACTION:

Motion by Gregory Todaro, seconded by Richard Bigler, pursuant to Article 8 of the Environmental Conservation Law, to **issue** a Negative Declaration on the proposed demolition of a structure built prior to 1950, located at 10647 Main Street. After thorough review of the submitted information and completed environmental assessment form it is determined that the proposed action will not have a significant negative impact upon the environment.

Steve Dale	Aye	Gregory Todaro	Aye
Richard Bigler	Aye	Timothy Pazda	Aye
Robert Sackett	Aye		

MOTION CARRIED.

George Van Nest returned to the dais.

Item 3

Regent Development/Wehrle Dome Apartments Commercial	Requests Preliminary Concept Review of a proposed Multi-Family Residential project at 8230 Wehrle Drive.
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DISCUSSION:

Jim Callahan provided the background on the project noting that it is located on the north side of Wehrle Drive, east of Transit Road. It is an existing golf driving range located in the Commercial zoning classification. The applicant is proposing a mixed-use project. The proposed action will require a Special Exception Use Permit (SEUP) as issued by the Town Board making the Town Board Lead Agency for this review.

Sean Hopkins, of the Law Firm of Hopkins & Sorgi, is present on behalf of Regent Development in connection with the proposed redevelopment of 8230 Wehrle Drive. The property consists of 15.5 acres

in size. Nearby property uses include Coventry Green Apartments to the west and the Stonegate Apartments to the north, they are both multi-family projects. To the east of the parcel is a residential subdivision. The project has been designed in accordance with the Multi-Family Law that was adopted by the Town Board in 2013. The back portion of the project which is the multi-family portion consists of 124 upscale apartments, which is a density of eight (8) units per acre. There are seven (7) sixteen (16) unit buildings and one (1) twelve (12) unit building. Those buildings will be two-stories as required by the Multi-Family law. There are also 248 parking spaces which breaks down to two (2) parking spaces per unit. The commercial component is located along Wehrle Drive and comprises 25% of the overall acreage. This component is shown as a 15, 280 square foot new office building and the re-use of one of the buildings on the golf dome site today which is approximately 11,240 square feet. The multi-family component would be built first and the golf dome would probably come down in the future. The applicant is exploring any possible re-uses of the golf dome itself. Ultimately that building will be removed. A driveway that was adjacent to the Stonegate driveway has been removed based on input from the Town Board at their April 9, 2014 meeting. Councilman Kolber questioned the density at that meeting. A letter submitted by Mr. Wisbaum questions the density as well. Mr. Hopkins said it is clear that the proposal complies with the density requirement. He referred to §229-126(D)(c) of the code: "The maximum density for multiple-family uses shall be eight (8) units per acre." The only possible way to take the position that it excludes the commercial component is to add words to that sentence as a matter of statutory interpretation; that would not be correct. The density has been calculated in accordance with how it has been applied with other multi-family projects since the adoption of that law, specifically the Brothers of Mercy project. The applicant has submitted a Part I Long Environmental Assessment Form, there are a few minor modifications to be made to that document before it goes to the Town Board. Mr. Hopkins noted that there are residents from the Stonegate community in the audience and he welcomes the opportunity to meet them over the next 30 days to address any concerns they have.

Mr. Todaro asked about the detention pond, Mr. Hopkins said it would be a dry pond, meaning it will hold water and then will be conveyed out through the pipes; it will be an injection well.

Mr. Dale asked if the applicant intends to use blasting while constructing this project. Mr. Hopkins said he doesn't believe they will, but he will check that.

Mr. Hopkins said this project requires three (3) separate approvals. Pursuant to the Multi-Family Law that was adopted in 2013 it does require a Special Exception Use Permit (SEUP) for multi-family uses. It requires Site Plan approval, if they get the SEUP. Finally, it requires Minor Subdivision approval. The only reason for minor subdivision is for financing purposes; the commercial component would be separate from the multi-family component. There will be reciprocal easements in place for access, sewer, water and any other utilities as necessary.

Chairman Sackett said by sending this forward the Board would be recognizing that this is a maximum build-out, it is not an acceptance of anything relative to Concept Plan or the density.

Mr. Pazda asked if the 248 parking spaces was shared between the multi-family and the commercial component. Mr. Hopkins said no, the 248 parking spaces is strictly for the multi-family component. The commercial component will have standalone parking.

Mr. Dale asked if there are any endangered plants or animals contained on the project site. Mr. Hopkins said he doesn't envision any endangered species but he will check to be sure. He noted that there are no wetlands on the site.

Dorothy Shaw lives on Foxwood Lane and the only problem she has with the golf dome now is that she has golf balls in her backyard, she can handle that. She would rather see patio homes instead of all the units, all the people, the emergency vehicles, the delivery vans, moving vans and visitors. Has the applicant thought about widening Wehrle Drive? Has the applicant considered another red light somewhere along the way? Chairman Sackett said that is way the Board sends it out for coordinated review. What will another apartment complex do to the value of her home?

Neil Buno owns 8180 Wehrle Drive, the Millionhair Salon, and said he welcomes the proposal because it will be more business for him. He bought the property 12 years ago, he has an easement that he shares with the Dome owners and he wants to make sure he will still be able to use the property that he uses now; it is on the west side of the dome.

Frank Jurgens, of 4100 Foxwood Lane, asked if there will be one (1) or two (2) accesses to Wehrle Drive. It is confirmed that there will be two (2). He asked if there was a traffic study done. Chairman Sackett said no, it will be part of the coordinated review. He also asked if there is a cost range on the apartments.

Charles Gullo, of 4048 Foxwood Lane, is concerned with traffic. There are already two (2) apartment complexes there. When one person wants to make a left there, a back-up line of 10 cars occurs now. Another concern is having the Stonegate lane across there, people drive fast down that lane and it makes a lot of noise at night. He wondered if this lane will be combined with the Wehrle Golf Dome road. Chairman Sackett said he believes the roads are on two different properties so they would not be combined. This will be clarified in the Concept Plan. Mr. Gullo wants to make sure there is green space between his area and project so it will not lower his property value.

Gabrielle Maddalena, of 4265 Foxwood Lane, asked why we need 124 apartment units. Everything looks so squished in, this is Clarence; we need some space. Do we actually need more apartments? If there are studies showing we need more apartments, he would like to see them. He suggested starting out with half the amount of units proposed. He is also concerned with the traffic. It is already tough to make a right out of his subdivision in the morning.

Bruce Wisbaum, manager of Stonegate Apartments, said there are 200 residents who live in Stonegate and are all concerned about this project. One of his biggest concerns is the interpretation of the regulation of 25% commercial and 75% residential. He disagrees with the way it has been interpreted and thinks there are some Board members who also disagree with it. If the regulation is taken to the extreme the units could be narrowed down to 120 square foot for a two-bedroom, they could probably use 55% of the space and use 45% commercial and end up with almost 14 units per acre. Based on this interpretation he thinks it is a bad precedent to set. One of the main purposes of the Zoning Law amendment was to provide design standards to ensure multiple-family residential developments, provide balance to the developing residential growth in the community and to avoid concentration of multiple-family residential units in a particular area of the Town. It was also the intent of the regulations to be sensitive to other residents neighboring the property being developed. There is an existing berm on the back of the property with 20'-25' trees. The plan shows 48' of berm and trees and goes the length of the rear of the property, the current plan is to tear down part of this berm and make a dog park on the corner of the property. Instead of putting it in the middle the applicant's property they are planning to put it on the corner next to Mr. Wisbaum's property and Coventry so they can hear the dogs barking instead of the future residents of the proposed project. Mr. Wisbaum has a substantial problem with the roadways, the proposed road goes all along the property line 5' from his property and 5' from Coventry. If you look at the way Coventry and Stonegate are laid out, the road is on the interior not the perimeter and that is a

major problem. It looks like there is only one (1) way in and out of the multi-family development; there is another roadway into the commercial development, however the plan on display at this meeting is different than the one Mr. Wisbaum saw in the Planning Department. He is also concerned with sewer capacity, water pressure, drainage and blasting. When Stonegate was built there was a 40' buffer between his property and Foxwood Lane. He would like to meet with the Planning Board, the Planning Department, the developer and his attorney to work on some compromises. The letter that lists Mr. Wisbaum's concerns is on file in the Planning and Zoning Office.

Mr. Hopkins said he will check on the easement that was mentioned by Mr. Buno. He will meet with Mr. Wisbaum. Mr. Hopkins will follow up on all the concerns voiced at this meeting and will report back in the future. He will also look into the concern on the location of the dog park. It is confirmed that Stonegate Lane is not part of the project.

Chairman Sackett asked what the cost range of the apartments is. Mr. Hopkins said he anticipates it will be \$1.20 per square foot and up, which means a 1,000 square foot unit would rent for \$1200 a month. He will obtain clarification on the cost. The units are not subsidized and no low-income units. The EAF will be revised.

ACTION:

Motion by Timothy Pazda, seconded by Richard Bigler, to **recommend** the Town Board **accept** the Part 1 Environmental Assessment Form as prepared and amended.

ON THE QUESTION:

Mr. Callahan noted that the Planning Board Executive Committee reviewed the Part I EAF and made recommendations that the applicant has identified will be amended. Before this agenda item goes on the Town Board agenda, the EAF will meet the intent of what the Planning Board Executive Committee prepared. Mr. Hopkins understands.

Steve Dale	Aye	Gregory Todaro	Aye
Richard Bigler	Aye	George Van Nest	Aye
Timothy Pazda	Aye	Robert Sackett	Aye

MOTION CARRIED.

ACTION:

Motion by Timothy Pazda, seconded by Richard Bigler, pursuant to Article 8 of the Environmental Conservation Law, to **recommend** that the Town Board seek Lead Agency status and commence a coordinated review among involved agencies on the proposed Wehrle Dome Apartments Project. This Type I Action involves the development of a mixed use project consisting of commercial and multiple family housing elements.

ON THE QUESTION:

Mr. Callahan noted that under the Town Environmental Quality Review Law this is considered a Type I Action due to the number of units.

Steve Dale Aye
Richard Bigler Aye
Timothy Pazda Aye

Gregory Todaro Aye
George Van Nest Aye
Robert Sackett Aye

MOTION CARRIED.

Meeting adjourned at 8:28 p.m.

Carolyn Delgato
Senior Clerk Typist