

Town of Clarence
One Town Place, Clarence, NY 14031
Planning Board Minutes
Wednesday May 15, 2013

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

Dominic Piestrak/Spaulding Green LLC
Residential Single Family

Requests Development Plan Approval for Phase 2
of the Villas consisting of 48 units in 12
structures.

Item 2

Gallagher Printing
Commercial

Requests a Building Permit and Architectural
Approval for a proposed addition at 9195 Main
Street.

Item 3

Sean Hopkins
Traditional Neighborhood District

Requests a Demolition Permit for a structure built
prior to 1950 at 8785 Main Street.

Chairman Robert Sackett called the meeting to order at 7:30 p.m.

Director of Community Development James Callahan led the pledge to the flag.

Planning Board Members present:

Chairman Robert Sackett
2nd Vice-Chairman Paul Shear
George Van Nest
Gregory Todaro

Vice-Chairperson Wendy Salvati
Timothy Pazda
Richard Bigler
Steven Dale

Planning Board Members absent: none

Town Officials Present:

Director of Community Development James Callahan
Junior Planner Michael Hutchinson
Councilman Peter DiCostanzo
Deputy Town Attorney Steven Bengart

Other Interested Parties Present: Carol Conwall
Frank Wailand

Motion by Wendy Salvati, seconded by Timothy Pazda, to **approve** the minutes of the meeting held on May 1, 2013, as written.

Gregory Todaro	Aye	Richard Bigler	Aye
George Van Nest	Aye	Timothy Pazda	Aye
Paul Shear	Aye	Wendy Salvati	Aye
Robert Sackett	Aye		

MOTION CARRIED.

Chairman Sackett explained that Mr. Callahan will provide information on each agenda item. The petitioner will discuss the project with the Planning Board. The public will be invited to speak. The Board and/or the petitioner will address the questions/comments from the public. The Planning Board will then take an action.

Item 1

Dominic Piestrak/Spaulding Green LLC
Residential Single Family

Requests Development Plan Approval for Phase 2 of the Villas consisting of 48 units in 12 structures.

DISCUSSION:

Jim Callahan provided information on the project noting that it is located on the east side of Goodrich Road and south of Bent Grass Run within the Spaulding Green Open Space Design Development. Phase 2 of the Villas was conceptually approved with the overall Concept for Spaulding Green. The Town Engineer has forwarded an approval on the submitted plans with conditions.

Dominic Piestrak, developer, is present. He said there have been no changes to the plan since the Concept Plan except for the two buildings at the south end which have been tilted, they were square.

ACTION:

Motion by George Van Nest, seconded by Richard Bigler, to **approve** the Development Plans for Phase 2 of the Villas at Spaulding Greens as per the submitted preliminary plat as prepared by Greenman Pedersen Inc. (GPI) and subject to the all the conditions of the original Concept Approval for the Development and per the conditions of the town Engineer as outlined in a letter dated April 29, 2013.

Gregory Todaro	Aye	Richard Bigler	Aye
George Van Nest	Aye	Timothy Pazda	Aye
Paul Shear	Aye	Wendy Salvati	Aye
Robert Sackett	Aye		

MOTION CARRIED.

Item 2

Gallagher Printing
Commercial

Requests a Building Permit and Architectural Approval for a proposed addition at 9195 Main Street.

DISCUSSION:

Jim Callahan provided the background on the project noting that it is located on the south side of Main Street, west of Thompson Road. It is an existing shop located in the Commercial Zoning District. Per the Zoning Law the Planning Board has final review authority on architectural approval for additions within the Commercial Zone.

Frank Wailand of F. J. Wailand Associates is representing Gallagher Printing. Mr. Wailand noted the landscaping that was added to the plan. The plan also now includes the required handicap parking spot and the required 25' setback.

Chairman Sackett said the landscaping issue had to do with the frontage and extending to the extent possible to the east in front of Walgreens. Mr. Wailand said according to the survey that area is in the right of way, the property is paved to the edge of the property line. Chairman Sackett asked if the applicant could accommodate a request if the Landscape Committee asked for landscaping along the front of the building to the extent that it does not inhibit parking. Mr. Wailand said he would have to stay out of the right of way but could consider a landscaped island or triangle that would not interfere with the parking.

Mr. Shear noted that a correction needs to be made to question number 6 on the Short Environmental Assessment Form to reflect the new width of the building and the 25' setback. It is clarified that the garage door on the existing garage will be removed and put on the south side of the building. There will be no access between the garage and the proposed addition.

Mrs. Salvati said the applicant may need a few more parking spaces. The possibilities are to either put parking spaces parallel to the new building or put some overflow parking behind the building. Mr. Wailand said if more parking is needed, it can be accomplished because the lot is deep. The existing parking seems to be adequate; the applicant is anticipating adding one more employee. There is nothing in the back of the property that would prevent parking from going there.

Mr. Pazda said the original plan was for a larger addition, he asked if this smaller building is sufficient for the applicant. Mr. Wailand said rather than going through the process of obtaining a variance for a larger structure, the applicant decided to make this smaller size work.

Mr. Pazda voiced his concern with the possibility of future access and wondered if cross access could be achieved with the lot to the west of the applicant's property. Mr. Wailand showed a survey to the Planning Board members and noted that to the west of the applicant's property is a stucco structure with the front corner 21.28' from the property line, it sits back 43' from the right of way and the rear portion of the building is 15.46' from the property line. All the paving is in front of the building, the back is all green space. Mr. Van Nest said the idea of cross access should not be tied down now; the applicant may lose a parking space or two if cross access is required. Chairman Sackett said there is no structure in there, cross access can be discussed with future development on that lot. Mr. Pazda asked if the applicant would consider cross access if it appeared to be a good idea in the future. Mr. Shear said it would be at the expense of at least one parking space. Mr. Pazda said he is asking if it

would work by the edge of pavement indicated on the plan. Mr. Wailand said the adjacent building is 15' from the property line and positioned so that the back of the building is about mid-point to the proposed addition.

Mr. Dale said it appears the existing parking is orthogonal; some go directly towards the existing building, there's a blank square and then there are some that are perpendicular. Mr. Wailand said the plan displayed shows the new striping plan and is more efficient, it will also allow for the landscaped area discussed earlier.

Mr. Gallagher said he would like to see cross access between his property and Walgreens so that people can use the traffic signal. Mr. Pazda asked if Mr. Gallagher is in favor of going to the edge of his property line with a driveway, Mr. Gallagher said yes. Chairman Sackett said the proposed design takes the option of an access drive away because of the utility box that is there.

ACTION:

Motion by Paul Shear, seconded by Gregory Todaro, pursuant to Article 8 of the Environmental Conservation Law, to **issue** a Negative Declaration on the proposed Gallagher Printing Addition located at 9195 Main Street. This Unlisted Action involves the construction of a 3,053 +/- square foot addition to an existing printing shop. After thorough review of the submitted site plan and SEAF, it is determined that the proposed action will not have a significant negative impact upon the environment.

Gregory Todaro	Aye	Richard Bigler	Aye
George Van Nest	Aye	Timothy Pazda	Aye
Paul Shear	Aye	Wendy Salvati	Aye
Robert Sackett	Aye		

MOTION CARRIED.

ACTION:

Motion by Timothy Pazda, seconded by Wendy Salvati, to **approve** the Building Permit and Architectural Design of the proposed addition to Gallagher Printing located at 9195 Main Street as per the submitted design from F.J. Wailand Associates dated May 14, 2013, subject to the following conditions:

1. Subject to review and approval by the Town Building and Engineering Department for required Permits.
2. Subject to open Space and Recreation fees.
3. Subject to Landscape Committee approval on project landscaping prior to Certificate of Occupancy.
4. Cross access between properties, east and west, to be investigated and drawn into proposal as appropriate. *This condition is subsequently rescinded.*

ON THE QUESTION:

Mr. Van Nest said condition number 4 does not seem feasible at this point in time. Mr. Pazda said the applicant noted he would like to look at cross access. Mr. Van Nest said the applicant has already reached out to the adjoining property owner but did not get a response, since there has been no response he sees no point to insert it in the list of conditions. Mr. Pazda said if it were drawn into the plan as a proposal would it hurt anything? He is not saying it's going to happen. Mr. Van Nest said that it needs to be recognized that "as appropriate" means if looked at, and it's not appropriate, let's move on. He is not opposed to the idea of cross access but in terms of technicality of what the applicant can do at this time he thinks it is open to questioning.

Mr. Shear said it will be difficult to draw it into the proposal because it will affect parking on both the east and the west, it is going to affect landscaping, he does not see how it can be added into the proposal that is being put forward. He does not think it should be in the plan.

Mr. Pazda **rescinds** condition number 4; Mrs. Salvati agreed to rescind condition number 4, as well.

Gregory Todaro	Aye	Richard Bigler	Aye
George Van Nest	Aye	Timothy Pazda	Aye
Paul Shear	Aye	Wendy Salvati	Aye
Robert Sackett	Aye		

MOTION CARRIED.

Item 3

Sean Hopkins
Traditional Neighborhood District

Requests a Demolition Permit for a structure built prior to 1950 at 8785 Main Street.

DISCUSSION:

Jim Callahan provided the background on the project noting that it is located on the south side of Main Street, west of Roxbury Drive. It is existing residential property located in the Harris Hill Traditional Neighborhood District. Per the Town Environmental Quality Review (TEQR) Law, this proposed Action is identified as a Type I Action under the State Environmental Quality Review Act (SEQRA).

Chairman Sackett said the applicant was before the Planning Board Executive Committee this past Monday. The applicant e-mailed the Planning and Zoning office to advise he could not attend the meeting this evening. The action before the Board tonight is to send this proposal out for coordinated review. The proposal would go to all involved agencies, including the Town's Historic Preservation Commission. Chairman Sackett clarified that the action before the Board tonight is not to approve the proposal but to begin the 30 day comment period for involved agencies. This also gives the applicant time to address potential future development plans.

Carol Conwall, member of the Historic Preservation Commission, said for the record the Commission is in favor of the preservation of 8785 Main Street. She also noted, for the record, that 8785 Main Street was listed on the April 8, 2013 Historic Preservation Commission minutes as item number 3 under Old Business. Chairman Sackett asked if the Preservation Commission discussed any costs involved in preserving the building. Ms. Conwall said no. Chairman Sackett asked if Ms. Conwall could provide details on why the Commission thinks this building should be preserved. Ms. Conwall

said the house was built in the 1800's. The brick was manufactured by the Eshelman's in Clarence Center; there are not many structures like this. She suggested contacting Linda Mosher if the Board would like further information. Chairman Sackett suggested that during the coordinated review the Preservation Commission submits, in writing, the information that compels them to request that this building be preserved.

Mrs. Salvati asked if the Commission is looking to seek landmark status for this structure. Ms. Cornwall said that is something the owner of the structure has to submit, not the Commission. She said in a Clinton Brown survey this building was designated as a significant structure, which is of importance at the highest level of value.

Fred Cohen, lives behind the property in question, at 4350 Fairfield Road. He asked, if the structure was demolished, are there requests as to how the property would be re-developed as something that might utilize the back portion of the property. Chairman Sackett said no, the Board has asked for that information and are currently waiting for a reply. Mr. Cohen said there is the potential that the property could be rezoned for something commercial and that someone could utilize the depth of that property which would come close to his property. Chairman Sackett said there is no request for rezoning at this time; those requests are reviewed every February. Mr. Cohen asked about the likelihood of encroachment to his yard. Chairman Sackett said the Town has rear and side yard setbacks between properties and depending on the plans those setbacks can be addressed at that time.

ACTION:

Motion by Gregory Todaro, seconded by Wendy Salvati, to seek Lead Agency status and commence a coordinated review of involved agencies on the proposed demolition of the existing home at 8785 Main Street. This Type I Action involves the demolition of a home built prior to 1950.

ON THE QUESTION:

Chairman Sackett said by entering this motion the Board is accepting the Part I as submitted.

Gregory Todaro	Aye	Richard Bigler	Aye
George Van Nest	Aye	Timothy Pazda	Aye
Paul Shear	Aye	Wendy Salvati	Aye
Robert Sackett	Aye		

MOTION CARRIED.

Meeting adjourned at 8:08 p.m.

Carolyn Delgato
Senior Clerk Typist