

Town of Clarence
Planning Board Minutes
Wednesday June 20, 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

AVR Builders/Hollows at Loch Lea
Planned Unit Residential Development (PURD)

Requests Development Plan Approval of a 20-lot
Patio Home project at the corner of Harris Hill
Road and Roll Road.

Item 2

Rocco DelGrosso
Major Arterial

Requests Approval of a Building Permit and
Architectural Style for a Proposed Addition at
6221 Transit Road.

Item 3

Rick Switala
Traditional Neighborhood District

Requests Approval of a Building Permit and
Architectural Style for a proposed addition at
9160 Clarence Center Road.

Item 4

Larry Engasser
Traditional Neighborhood District

Requests an Amendment to a previously approved
Open Development Area and a Recommendation
for a Variance to the Subdivision Law to allow for
a reduced lot size and building size requirements
at 8346 County Road.

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

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

Planning Board Members present:

Vice-Chairman Robert Sackett
Timothy Pazda
Richard Bigler
Gregory Todaro

2nd Vice-Chairperson Wendy Salvati
George Van Nest
Paul Shear

Planning Board Members absent: Chairman Al Schultz

Town Officials Present:

Director of Community Development James Callahan
 Planner Brad Packard
 Councilman Peter DiCostanzo (arrived at 7:40pm)
 Deputy Town Attorney Steven Bengart

Other Interested Parties Present:

Elizabeth Hansen Susan Aronica

In the absence of Chairman Al Schultz, Vice-Chairman Robert Sackett will chair the meeting and alternate Planning Board member Gregory Todaro will be participating in all discussions and voting on all agenda items this evening.

Motion by Paul Shear, seconded by George Van Nest, to **approve** the minutes of the meeting held on May 30, 2012, as written.

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

MOTION CARRIED.

Motion by Paul Shear, seconded by Gregory Todaro, to **approve** the minutes of the meeting held on June 6, 2012 with the following correction: the spelling of the last word in the minutes shall be corrected to read "trail" as opposed to "trial".

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

MOTION CARRIED.

Vice-Chairman Sackett explained that each agenda item will be introduced by Jim Callahan. The applicant will have the opportunity to add any information on the project. The Planning Board and applicant will discuss the project. The audience will be invited to voice any questions or concerns they may have regarding the project. The applicant will have the opportunity to address those concerns. The Planning Board will then take appropriate action. With each project introduction it will be explained whether the approval authority lies with the Planning Board or the Town Board.

Item 1

AVR Builders/Hollows at Loch Lea
Planned Unit Residential Development (PURD)

Requests Development Plan Approval of a 20-lot
Patio Home project at the corner of Harris Hill
Road and Roll Road.

DISCUSSION:

Jim Callahan provided the background on the project noting that it is located on the south west corner of Roll Road and Harris Hill Road. It is existing vacant land located in the Loch Lea Planned Unit Residential Development (PURD). The applicant has received an amendment to the PURD to allow for 20 patio homes to be built on that property. A Negative Declaration under the State Environmental Quality Review Act (SEQRA) was issued by the Town Board on September 14, 2011. Per the Subdivision Law the Planning Board has final approval authority over Development Plan. The applicant is present seeking final Development Plan approval on the project as designed.

ACTION:

Motion by Wendy Salvati, seconded by Gregory Todaro, to **table** Agenda Item #1 until the engineer for the project is present.

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

MOTION CARRIED.

Item 4

Larry Engasser
Traditional Neighborhood District

Requests an Amendment to a previously approved
Open Development Area and a Recommendation
for a Variance to the Subdivision Law to allow for
a reduced lot size and building size requirements
at 8346 County Road.

DISCUSSION:

Jim Callahan provided the background on the project noting that the property is located on the north side of County Road, east of Stahley Road. It is a previously approved 1-lot Open Development Area, the applicant is present seeking an amendment to the previously approved 1-lot Open Development Area. The amendment includes a reduction in required lot size and building size. Per the Subdivision Law, reduced lot and building size will require a variance to the Subdivision Law. Such variance will require a Super Majority Approval of the Town Board after a Planning Board recommendation.

Larry Engasser, of 8334 County Road, is present. Mr. Engasser's son, Chris Ignatowski, is present as well.

Mrs. Salvati said she has no problem with reducing the parcel from 2 acres to 1.82 acres; she likes the fact that the two (2) lots are being kept out along the road and consistent in size. She asked that the

applicant extend the enhanced landscaping along the property line at the rear of the parcel, eastern most. The applicant has already planted six (6) pine trees there.

ACTION:

Motion by George Van Nest, seconded by Gregory Todaro, to **approve** the proposed amendment to the previously approved Open Development Area located at 8346 County Road and **recommend** to the Town Board the variances to allow for reduced lot size and building size as identified.

ON THE QUESTION:

All other conditions as established with the original approval dated May 2, 2012 must be met. These conditions include:

1. To accept the existing private drive as acceptable access to the new lot.
2. Subject to review and approval of the Erie County Sewer District #5 (ECSD#5) for connection to the ECSD #5 sanitary sewer system.
3. Subject to review and approval of the Erie County Water Authority (ECWA) for connection to the ECWA potable water supply system.
4. Subject to open space and recreation fees on the future building permit.
5. Subject to a homeowner’s agreement, reviewed and approved by the Town Attorney’s Office, regarding access and maintenance of the driveway.
6. Subject to review and approval by the Landscape Committee of the final landscape plan.

The applicant agrees with and understands all the conditions.

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

MOTION CARRIED.

Item 2

Rocco DelGrosso
Major Arterial

Requests Approval of a Building Permit and Architectural Style for a Proposed Addition at 6221 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 Woodbridge Lane. The applicant is proposing an addition to the existing structure. Per the Zoning Law, the Planning Board has final approval authority for additions in this zoning classification.

Rocco DelGrosso is present. He explained that he previously submitted a plan that was larger and more confining than the one currently being reviewed. He decided to stream-line the addition, making it smaller. The driveway will not be changed in any way, nor will the parking. The architectural style of the addition will match the existing building.

Elizabeth Hanson and Susan Aronica are the co-owners of the property just north of the project site. Ms. Hanson noted a concern regarding the patch of greenspace between the properties. If the building is expanded toward her property she does not want damage to the green space nor the trees that are there. However, she thinks this will no longer be a concern because the driveway and parking are not changing. The other concern is that her business not be impeded by anyone from Mr. DelGrosso's property blocking her driveway; they encountered some problems with previous construction.

Mr. DelGrosso will make every effort not to block anyone's driveway. Mrs. Salvati said Mr. DelGrosso's driveway and his neighbor's driveway are almost one. Mr. DelGrosso said no they are not; the only thing that happens is that people drive into his lot because it's easy and then drive across his greenspace into the neighbor's parking lot. He will advise the work crew not to block the driveway; he does not want to hurt anyone's business.

ACTION:

Motion by Timothy Pazda, seconded by Richard Bigler, to **approve** the site plan amendment and architectural style of the proposed addition to the existing commercial building located at 6221 Transit Road as submitted by Krislyn Co., LLC and dated June 6, 2012 with the following conditions:

1. Subject to Town Engineer review and approval of PIP permits on the infrastructure development.
2. Subject to Building Department review and approval of building development plans.
3. Subject to Landscape Committee review and approval of a final landscape plan.
4. Subject to open space and recreation fees.

ON THE QUESTION:

Mrs. Salvati noted that the applicant agreed to do everything he can to prohibit construction vehicles from inhibiting ingress and egress to the neighbor's driveway.

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

MOTION CARRIED.

Item 1

AVR Builders/Hollows at Loch Lea
Planned Unit Residential Development (PURD)

Requests Development Plan Approval of a 20-lot
Patio Home project at the corner of Harris Hill
Road and Roll Road.

DISCUSSION:

Leanne Voit, of Greenman Pedersen is present along with Al Randaccio. Ms. Voit explained that the plan in terms of the layout of the road and the buildings has stayed the same as when it was initially proposed. There will be no changes to the berm; however there is one small section where they will have to put in a retaining wall to protect the home, but this will not affect the neighbors, they will not even see it. The detention basins along the Roll Road and Harris Hill frontage have been adjusted based on the NYS Stormwater Regulations. They are proposing two (2) landscaped basins; they will present a landscape plan with the submittal. The areas are fully landscaped; the corner is a sand filter and will not be landscaped so as not to impede views for vehicle operators. The applicant has approval from all the County Departments and from the Town Engineer. This project will have a separate Home Owners Association Agreement from the rest of the development. Mr. Shear asked for further clarification on the location of the retaining wall. Ms. Voit provided that information indicating that it is north of the berm. There is no connectivity to the patio homes that are on the south and the west.

Florence Walentynowicz, of 66 Sutherland Court, said the existing streets are too narrow and the Town refuses to do anything for her neighborhood as far as garbage collection and snow plowing. They are charged 100% assessment; she does not believe this is fair to all the residents of the association. She hopes the same thing won't happen to the 20 homes that are going to be built. Ms. Walentynowicz said two (2) homes were allowed to be built on one (1) lot at 8471 Chadway Court, 8469 was built right in front of it. Why was this allowed? She gets nothing; in addition she (and her neighbors) have to pay for their own roads. She was promised condo status and does not have it.

Bill Riordan, of 65 Sutherland Court, has met with the builder and the engineering company and found both to be fully cooperative. It is important for the berms to stay intact. If they cannot get condo status there should be some adjustment to the taxes that they pay. Vice-Chairman Sackett advised Mr. Riordan that condo status is addressed by the Attorney General's Office, not the Planning Board nor the Town Board. He noted that this meeting is to discuss the project that is currently before the Board, not the previous project; however, it may help to learn from the mistakes that have been made with that previous development.

The streets in the proposed new development are built to Town standards and have been approved by the Town Engineer. The street will remain private and will be maintained by the Home Owners Association.

Mr. Todaro asked if there will be a pump for the sand filter and if so is there a back-up pump proposed. Ms. Voit explained that the sand filter infiltrates through the ground, there are sediment chambers proposed. There isn't a pumping mechanism in this device. Vice-Chairman Sackett pointed out that the sand filter system will need the Town Engineer's approval. This development can only receive condo status through the Attorney General's Office.

ACTION:

Motion by George Van Nest, seconded by Paul Shear, to **approve** the Development Plans, as submitted by GPI and dated January 12, 2012, on the proposed Hollows at Loch Lea East Subdivision, with the following conditions:

1. Subject to Town Engineer review and approval of PIP permits on the infrastructure development.
2. Subject to review and approval of the Home Owners Agreement by the Town Attorney’s Office.
3. Subject to filing the Home Owners Agreement with the Erie County Clerk’s Office and providing a filed stamped copy to the Town Attorney’s Office.
4. Subject to Erie County DPW permitting on the proposed curb cuts.
5. Subject to Erie County Sewer District #5 and Erie County Health Department approvals on extensions/connections to the existing ECSD #5 sewer system.
6. Subject to Erie County Water Authority and Erie County Health Department approvals for waterline extensions.
7. Subject to Landscape Committee review and approval of a final landscape plan, including maintaining/enhancing the existing berms to buffer adjoining land uses and new landscaping along the road frontages of Harris Hill Road and Roll Road.
8. Subject to open space and recreation fees.

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

MOTION CARRIED.

Item 3

Rick Switala
Traditional Neighborhood District

Requests Approval of a Building Permit and Architectural Style for a proposed addition at 9160 Clarence Center Road.

DISCUSSION:

Jim Callahan provided the history on the project noting that it is located on the north side of Clarence Center Road, west of Thompson Road. It is an existing commercial building located in the Commercial Zone. Per the Zoning Law, the Planning Board has final approval authority for additions in this commercial zone.

Dave Sutton, of Sutton Architecture, is representing Switala Construction. Rick Switala is present; he is the owner of the building and will be the occupant. Mr. Sutton explained the proposed addition is 6,000 square feet in size and will be added to the front of the building. The addition shall consist of a 4,200 square foot warehouse and the remaining 1,800 square feet will be a combination of small showrooms and office space. The front of the building shall be lower level, this is the office part, and it will be architectural block 60' wide and going back about 30'. Beyond this will be a warehouse type construction with the height of about 17', the peak of this building will go just above the existing warehouse facility. They are not going beyond the two (2) adjacent properties; it will be approximately 10' shy of the two (2) adjacent properties on either side. He is aware that the property at 9170 Clarence Center Road is currently used as a residence and that a 45' landscaped buffer is required. The addition has been shifted to the left to respect the 45' buffer. The paved area is not going to be changed that much. There is an existing parking area to the left of the proposed addition that will remain as well as a paved yard area that is in the back. The proposal is for the introduction of one (1) exit only onto Clarence Center Road, this is a 15' wide driveway. The applicant is currently in the process of confirming this road cut with Erie County. Mr. Sutton said they are proposing a 3' high berm with landscaping for a visual buffer. He will submit a formal landscape plan and is aware that it is subject to review and approval of the Landscape Committee. The outdoor area is not intended to be used for any storage. The warehouse is designed accordingly to have all the product stored inside. The outdoor area will be used for the vehicles for the business and very temporary storage for bundling a product. There are eight (8) parking space proposed on one side and five (5) on the other side. Employees would park in the side with the eight (8) parking spaces. Customers would park on the other side. There will be additional parking for employees behind the chain link fence in the yard. Construction vehicles are loaded while in the warehouse and taken to the job site daily. Mr. Sutton understands that the Board may request some type of screening on or near the fence; he will do what the Board suggests.

Rick Switala explained that his employees will start at 7:30am and get the vehicles ready for the day's work. The work vehicles are gone from the site by 9am and they do not return until the job is done or late at night. During the day there will be minimal activity in the office space and showroom.

The garage door on the back of the proposed building will be removed from the plan as there will be no door there.

Mrs. Salvati asked for details on the lighting for the proposed building. There will be wall packs above each of the overhead doors to the parking lot side. Mr. Sutton said he can submit a lighting standard plan for review and approval by the Board.

Mr. Switala said product waste comes in at night with the work vehicles and they are bundled. He has two (2) different types of balers that bundle the waste and then it is hauled away. There will be no dumpsters. There are dump trailers that are taken to the dump everyday or every other day.

Mr. Bigler asked if there will be early morning diesel truck deliveries. Mr. Switala said no, deliveries will take place between 8am and 1pm. He will not disturb the neighborhood. He currently has a 500 gallon above ground fuel tank. Mr. Switala would like to continue with having the fuel tank on site, but he will check with the Fire Inspector and the Building Department. The applicant realizes he will have to adhere to all the NYS Codes regarding safety standards and location. Vice-Chairman Sackett suggested screening for the gate since the fuel tank will be behind the fence.

Mr. Sutton thinks a lighting standard should be above the door on the eastern side of the building for security reasons. It would be a downward facing luminaire with the reflector, so there will be no glare nor any overspill. Mr. Pazda suggested the applicant use the smallest wall pack possible he suggested using a 75 watt bulb.

ACTION:

Motion by Paul Shear, seconded by Wendy Salvati, to **accept** the Short Environmental Assessment Form (EAF) as prepared.

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

MOTION CARRIED.

ACTION:

Motion by Paul Shear, seconded by George Van Nest, pursuant to Article 8 of the Environmental Conservation Law, to **issue** a Negative Declaration on the proposed Switala Commercial Building addition located at 9160 Clarence Center Road. This Unlisted Action involves the construction of a 6000 +/- square foot addition to an existing commercial structure in the Commercial Zone. After thorough review of the submitted site plan and EAF, it is determined that the proposed action is consistent with Master Plan 2015 and will not have a significant negative impact upon the environment.

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

MOTION CARRIED.

ACTION:

Motion by Paul Shear, seconded by Gregory Todaro, to **approve** the site plan amendment and architectural style of the proposed addition to the existing commercial building located at 9160 Clarence Center Road as submitted by Sutton Architecture and dated June 13, 2012, with the following conditions:

- a. Subject to Town Engineer review and approval of PIP permits on the infrastructure development, including a determination of available sewer capacity for the addition.
- b. Subject to Building Department review and approval of Building Development Plans.
- c. Subject to Landscape Committee review and approval of the final Landscape Plan, with particular attention to the residential property to the east.

- d. Subject to open space and recreation fees.

ON THE QUESTION:

Vice-Chairman Sackett said the fence needs to be screened. Mrs. Salvati suggested this be made a condition of the approval. Mr. Shear said in the interest of security he is not sure that screening the fence is the thing to do. Mr. Sutton said it was not the intent to screen the fence but he will do what the Board requests. Mr. Van Nest suggested screening everything but the actual gate of the fence. Mr. Shear agreed to amend the motion to include the following:

- e. The fencing will be screened except for the actual gate.

Mr. Todaro agreed to amend his second to the motion to include the above condition.

It is noted that Sutton Architecture has submitted a more recent plan which is dated June 20, 2012, thus the motion should reflect this date. Mr. Shear agreed to amend his motion to change the site plan date to June 20, 2012. Mr. Todaro agreed to amend his second to the motion.

Mrs. Salvati suggested adding the following condition:

- f. Any wall packs are to be properly shielded.

Mr. Shear agreed to amend his motion to include the above condition. Mr. Todaro agreed to amend his second to the motion to include the above condition.

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

MOTION CARRIED.

Meeting adjourned at 8:29 p.m.

Carolyn Delgato
Senior Clerk Typist