

Town of Clarence
One Town Place, Clarence, NY 14031
Planning Board Minutes
Wednesday August 20, 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

Montabaur Heights/Brothers of Mercy
Restricted Business

Requests Development Plan Approval for a
proposed Multiple Family Housing Development
at 10470 Bergtold Road.

Item 2

Wehrle Dome Apartments
Commercial

Requests an Action under the State
Environmental Quality Review Act (SEQRA) on
a proposed Multiple Family Residential Project at
8230 Wehrle Drive.

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

Steve Jagord led the pledge to the flag.

Planning Board Members present:

Chairman Robert Sackett
2nd Vice-Chairperson Wendy Salvati
Richard Bigler

Vice-Chairman Paul Shear
Timothy Pazda
Gregory Todaro

Planning Board Members absent: Steve Dale

Town Officials Present:

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

Motion by Gregory Todaro, seconded by Timothy Pazda, to **approve** the minutes of the meeting held on August 6 2014, as written.

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

MOTION CARRIED.

Chairman Sackett explained that Mr. Callahan of the Planning Office will introduce each project at which time the applicant will have a chance to add any comments. The Planning Board members will have the opportunity to ask questions of the applicant. Members of the audience will be invited to participate in the discussion. The applicant or the Board will answer any questions the public may have. The Board will then take appropriate action.

Item 1

Montabaur Heights/Brothers of Mercy
Restricted Business

Requests Development Plan Approval for a
proposed Multiple Family Housing Development
at 10470 Bergtold Road.

DISCUSSION:

Jim Callahan provided the background on the project noting that it is located on the Campus of the Brothers of Mercy at the northwest corner of Ransom Road and Bergtold Road. It is an existing campus with senior housing, skilled nursing and a rehab center which is located in a Restricted Business Zoning classification. The applicant is proposing to construct a senior housing project under the Multi-Family Housing Local Law and a Special Exception Use Permit. The project received a Negative Declaration under the State Environmental Quality Review Act (SEQRA) on November 27, 2013. A variance was granted by the Zoning Board of Appeals on December 10, 2013 to allow a three story design. A Special Exception Use Permit was issued by the Town Board on February 12, 2014 to approve this project design. The applicant is present seeking final Development Plan approval on the project, which was conceptually approved. The Planning Board has final review authority for Development Plans on previously approved Special Exception Use Permits. Officially, the address will be 4530 Ransom Road.

Michael Metzger, of Metzger Civil Engineering, is present along with David Huck and Caleb Huck of Regent Development. Mr. Metzger noted that, after numerous meetings were had, the Development Plan was submitted and has been under review since June 20, 2014. The Town wanted to make sure there was adequate capacity in the existing sewage treatment plant at the Brothers of Mercy to accommodate this project. The Town and the applicant spent a lot of time with the DEC working on this issue in which an approval was ultimately secured from the DEC to allow the added flows to the sewage treatment plant. This resulted in the Town Engineer approving the plans from a technical standpoint on August 13, 2014.

Mr. Shear noted that the recreational trail has been added to the west of the project. Mr. Metzger said that is on the approved Concept Plan and they are working to amend the development plan to show it on there as well. He confirmed that the recreational trail will be included in the Development Plans.

Chairman Sackett asked if the applicant would be in agreement that the walking path be part of the Landscape Review process. Mr. Metzger agreed. A natural trail is planned and part of it would be within the wetlands; it would be a wood chip trail.

Mr. Todaro asked if the sewer treatment plant would have to go through further expansion if more development was proposed for this site. Mr. Metzger explained that this project, at full build-out, will still be within the limits of the capacity that is allocated in the SPDES permit that is issued by the DEC. He went on to say that it has reached a point where it has triggered the need to start planning for a future upgrade should there be further expansion.

Mrs. Salvati noted that there are future phases depicted with dotted lines on the plan dated June 2014 in which the applicant will have to come back to the Board for approval as those are not being discussed at this meeting. Mr. Metzger said that is correct, they are not expecting approval for those phases at this meeting. It is clarified that there is not enough sewer capacity to service the future expansion. That expansion would have to come with a sewer upgrade as well. The future expansion could be more independent living apartments, there is another component to it which is assisted living.

Howard Pope, of Westerwald Lane, asked if the maps are available for the public to look at. Chairman Sackett said the plans are available in the Planning Office.

ACTION:

Motion by Timothy Pazda, seconded by Richard Bigler, to **approve** the Development Plans as submitted by Metzger Civil Engineering dated August 12, 2014 with the following conditions:

1. Landscape Committee review and approval of the final Landscape Plan on the project.
2. Open Space and Recreation Fees.
3. PIP Permits as issued by the Town Engineer with all necessary and appropriate conditions as established by the Town Engineer.

ON THE QUESTION:

Mrs. Salvati noted that there is a proposed future expansion of this project that is not being approved at this meeting. When the Landscape Committee does the review and approval of the final Landscape Plan the proposed walking path/recreational trail should be part of that review.

The applicant agreed to the conditions.

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

MOTION CARRIED.

Item 2

Wehrle Dome Apartments
Commercial

Requests an Action under the State Environmental Quality Review Act (SEQRA) on a proposed Multiple Family Residential Project at 8230 Wehrle Drive.

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 commercial property, a commercial use located in the Commercial Zone. The applicant is proposing a mixed use development including a multi-family housing component. Prior to taking formal action on the applications, an action under the State Environmental Quality Review Act (SEQRA) will be required. The Planning Board will be a recommending body on this project.

Michael Metzger, of Metzger Civil Engineering, is present along with David Huck and Caleb Huck of Regent Development. Mr. Metzger noted that they have been working on this project for a couple of years, they worked with the Town and waited while the Multi-Family component of the law was reviewed and amended. They made changes to the plan to accommodate the code changes. The code changed once again by recent action of the Town Board which has necessitated the need for the applicant to request a variance for density from the Zoning Board of Appeals. The variance request would be the next formal action after SEQRA.

Mr. Pazda asked how the applicant is handling trash disposal on the site. Mr. Huck said rather than having dumpsters with enclosures, they are building rooms into the garage units. One of the units of the garages will have barrels in it. That unit will be fully enclosed; the trash will not be seen.

Mr. Shear said what the Board is looking at is 124 units, full build-out, which may or may not ultimately be what is presented to us. Mr. Metzger agreed. Without the variance the density is reduced to 93 units.

Mrs. Salvati noted that the commercial component was analyzed under the SEQRA review.

Chairman Sackett voiced the Board's concern with traffic and said it is his understanding that the applicant has agreed to do a post development traffic analysis. Mr. Metzger said yes, it was a suggestion by Mike Asklar, the County's Traffic Engineer. That study would be done at the applicant's expense. If there are any mitigations as a result of the study, Chairman Sackett asked if those will also be done at the applicant's expense. Mr. Huck said he does not know how this works, it could be 3-5 years from now. He would be agreeable to making improvements in his site, but for him to go on somebody else's site and make improvements is almost impossible. Chairman Sackett said he is referring to the road and the traffic congestion incurred on the road by virtue of the occupancy of the site. Mrs. Salvati said this means potential mitigations that may have to be made within the right-of-way like adding a turn lane, adjacent to Mr. Huck's site. Mr. Huck said that is fine.

Chuck Gullo, of 4048 Foxwood Lane, asked if he would have access to the traffic analysis. Chairman Sackett said the report is in the Planning Office. The layout of the site is not being determined yet, that would be at the Concept Plan stage, and that comes after the decision on the density.

Mr. Pazda asked where the road cross accesses in the back corner of the property. The applicant said it ties into the road that goes into the main circle road of Coventry Green. Mr. Huck said he will complete the road all the way through.

ACTION:

Motion by Wendy Salvati, seconded by Paul Shear, pursuant to Article 8 of the Environmental Conservation Law, to **recommend** a Negative Declaration on the proposed Wehrle Dome Apartment project. This Type I Action involves the approval and development of a mixed use project including a maximum of 125 units of multiple family residential housing. After thorough review of the submitted site plan and Environmental Assessment Forms, including coordinated review among involved agencies, it is determined that the proposed action will not have a significant impact upon the environment.

ON THE QUESTION:

A post development traffic analysis, as requested by the Erie County Department of Public Works and to be paid for by the applicant, will be required to determine whether traffic mitigation measures will be necessary after the full build-out and occupancy of the project. The timing of the post development traffic analysis will be at the direction of the Erie County DPW with input from the Town of Clarence.

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

MOTION CARRIED.

Meeting adjourned at 8:00 p.m.

Carolyn Delgato
Senior Clerk Typist