

Town of Clarence
One Town Place, Clarence, NY 14031
Planning Board Minutes
Wednesday August 21, 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

Andre Cook
Residential Single Family

Requests Minor Subdivision Approval to create one new residential lot at 5525 Thompson Road.

Item 2

Groundhog Landscaping
Industrial Business Park

Requests Development Plan Approval for a 4,800+/- square foot building at 9210 County Road.

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

Councilman Peter DiCostanzo led the pledge to the flag.

Planning Board Members present:

Chairman Robert Sackett
Timothy Pazda
Gregory Todaro

Vice-Chairperson Wendy Salvati
Richard Bigler
Steven Dale

Planning Board Members absent: Paul Shear and George Van Nest

Town Officials Present:

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

Other Interested Parties Present:

Justin Bleuer
Rebekah Bleuer
Robert Miller

Tim Bleuer
Darren Doell
Dave Horbinski

Harold Erbacher

Chairman Sackett noted that in the absence of Planning Board members Paul Shear and George Van Nest, alternate Planning Board member Steve Dale will be participating in all discussions and voting on all agenda items this evening.

Motion by Gregory Todaro, seconded by Timothy Pazda, to **approve** the minutes of the meeting held on August 7, 2013, as written with the following correction:

-Page 130, fifth paragraph, change "Mr. Paul" to read "Mr. Shear".

Steve Dale	Aye	Gregory Todaro	Aye
Richard Bigler	Aye	Timothy Pazda	Aye
Wendy Salvati	Abstain	Robert Sackett	Aye

MOTION CARRIED.

Chairman Sackett explained that Mr. Callahan will introduce each agenda item. The applicant will have the opportunity to add any information if he desires. The Planning Board will ask questions of the applicant. Members of the public are given the opportunity to comment on the project. The applicant is asked to address any questions the public may have had. The Planning Board will then take an action.

Item 1

Andre Cook
Residential Single Family

Requests Minor Subdivision Approval to create one new residential lot at 5525 Thompson Road.

DISCUSSION:

Jim Callahan provided the background on the project noting that it is located on the east side of Thompson Road, south of Roll Road. The applicant is proposing a lot split to create an additional building lot. All minimum lot size and setbacks will be with the proposed split. Per the Subdivision Law the Planning Board has final approval authority for Minor Subdivisions.

The applicant is not present.

ACTION:

Motion by Wendy Salvati, seconded Gregory Todaro, to **table** the project and move it to the end of the agenda to provide the applicant time to arrive at the meeting.

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

MOTION CARRIED.

Item 2

Groundhog Landscaping
Industrial Business Park

Requests Development Plan Approval for a
4,800+/- square foot building at 9210 County
Road.

DISCUSSION:

Jim Callahan provided the background on the project noting that it is located on the north side of County Road, east of Heise Road. It is existing vacant land located in the Industrial Business Park zoning classification. The applicant is proposing to construct a 4,800+/- square foot office/warehouse. A Negative Declaration under the State Environmental Quality Review Act (SEQRA) and review and Concept Plan Approval for a larger structure were approved on April 4, 2012. The Planning Board has final Development Plan Approval authority on this project.

Robert Miller, owner of Groundhog Landscaping, is present.

Chairman Sackett asked Mr. Miller if he cuts grass in his business and, if so, where does he store the clippings. Mr. Miller said yes he cuts grass and the clippings will be dumped at CJ Krantz Organic in Amherst. It is clarified that grass clippings will not be dumped on the property at 9210 County Road; Mr. Miller said that is correct.

Chairman Sackett asked if there will be outside storage of any equipment. Mr. Miller said yes, he would store equipment such as a loader and a couple trailers behind the building; the equipment will be fenced in. Mr. Pazda asked if it was the applicant's plan to fence in the property. Mr. Miller said due to natural barriers and what else is down on County Road he doesn't know what he could get away with. There is a lot of leniency on several businesses on County Road, some people are fenced in and some are not. Mr. Miller said yes he could fence in the property, he is not saying no to that. He does not think his property will be an eyesore. He is willing to have discussions with the Landscape Committee in terms of where it is put and where it is needed to be screened. Mr. Miller thinks the Town will like his plan, but he has an open opinion. It is clarified that the back of the building is the north side of the property.

Mrs. Salvati asked if the applicant is proposing any additional development on this site in the future. Mr. Miller said he does not see additional development on the site. Mrs. Salvati said the reason she asked is because the septic system is located so far back on the property. Mr. Miller said he left the septic system there because that is where Mr. Palumbo had originally proposed it.

Mr. Pazda noted that the Planning Board has already addressed full build-out. This plan has diminished in size as compared to the original plan. Mrs. Salvati said this plan has less impact than the original proposal.

Mr. Pazda said even though there is 500' of space between the back of the proposed building and the neighbors, would the applicant consider adding landscaping in the back to provide a buffer in the future should something go in that space. Mr. Miller said yes they could put a berm along the north side of the property. Mr. Pazda would like to see a green fence put in now so that it has time to grow. Mr. Miller said that is fine.

Mr. Todaro said if there is any lighting on the property it would be soffit lighting, dark sky compliant. The lighting should be angled towards the building and shielded so light does not spill upward or on

any neighboring property. Mr. Miller said there may be low voltage lighting on accent trees, a residential kind of an application. There is a parking lot for employees; there will be no lights in the parking lot, only lights on the building.

ACTION:

Motion by Wendy Salvati, seconded by Timothy Pazda, to **approve** the Development Plans for the proposed Industrial Business Park Building as per submitted drawings from DiDonato Associates and dated 8/6/2013 with the following conditions:

1. The installation of pine trees or similar vegetation along the northern property line for visual screening.
2. The use of dark sky compliant lighting fixtures to control lighting spill on the site.
3. Subject to Landscape Committee approval prior to final Certificate of Occupancy.
4. Subject to PIP permits as issued by the Town Engineer.
5. Subject to Building Permits as issued by the Town Building Department.
6. Erie County Department of Public Works approval for access and drainage connections to County Road.
7. Subject to Open Space and Recreation Fees.

ON THE QUESTION:

Mr. Miller asked about the drainage requirement. Mr. Callahan said the Town Engineer has approved the drainage plan; the County still has to do a work permit.

Chairman Sackett explained that dark sky lighting means light cannot spill beyond Mr. Miller’s property.

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

MOTION CARRIED.

Item 1

Andre Cook Residential Single Family	Requests Minor Subdivision Approval to create one new residential lot at 5525 Thompson Road.
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DISCUSSION:

Deputy Town Attorney Steve Bengart said he attempted to contact Mr. Andre Cook via the cell phone number and home phone number he provided to the Town. He left voice messages for both numbers indicating that there are residents at the meeting and Mr. Cook can obtain information after the meeting so he can hear what those residents had to say, the project will be tabled.

Roger Kieffer, of 5554 Old Goodrich Road, said there is currently a house at 5525 Thompson Road; will the proposed house go behind this house? Chairman Sackett said he believes the intention is to put it on the side. Mrs. Salvati said a second lot would be created to put a house next to it.

Mr. Callahan clarified that the applicant currently owns about 8.5 acres; they are proposing to split off about 3 acres on the south side of the property creating a new lot for future residential development, so it wouldn't be behind his house, it would be south of the existing house.

Darren Dole, of 5485 Thompson Road, read the Short Environmental Assessment Form and asked if this will be a septic field or will it tie into the local sewer. Will there be access over Gott Creek? He also asked what the distance would be back from the road. Chairman Sackett said there is no building being proposed, the proposal is for a lot split only.

ACTION:

Motion by Richard Bigler, seconded by Wendy Salvati, to **table** agenda Item 1 until the applicant can be present.

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

MOTION CARRIED.

Meeting adjourned at 7:50 p.m.

Carolyn Delgato
Senior Clerk Typist