

Town of Clarence
One Town Place, Clarence, NY 14031
Planning Board Minutes
Wednesday August 7, 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

Lavocat's Family Greenhouse
Agricultural Rural Residential

Requests Concept Plan Approval for a proposed nursery/greenhouse use at 8441 County Road.

Item 2

John and Flora Leamer
Residential Single Family

Requests a Recommendation under the State Environmental Quality Review Act (SEQRA) and a proposed Concept Plan for Multiple Family Housing at 6150 Goodrich Road.

Item 3

Amherst Congregation of Jehovah's Witnesses
Residential Single Family

Requests Development Plan Approval for a proposed new worship hall at 5595 Shimerville Road.

Item 4

Andreozzi & Bluestein
Commercial

Requests a Building Permit and Architectural Approval for a façade update and addition at 9145 Main Street.

Item 5

Dominic Piestrak/Spaulding Green
Residential Single Family

Requests Development Plan Approval for Phase 6 which consists of 52 lots.

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
Timothy Pazda
Gregory Todaro

2nd Vice-Chairman Paul Shear
Richard Bigler
Steven Dale

Planning Board Members absent: Vice-Chairperson Wendy Salvati and George Van Nest

Town Officials Present:

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

Other Interested Parties Present:

Duane Burkard	Jill Dolan
Kim Barnas	Kim Grant
Jack Grant	Sandra Baker
Edward Fickess	Heather Schmidt
Chris Lavocat	Don Lavocat
Randall Andreozzi	Fred Cimato
Joe Meyers	Ross Harbison
Frank Pellegrino	Anthony Dalfonso

Motion by Gregory Todaro, seconded by Richard Bigler, to **approve** the minutes of the meeting held on July 17, 2013, as written.

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

MOTION CARRIED.

In the absence of Planning Board members Wendy Salvati and George Van Nest, alternate member Steve Dale will be participating in all discussions and voting on all agenda items.

Jim Callahan will provide the background on each agenda item and will designate whether the final approval is under the authority of the Town Board or the Planning Board. The applicant will have the opportunity to offer additional information on the project. The Planning Board members will discuss the project with the applicant. Those in the audience are invited to address the Planning Board with any comments regarding the project. The applicant will be asked to address any of the public comments if appropriate. The Planning Board will then take an action.

Item 1

Lavocat’s Family Greenhouse Agricultural Rural Residential	Requests Concept Plan Approval for a proposed nursery/greenhouse use at 8441 County Road.
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DISCUSSION:

Jim Callahan provided the background on the project noting that it is located on the south side of County Road east of Westminster Drive. It is an existing residential and vacant land located in the Agricultural Rural Residential Zone. The applicant is proposing to develop a nursery/greenhouse use. The Zoning Board of Appeals has ruled that this is a permitted use in this zone. The applicant is present seeking Concept Plan approval on the proposed design. The Planning board will have final review authority on this matter.

Chris Lavocat and Don Lavocat are present.

Mr. Pazda asked for a summary of the changes the Lavocat's have made to the plan. Chris Lavocat said the second access was taken out on the western side of the property. The size of the parking lot has been decreased from 56 spaces to 33. The greenhouse is 50' from the property line, this location avoids the wetlands and provides more buffer to the neighbors.

Mr. Dale asked what the reasoning was for eliminating one access. Chris Lavocat said since they took the project down to under an acre some parking had to be eliminated. With less parking they felt they only needed one access.

Deputy Town Attorney Steve Bengart said there have been extensive negotiations because there is ongoing litigation by some of the neighbors who are represented by Phillips Lytle. The Lavocat's have retained Counsel Sean Hopkins. Deputy Town Attorney Bengart met with both Counsels and they worked on a plan that might help settle the litigation that concerns all parties. The discussions have been ongoing however there is nothing definitive as to how or if it will settle. The Concept Plan before the Board this evening would allow the project to move forward and then before Development Plan there would be additional plans that would be submitted if it is settled.

Chairman Sackett noted that the project still needs Development Plan approval and approval by the Town Engineer.

Lisa Smith and John Zugarek are present. Ms. Smith said one of the issues is that they requested structures and the parking lot be shifted eastward to be more centrally located on the property. There was also discussion about a western fence running along the border of the property. Another neighbor Nancy Moore asked Ms. Smith to suggest there be a privacy fence and/or berm running along the entire eastern border of the property. Ms. Smith wanted to make sure that it is clear for the record that there was a concession by the Lavocat's at the Zoning Board of Appeals that they will sell only what is grown on this particular County Road site at this facility.

Chris Lavocat said they will address the neighbor's concerns at the Development Plan stage. He does not think it is possible to move the parking lot because it would decrease the number of parking spots. They are considering the original proposal of the greenhouse. Chairman Sackett said some of the items will fall under the purview of the landscape plan and will have to be reviewed and approved by the Landscape Committee.

Mr. Pazda wants to make sure the Planning Board is on sound legal footing if they choose to approve or recommend Concept Approval that the three changes that were discussed are not significant and will not affect Development Plan approval. Mr. Callahan said the three changes are details that will definitely show up at Development Plan that can be added at that point.

Deputy Town Attorney Steve Bengart said his recommendation to the Planning Board is that they approve the Concept Plan.

ACTION:

Motion by Paul Shear, seconded by Steve Dale, to **approve** the Concept Plan for a Proposed Nursery/Greenhouse Use at 8441 County Road as depicted in the submitted site plans from Arete Architects dated July 13, 2013 with the following conditions:

1. No outside storage of bulk materials in the required front yard setback areas.
2. No equipment storage in the required front yard setback area.
3. Parking areas and driveways to be paved.
4. No other non-agricultural related businesses, including landscape contracting and sales of items not normally associated with a nursery/greenhouse operation.
5. Required Development Plans to include stormwater management, engineering and building plan details for review and acceptance by the Building and Engineering Departments and the Planning Board.
6. Subject to review and approval by the Erie County Health Department for on-site sanitary facilities.
7. Subject to landscape plan approval by the Landscape Committee prior to final Certificate of Occupancy.
8. The lighting standards for the site are to be dark sky compliant.

ON THE QUESTION:

Review and Concept Approval based upon action by the Zoning Board of Appeals on June 11, 2013 that identifies that the proposed use is a permitted use in the Agriculture Rural Residential Zone and that the applicant has agreed to proceed with site plan review procedures for this permitted use.

Chairman Sackett asked the Lavocat’s if they understand and agree to the stipulations and if they have any questions regarding them. Chris Lavocat said they understand and agree to the conditions; they have no questions.

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

MOTION CARRIED.

Item 2

John and Flora Leamer
Residential Single Family

Requests a Recommendation under the State Environmental Quality Review Act (SEQRA) and a proposed Concept Plan for Multiple Family Housing at 6150 Goodrich Road.

DISCUSSION:

Jim Callahan provided the background on the project noting that it is on the west side of Goodrich Road, south of the Peanut Line. It is existing residential and vacant property located within the Clarence Center Traditional Neighborhood District. The applicant is proposing to subdivide the existing home and develop multiple family housing on the vacant portion of the property. The

applicant is present seeking an action under the State Environmental Quality Review Act (SEQRA) and a recommendation on the Concept Plan. Final action on this project will be a Special Exception Use Permit (SEUP) as issued by the Town Board.

Flora Leamer is present along with Michael Metzger of Metzger Civil Engineers. Mr. Metzger said the progress on this project has been delayed because there were some issues with sanitary sewer capacity in Clarence Center. Those issues have been rectified to the point where there is a solution in place; the applicant understands that this project would become part of the solution. Another issue that delayed the project was that the Town entertained an overlay and ultimately some modifications to the multi-family housing portion of the Town's Code. This issue has been resolved; the Town Board has made some changes to the code. The applicant has made changes to comply with the new requirements of the code. One change is the reduction of two (2) units within the project. Mr. Metzger noted that the project is half of what the allowed density is per the code. Per the new code the maximum number of units has been capped at 16, the current plan complies with this number.

Chairman Sackett noted that there needs to be at least 40% greenspace on the property. He asked if the applicant is agreeable to run a sidewalk parallel to the access road that connects to the sidewalk on Goodrich Road. Chairman Sackett then asked if by installing the sidewalk the applicant is comfortable that the 40% greenspace requirement is met. Mr. Metzger said there is approximately 54% greenspace proposed, if a sidewalk were to be added to the plan they would still be at 53% greenspace. Chairman Sackett strongly recommends a sidewalk be part of the Development Plan.

Mr. Pazda noted that this is a lot split so he is verifying for the record that nothing has to be done for the lot split. Mr. Callahan said it is part of the overall project approval, it will be in the motion and it was provided in the introduction of the project.

Mr. Shear said under the current plan there is a 10' side yard setback from the southern edge of the property, butting up to Long Street. Currently there is heavy vegetation along that southern boundary. Mr. Shear asked if it is possible to move the buildings farther to the north to keep them farther away from the property line. It would provide more of a buffer for the neighbors on Long Street from the side of the proposed building. Mr. Shear understands that the proposed 10' side yard setback meets the code. He knows the applicant has a concern with the location of the common driveway relative to the power lines. Mr. Shear voiced his concern with the location of a dumpster; the indication was that it would probably go at the west end of the common drive. Mr. Shear asked if a metal dumpster situated that close to the power lines is acceptable and if not, where else might the dumpster be located.

Mr. Metzger said they wanted to show the buildings as far to the south as possible. There will be some negotiation with NYSEG at the Development Plan stage. They wanted to show the plan at the minimum setback with the understanding that if they work with NYSEG there might be an opportunity to move everything north, they will take the suggestion under advisement. The applicant will also see what the comfort level of NYSEG is with the metal dumpster located at the end of the common drive. Mr. Metzger said there are other options for placement of the dumpster.

Chairman Sackett noted that the southern boundary of the property where Long Street comes in is absent trees, this area will need enhancement. There are other areas that will need enhancement as well to maintain the visual buffer. In addition to the dumpster the applicant might want to consider some kind of turn-around at the end of the road for emergency vehicles. Mr. Metzger said the proposed configuration makes for a perfect turn-around. The State Fire Code has several options

available for turn-arounds, and although the project is not at that point yet, the applicant will comply with the code.

Mr. Todaro asked if the proposed detention pond is a dry pond. He also asked if there will be more buffering between the pond and the street as this is the Planning Board's preference. Mr. Metzger said the State Stormwater Regulations require the applicant to employ green infrastructure measures into the design of the stormwater management system. There are 13 measures that the applicant needs to look at. With the full implementation of those measures a wet retention pond is not required, however, to date, Mr. Metzger has not been able to do that on a project site. A wet detention pond is almost always the end result. The pond for this project would always have water in it, which the applicant looks at as an aesthetic feature and wants to enhance it with landscaping. Mr. Todaro said the concern was safety with regards to a pond in the Traditional Neighborhood district, a walkable community. Mr. Metzger said the design of these ponds is in such a fashion that the slopes are safe. If someone were to fall into the pond it is easy to walk out of it. Screening should be used between the pond and the street.

Mr. Metzger said he is unsure of the height of the structures but they will be single-story. Mrs. Leamer said the proposed plan shows a 12' x 12' or 12' x 14' patio on the back portion of each unit. Each building will have 4 units. Mr. Pazda asked if there will be windows facing Long Street. Mrs. Leamer said that would probably be decided at Development Plan stage. Mr. Pazda asked the applicant if she would consider moving the units apart if they will have patios. Can the first 4 or 8 units be pushed closer to Goodrich Road to allow more room between the 2 patio uses. Mrs. Leamer said it is a possibility and goes on to explain that there would be 50' between units.

Jill Dolan, of 9421 Douglas Fir Court, said she is representing the neighbors at 9415, 9431 and 9437 Douglas Fir Court. Douglas Fir Court is located to the north of the project site on the other side of the bike path. She said any shifting of the buildings to the north is coming closer to her house. Ms. Dolan said according to the Town of Clarence Planning Board agenda that they received in the mail they need an explanation of what a State Environmental Quality Review Act (SEQRA) means. What will be studied during that review? She referred to minutes from November 30, 2011 in which the Long Street residents requested that there be no access from the development on to their street. Mr. Dolan said that is a request they both understand and support. However, this will result in only one exit and entrance to the development, they question the safety of minimal access and they want it noted that in the November 30, 2011 Clarence Planning Board minutes Mrs. Salvati questioned the lack of a Long Street access to the development. According to the minutes she stated that the layout of Clarence Center is all connected roadways and she asked why the applicant wouldn't connect to Long Street. Mrs. Leamer explained that Long Street will be completely blocked off with a buffer, the main reason for this is to not interrupt the life on Long Street, it would be better to drive into the site under the power lines and have access driveways off of that rather than the interruption of entering on Long Street. It is their recollection that it was also stated at this meeting that all neighborhoods in Clarence Center have more than one way to enter and exit. In an effort to not interrupt the life on Long Street, and again they support that suggestion, is it better to interrupt the life on Goodrich especially during major traffic times. They want it noted that Goodrich experiences two morning and two afternoon school bus runs and this is in addition to regular morning and evening commuter traffic. It also does not take into consideration the additional traffic from vehicles owned by the future residents of those 16 units. Regarding the comments shared at the Board meeting, they are unclear as to why it would be better to drive into the site under power lines. Regarding the topic of the single entrance and exit to the proposed development, they are concerned with the location of the driveway. The last plans they reviewed showed a driveway located 60' from the bike path entrance. The development is located in

close proximity to the Peanut Line which is a family recreation area. This location concerns them regarding the safety of those entering the bike path from Goodrich and even those crossing the street eastbound on the bike path. Goodrich is a heavily trafficked area at certain times of the day. Their final concern regarding the location of the entrance and exit is lighting. Please consider that some of their backyards overlook the proposed location. How will this additional lighting affect their quality of life? In those same Town of Clarence Planning Board minutes dated November 30, 2011, Mrs. Leamer stated that should like people to enjoy a walkable community. Their concern is that traffic from this development could infringe upon their own walkability. Yesterday Ms. Dolan walked to Kenyon's from her house, will the possible upswing in traffic from this development make this less usable to happen in the future. Regarding walkability, they are not quite sure what that term means in this context. There are not an abundance of businesses to walk to and from in Clarence Center. When they hear the term walkability they are thinking of the location of the current senior housing located outside the Eastern Hills Mall. This location provides multiple shopping and eating opportunities to the residents within walking distance. Clarence Center does not offer this and it is their hope that the area does not anticipate becoming more commercialized. Should the residents of the development not own a vehicle on what source of transportation will they rely? Goodrich Road does not offer Metro bus service and they are hoping this will not be considered. Will the 16 units be responsible for school taxes? If yes, what is the resident's vested interest in Clarence Schools? Will the future residents of the proposed development have an appreciation for the quality of education that the Clarence school district provides and the impact that that quality has on our community and our property values? By adding additional residents who do not have school age children, will we continue to struggle with passing the school budget? And if not, what is the benefit of the development to Clarence Center, specifically the school community. In conclusion, if truly this is an opportunity for the property owners at 6150 Goodrich Road to economically benefit, then the suggestion of those represented by Ms. Dolan is for the Clarence Greenprint to use current funds to purchase the land as preservation of open space. The Greenprint program 12.5 million dollar bond resolution was overwhelmingly approved in 2002 and last year in the summer of 2012 the Town of Clarence voted to extend the program for another 10 years. As stated in this past Sunday's August 4, 2013 Buffalo News a 2007 trust for public land report concluded that property values increased with proximity to protected open spaces. The article also states that after 10 years of experience with the Greenprint, prior to renewing it, the study revealed an average increase of 15% in the sale prices of property adjacent to preserved open space. Additional tax savings are realized as open space is protected because the cost of providing public services to new residential developments is reduced. A highly respected League of Women Voters study noted that the cost of providing public services to a residential development, particularly low density development away from municipal centers, greatly exceeds the tax revenues generated by these residences. As stated in the September 29, 2010 Clarence Bee water quality, wildlife habitat and scenic vistas are features that the Greenprint plan looks to preserve. The proposed location offers these benefits. Chairman Sackett said the article can be entered into the record.

Greg Borgosz, of 9415 Douglas Fir Court, said he was told by Marrano/Marc Equity, who built his home, that no one can ever build behind him. That was one of the nice features; there is a beautiful view in the back of his home. There is a concern about the visual buffer for the people on Long Street, he is concerned for his visual buffer as well.

Joe Zampogna, of 9501 Village Mill Lane, said the proposal is high density, he asked if there will be garages. He also asked if the units are for rental or for sale.

Duane Burkard, of 6124 Long Street, wants to make sure there will be a berm installed at the end of Long Street.

Dave Hallock, of 6089 Long Street, is a member of the Clarence Center Community Character Protection Board. Mr. Hallock asked what he will see as he passes the project site if he is travelling south on Goodrich Road. Will he be looking at the back of the house?

Chairman Sackett explained the SEQRA process noting that the project is sent to several involved agencies for their input. Based on the input the Planning Board makes a determination relative to the impact and in addition to the Code. Mr. Callahan said the standard practice is to send the site plan and the Environmental Assessment Form, which in this case was submitted on behalf of the applicant and has been reviewed and previously accepted by the Planning Board. The main agencies involved are Erie County Department of Environment and Planning, Erie County Department of Public Works, Erie County Health Department, the NYS Department of Environmental Conservation, the Clarence Center Volunteer Fire Company and the NYS Electric and Gas Corporation. The Army Corp of Engineers is also included, they have identified there are no hydric soils on this property and there are probably no Federal Wetlands associated with the property based on their review. The information was not forwarded to the local school system; however, there is the Adequate Educational Facilities Local Law that identifies the potential number of school age children associated with a development. In this instance the proposal is for senior housing, the opportunity for school age children is minimal. Chairman Sackett said the Planning Board will not only review the input from the involved agencies but from the public as well. The community protection board was asked to comment, too.

Chairman Sackett said many realtors will claim that land will remain just as it is, but he noted that the property owner has a right of use, this particular property is zoned so that it will allow for housing, so the owner has the right to do that. The Planning Board cannot say they can't use it for housing, what they can do is protect the neighbors, thus the discussion on screening and buffers.

Mr. Metzger said a connection to Long Street was researched at length and it appears that it would not be in the best interest of the project or the neighborhood. He referred to the EAF which indicated the maximum vehicles added by this project in the morning is six (6) and the maximum added in the evening at peak hour is seven (7); this will have minimal impact on traffic. With these numbers in place it does not seem necessary to burden the neighbors along Long Street with a vehicular access.

Mr. Pazda asked for confirmation that the access road is 24' wide. Mr. Metzger said that is correct. Mrs. Leamer confirmed that the proposal was sent to Fire Advisory and there were no negative comments.

Mr. Metzger noted the bike path that is to the immediate north of the property is heavily vegetated on both sides. There is a commercial parcel north of the bike path that runs almost the length of the Leamer's property. The closest homes are not immediately to the north, they are northwest of the property. There is heavy vegetation north of the proposed driveway and the applicant intends on leaving that as a natural buffer.

Mr. Metzger explained each unit has one parking garage and one parking space outside, which meets the zoning requirement. The applicant is not sure if the units will be rentals or for sale. Mr. Metzger addressed the question regarding the view from Goodrich Road. The back of the unit will face Goodrich Road and will be setback about 170', the natural vegetation will remain between the unit and Goodrich Road and will be enhanced with further landscaping. The applicant will work with the Landscape Committee at the Development Plan stage. The views of the building will be minimal from Goodrich Road.

Mr. Metzger clarified for the record that the plan was sent to the involved agencies in 2011.

Mr. Metzger said they are not proposing anything like retail lighting, these are residences. If there is any lighting along the access drive it would be minimal. Chairman Sackett said the requirement will be dark sky lighting, which means no lighting can spill beyond the boundary of the property.

Mr. Pazda said the Subdivision Regulations were changed a number of years ago, he asked if the 200' requirement applies. Mr. Callahan said this is different because it is in the Traditional Neighborhood District and is considered a Special Exception Use Permit; this is the law the Town just adopted. The condition is that under a Special Exception Use Permit 8 units per acre is allowed but the total number of units is capped at 16. This is subject to final Town Board review and approval of a super majority of the Town Board. This has nothing to do with the Subdivision Law, this is the Zoning Law.

ACTION:

Motion by Timothy Pazda, seconded by Gregory Todaro, pursuant to article 8 of the Environmental Conservation Law, to **accept** the Part 2 and 3 Environmental Assessment Form (EAF) as prepared and recommend to the Town Board a Negative Declaration on the proposed Leamer 16 unit Multiple Family Housing Project and minor subdivision located at 6150 Goodrich Road. After thorough review of the submitted site plan and EAF it is determined that the proposed project is consistent with Master Plan 2015 and local Zoning Laws and will not have a significant negative impact upon the environment.

ON THE QUESTION:

Chairman Sackett clarified that this action is a recommendation to the Town Board. The Town Board will have to make a final determination about the environmental significance.

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

MOTION CARRIED.

ACTION:

Motion by Timothy Pazda, seconded by Steve Dale, to **approve** the concept plan on the proposed Leamer Minor Subdivision and Multiple Family Housing Project as depicted in the submitted site plan dated June 13, 2013 with the following conditions:

1. Subject to approval by New York State Electric Gas (NYSEG) on encroachments into the existing power line easement on the property.
2. Subject to the installation of a sidewalk to connect the project to the existing sidewalk along Goodrich Road.
3. Subject to Landscape Committee review and approval of adequate screening to buffer required facilities, including dumpsters, condensers, lighting and other project details to protect adjoining properties.

- 4. Architectural details designed so as to ensure that all surrounding residential uses are provided acceptable views and adequate screening.
- 5. Subject to appropriate fees.
- 6. Any site lighting will be dark sky fixtures.

ON THE QUESTION:

Mr. Pazda said per the code, 40% of the project site is to remain greenspace.

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

MOTION CARRIED.

ACTION:

Motion by Timothy Pazda, seconded by Richard Bigler, to **recommend** to the Town Board **approval** of a Special Exception Use Permit to allow for the development of a Multiple Family Housing Project at 6150 Goodrich Road consistent with the approved amended Concept Plan as approved by the Planning Board.

ON THE QUESTION:

Chairman Sackett noted that the Special Exception Use Permit requires a four (4) out of the five (5) Town Board members vote, regardless of how many are present, to approve it.

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

MOTION CARRIED.

Mr. Metzger said he agreed with and understood the motions.

Item 3

Amherst Congregation of Jehovah’s Witnesses Residential Single Family	Requests Development Plan Approval for a proposed new worship hall at 5595 Shimerville Road.
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DISCUSSION:

Jim Callahan provided the background on the project noting that it is located on the northeast corner of Shimerville and Roll Roads. It is existing vacant land located within the Residential Single Family zone. The applicant is proposing to construct a new worship hall. Concept Approval was granted on March 6, 2013. A Negative Declaration under the State Environmental Quality Review Act was issued

on March 6, 2013. The applicant is present seeking Development Plan Approval. This represents the final public action on the proposal.

Ross Harbison is the landscape architect for the project and is representing the applicant. He noted that they have received approvals from all the regulatory agencies.

Mr. Shear noted that the site plan does not include any parking lot lighting. Parking lot lighting will exist on the sight and the concern is that it be dark sky lighting. Mr. Harbison said the final drawings, which the Engineering Department has approved, shows three (3) lights along the driveway coming into the site and two (2) more lights, one (1) at each of the islands in the parking lot; they are all dark sky compliant. The lights will not be on all night, unless a security problem exists. The lights will be on until approximately 10:00 p.m. and only when there is activity at the Kingdom Hall.

ACTION:

Motion by Richard Bigler, seconded Gregory Todaro, to **approve** the Development Plans for the Kingdom Hall of Jehovah’s Witnesses at 5595 Shimerville Road as per the submitted site plan, Engineer’s Report and Stormwater Management Plan as submitted by C&S Engineers and dated May 2013 and subject to the following conditions:

1. Final Landscape Plan to be approved by the Landscape Committee prior to Certificate of Occupancy to ensure adequate buffering to adjoining residential uses.
2. No parking allowed on public right of ways.
3. All conditions as required by the Erie County Department of Public Works for drainage and access.
4. PIP Permits as issued by the Town Engineer; Building Permits as issued by the Building Department; On-Site Sanitary Facilities as approved by the Erie County Health Department; and Highway Work Permits as approved by the Erie County Department of Public Works.
5. Open Space and Recreation fees.
6. Lighting fixtures are to be dark sky compliant per the plan submitted entitled C-2.1.

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

MOTION CARRIED.

Chairman Sackett asked Mr. Harbison if he had any questions on any of the conditions and if he agreed to them. Mr. Harbison had no further questions; he agreed with the motion.

Item 4

Andreozzi & Bluestein
Commercial

Requests a Building Permit and Architectural Approval for a façade update and addition at 9145 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 the Sheridan Drive Thompson Road intersection. It is an existing mixed use property located in the Commercial zoning classification. The applicant is proposing to redevelop the property for professional office use including an addition. Per the Zoning Law the Planning Board has final review and approval authority for permitted uses in the Commercial Zone including architectural style.

Randall Andreozzi and Heather Schmidt are present, along with Edward Fickess, co-owner of the property.

Mr. Andreozzi clarified that the improvements will be done to the building at 9141 Main Street which is building closest to Main Street. The building that is set back is 9145 Main Street.

Mr. Dale asked if there will be windows on the west side of the building addition, facing the music store. Mr. Andreozzi said the preliminary drawings are not completed yet, however he thinks the answer is yes because the project is class A office space. Mr. Dale suggested more screening or buffer along that side to protect the neighbor's privacy. Mr. Andreozzi will pass the suggestion along to the architect.

Mr. Paul said there was discussion about the possibility of extending a sidewalk across the front of the property, in the island of green space on Main Street. Chairman Sackett said there is sidewalk to the east and the Planning Board would like to see it continued. Mr. Andreozzi said he will note that. Mr. Bigler said the applicant should keep in mind that they don't want to lose any of that greenspace to accomplish a sidewalk. Mr. Callahan said it will be subject to NYS DOT approval under a Highway Work Permit.

Chairman Sackett asked if the applicant considered other locations for the dumpster. He also asked if the applicant understands that the dumpster needs to be screened. Mr. Andreozzi said they understand that it needs to be screened. He said it can be moved at the pleasure of those who consider it. There is an existing island adjacent to the proposed location; Mr. Andreozzi said he suspects the architect put the dumpster there to utilize that greenspace screen. Chairman Sackett said the proposed location takes up a parking space. The number of parking spaces has been considered and it is Mr. Andreozzi's understanding that the plan meets the code. Chairman Sackett said the code is 1 parking spot per 200 square feet of building. Per this calculation Chairman Sackett said the code calls for more spaces than what the applicant is proposing, if the applicant considers his proposed number of spaces adequate, the Board generally defers to the applicant's expertise on this. Chairman Sackett suggested the applicant consider other locations for the dumpster and be sure it is screened no matter what the location. Mr. Andreozzi agreed.

Anthony Dalfonso lives west of the project site. He would like to see what the building will look like. There is a line of trees between his property and the project site and he would appreciate it if those would remain. He does not know if they are on his property or not.

Heather Schmidt said they intend on leaving the trees on the western boundary. Chairman Sackett said it will be subject to Landscape Committee approval. He asked if the applicant is willing to enhance the boundary with further landscaping if needed. Ms. Schmidt said yes.

An elevation of the proposed building is displayed for all to view. A copy of the elevation is on file. The applicant said the add-on portion at the rear will compliment this building.

Mr. Pazda asked if there is lighting proposed on the building on the west side of the property. The applicant has not discussed lighting with the architect but there will be interior lighting. Mr. Pazda is requesting that there be no lighting on the west side unless it is a security issue. It would be a great help to the neighbors to keep the lighting towards the parking lot.

ACTION:

Motion by Gregory Todaro, seconded by Steve Dale, pursuant to Article 8 of the Environmental Conservation Law, to **accept** the Short Environmental Assessment (SEAF) form as prepared and issue a Negative Declaration on the proposed Change In Use, façade update and addition at 9141-9145 Main Street. This Unlisted action involves change in use and addition in conformance with the requirements in the Commercial Zone. After thorough review of the submitted site plan and SEAF it is determined that the proposed action is consistent with local land use regulations and will not have a significant negative impact upon the environment.

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

MOTION CARRIED.

ACTION:

Motion by Gregory Todaro, seconded by Steve Dale, to **approve** the Change In Use, façade update and addition as depicted in the site plan as submitted by Dave Sutton, Architect and dated July 26, 2013, with the following conditions:

1. Landscape Committee review and approval on the Final Landscape Plan prior to Certificate of Occupancy.
2. Site lighting to be dark sky fixtures to reduce spill towards adjoining properties.
3. Approval of the Town Engineering Department for all site and stormwater facilities.
4. Approval of the Town Building Department for all building permits.
5. Approval of the Erie County Health Department for upgrades to the on-site sanitary sewer facilities.
6. Approval of the NYS Department of Transportation for driveway access amendments and stormwater designs/connections.

7. Subject to Open Space and Recreation Fees.

ON THE QUESTION:

Chairman Sackett said it is his understanding that the Landscape Plan Approval will be contingent on the consideration of a sidewalk; NYS approval will be required. The greenspace needs to be preserved as well.

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

MOTION CARRIED.

Item 5

Dominic Piestrak/Spaulding Green Residential Single Family

Requests Development Plan Approval for Phase 6 which consists of 52 lots.

DISCUSSION:

Jim Callahan provided the background on the project noting that it is located as an extension of the previously approved Spaulding Greens Open Space Design Subdivision including extension to and connection to Greiner Road. The applicant is present seeking Development Plan approval for Phase 6 which includes approximately 2,000 linear feet of Glenview Drive, 700' linear feet of Longleaf Trail, 300 linear feet of Alderbrook Lane, 650 linear feet of Holly Glen Court including 52 single family home lots.

Dominic Piestrak is present. Mr. Piestrak said the bike path is currently being worked on. He confirmed that the path will be in before any houses are built.

Frank and Robin Teall, of 9810 Greiner Road, are present. Mr. Teall said he was originally showed a plan where the access road was going to go to the east of his neighbors house, now it has changed and will come between his neighbors property and his. It is now a problem for him because it touches his property. He is concerned about the water flow there. He has lived there for 35 years and knows the flow of the land. He would like to be re-assured with what is going to happen with the water problem. He looked at a plan and it looks like the grade will be raised 6' on the side of his house which will make him look like he is living in a hole. He started looking to see if there is enough room to put a road there. When the road goes in it will make him a corner lot. He currently has 111' frontage, a corner lot measures 200' by 200', he doesn't think there is enough room for that road. Mrs. Teall said another concern is the traffic flow. There is already a lot of traffic from the Middle School, and Ledgeview, it's already overdone with traffic. This is going to be an issue. When the golf course was there they had screeching accidents. Mrs. Teall asked if there was a traffic study done. Chairman Sackett said yes. Mrs. Teall said they have done nothing but improve the property since they moved there 35 years ago, the last improvement needed an easement; they are really close to the lot line.

Craig Corra, of 9750 Greiner Road, is a new resident of Clarence. He asked if the applicant looked at moving the project to the north to split the difference of the greenspace to give more of a buffer. Chairman Sackett explained that the amended Concept Plan has previously been approved. Today is the review of the Development Plan, which includes traffic and drainage, among other items. It is

noted that Mr. Corra is referring to an old site plan that was on the Town's website, the amended Concept Plan was not updated on the website. Chairman Sackett clarified that, except for the exception lots, all phases have had Concept approval. Mr. Corra referred to the road elevations within the development and asked how they will fall relative to the natural elevations. He asked if the bike path runs the entire gas pipeline right to Greiner Road. He asked if there is opportunity for existing parcels to connect to the sewer line.

Mr. Piestrak said the sewer line will connect to Greiner Road but it is not his position to determine what can be done with it, it is the Town's position. Mr. Callahan said this is part of the original Heise Brookhaven Trunk Sewer Line that identified 1,000 sewer taps. There really isn't capacity at the current time, but if it is sized properly for future connections the capacity may be able to be increased.

Mr. Piestrak said the proposed road elevation was done by the Highway Department. As you go north there is a downward slope and they want cars to enter at the same level as Greiner Road. It starts at 2' near the road and increases to 6' as you get to the back of the house, then it starts to decrease again.

Chairman Sackett asked how wide the right-of-way is for the road. Mr. Piestrak said it meets Town specs. Mr. Callahan said it is 60' wide. Chairman Sackett asked if the road actually abuts the two lots on Greiner Road. Mr. Piestrak said no, and pointed out that there is space between the road and the lots.

Chairman Sackett clarified that the stormwater permit will not allow the applicant to put stormwater on the neighbors land. If there is a stormwater problem Mr. Piestrak hopes the neighbor will address it with him. Mr. Piestrak said there was a reason for the change in road location and he thinks it was because there was a septic system in the previously proposed location.

Chairman Sackett said a corner lot has not been created because there is property between the road and the neighbor's property line.

Mr. Piestrak said there are no plans to run the bike path south at this point. He would like to run it along the sewer easement and get it over to the back of the Middle School, he want to take it to Kraus Road.

Referring to Mr. Corra's question regarding the elevations within the development, Mr. Piestrak said he thinks it is almost at grade.

ACTION:

Motion by Richard Bigler, seconded by Gregory Todaro, to **approve** the Development Plans for Phase 6 of Spaulding Green Open Space Design Subdivision as per the plans, Engineer's Report and Stormwater Management Plan as submitted by GPI and dated 5/23/2013 identifying 52 sublots and approximately 2000 linear feet of Glenview Drive; 700 linear feet of Longleaf Trail; 300 linear feet of Alderbrook Lane; and 650 linear feet of Holly Glen Court and subject to the following conditions:

1. PIP Permits as issued by the Town Engineer.
2. Open Space Fees.

3. The required Spaulding Green Recreational Trail, identified throughout the entire development, must be under construction prior to issuance of a Certificate of Occupancy for any home constructed in this phase.

4. Subject to all conditions of the original Open Space Design Development for this project.

ON THE QUESTION:

Chairman Sackett asked Mr. Piestrak if he understands and agrees to the motion and conditions. Mr. Piestrak said yes.

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

MOTION CARRIED.

Meeting adjourned at 9:14 p.m.

Carolyn Delgato
Senior Clerk Typist