

Town of Clarence
Planning Board Minutes
Wednesday October 5, 2011

Work Session 6:30 pm

Status on TEQR Coordinated Reviews
Review of Agenda Items
Miscellaneous

Agenda Items 7:30 pm

Approval of Minutes

Item 1

Affordable Senior Housing Opportunities of
New York, Inc.
Commercial

Requests Preliminary Concept Review and
Recommendation under the State Environmental
Quality Review Act (SEQRA) for a proposed
senior housing project at 8040 Roll Road.

Item 2

Rock Garden Properties/Stephen Development
Commercial

Requests a Recommendation under the State
Environmental Quality Review Act (SEQRA),
Concept Plan Approval and a Recommendation
for a Special Exception Use Permit (SEUP) for a
Mixed Use Development at 9470 Main Street.

Item 3

Brooke Stanley
Major Arterial

Requests a Change In Use from Vacant to Jewelry
Store at 5333 Transit Road.

Item 4

Northwoods Open Space Design Subdivision
Residential Single Family

- A. Discussion on Density Determination.
- B. Discussion on Wetland Mitigation.

Chairman Al Schultz called the meeting to order at 7:30 p.m.

Councilman Peter DiCostanzo led the pledge to the flag.

Planning Board Members present:

Chairman Al Schultz	Vice-Chairperson Wendy Salvati
2 nd Vice-Chairman Richard Bigler	Paul Shear
Robert Sackett	Gregory Todaro

Planning Board Members absent: Timothy Pazda, George Van Nest

Town Officials Present:

Director of Community Development James Callahan
 Assistant Director of Community Development Brad Packard
 Councilman Peter DiCostanzo
 Deputy Town Attorney David Donohue

Other Interested Parties Present:

Karen Willyoung	Paul Wheeler
Angelyn Delgato	Joe Kleinmann
Norm Radtke	Gail Bryer
Myra Donning	David Horbinski
Brooke Stanley	Mahran
Pat Goeller	Vera Nevom

In the absence of Mr. Pazda and Mr. Van Nest, alternate Planning Board member Gregory Todaro will participate in all discussions and vote on all agenda items this evening.

Motion by Gregory Todaro, seconded by Robert Sackett, to **approve** the minutes of the meeting held on August 31, 2011, as written.

Gregory Todaro	Aye	Paul Shear	Aye
Robert Sackett	Aye	Richard Bigler	Aye
Wendy Salvati	Abstain	Al Schultz	Aye

MOTION CARRIED.

Motion by Paul Shear, seconded by Richard Bigler, to **approve** the minutes of the meeting held on September 7, 2011, as written.

Gregory Todaro	Abstain	Paul Shear	Aye
Robert Sackett	Aye	Richard Bigler	Aye
Wendy Salvati	Aye	Al Schultz	Aye

MOTION CARRIED.

Chairman Schultz explained that each agenda item will be discussed by the Planning Board with the applicant. It will be explained what action the Planning Board can take. Prior to any action being taken members of the public will be afforded the opportunity to voice comments and questions.

Item 1

Affordable Senior Housing Opportunities of
 New York, Inc.
 Commercial

Requests Preliminary Concept Review and
 Recommendation under the State Environmental
 Quality Review Act (SEQRA) for a proposed
 senior housing project at 8040 Roll Road.

DISCUSSION:

Jim Callahan provided the background on the project. It is existing vacant land located on the east side of Transit Road, north side of Roll Road. The project site is located within the Commercial and Restricted Business Zones per the recent Master Plan 2015 amendments. It is within Erie County Sewer District #5. The applicant is proposing to develop a Senior Housing project and is present. The application was referred by the Town Board on September 14, 2011. A final decision will be a Special Exception Use Permit (SEUP) as issued by the Clarence Town Board.

The Planning Board's role for this proposal is to make a recommendation to the Town Board.

Michael Connors is present and explained that Affordable Senior Housing Opportunities of New York's mission is to develop affordable housing for senior citizens capable of living independently. The concept is to develop an apartment building for senior citizens at 8040 Roll Road. The design concept calls for the construction of a single three (3) story, fully sprinklered apartment building. The footprint of the building shows approximately 300' from the rear yard of the single family homes on Kippen Drive to the footprint of the proposed building. The property east of the parking lot will be disturbed as minimal as possible; there will most likely be some planting and screenings. The target market is senior citizens 60 years of age or greater who is capable of living independently and earns approximately 60-80% of the area medium income. This is a senior citizen who is not eligible to live in a subsidized housing opportunity, since their income is over the eligibility limits. They have developed nine (9) similar apartment buildings in the Buffalo area including West Seneca, Tonawanda, Lackawanna, North Tonawanda, Hamburg, Amherst and Lancaster. The interior corridor of the building would connect all the units including community facilities, so an individual can travel to any room in the apartment building without having to go outside. The proposal is for 138 units and all units are handicapped adaptable. The building features a community room, a library with computer access, a family room, a beauty parlor, an exercise room, an elevator and a couple of laundry facilities on each floor. The building will be a mixture of one (1) and two (2) bedroom apartments. The 1 bedroom apartments will be approximately 625 square feet, the 2 bedroom apartments will be approximately 800 square feet. There will be 136 off-street parking spaces which includes the limited number of garages shown on the plan. Mr. Connors said 65-70% of the residents will have a car; however this figure may be skewed because it was developed prior to van service, which they now provide. Chairman Schultz said the standard is 2 parking spaces per apartment, Mr. Connors said his experience shows that the 1 car to 1 apartment ratio works, any more than that is a waste of greenspace. Chairman Schultz said the proposal requires an area variance, Mr. Connors is aware of this.

Wendy Salvati asked if the applicant is going to provide visitor parking. Mr. Connors explained that the 1 to 1 parking ratio is sufficient for visitor parking, even on peak days. It is also sufficient for the staff.

Mr. Sackett asked what services are available. Mr. Connors explained that the services are offered, not required. They may include hiring a local stylist to work in the beauty salon a few days a week, or a personal trainer to work in the exercise room a few days a month. The van service may provide a bus trip to a casino or the event coordinator may arrange a movie night in the community room or a card game.

Mr. Todaro asked if the building is secure. Mr. Connors said yes it is equipped with a camera at the main entry way that lets the residents see who is there to visit them by viewing a specific channel on

his/her television. The doors are locked and until the resident indicates it is acceptable to unlock them to let the visitor enter.

Mrs. Salvati asked how many staff will work at the building. Mr. Connors said three and a half; there will be a leasing manager, an overall manager, a maintenance person and an administrative assistant. There will also be a local landscaper including snowplowing.

Joe Kleinmann of 5623 Kippen Drive is concerned with the storm water management system, he said the whole area floods and comes half way up his yard. He asked if there would be meals served, Mr. Connors said no. Mr. Kleinmann asked if there are any height restrictions as he is concerned with the proposal showing three (3) stories. Mr. Callahan explained that Commercial zoning allows for 45ø high buildings.

Mr. Connors will provide a storm water plan as is becomes available, the proposal is not yet to that point. Chairman Schultz noted that the Federal Government has strict guidelines that need to be followed with regards to storm water management. Mr. Connor is aware of this and he will work with the Town Engineer to be sure the requirements are met. Mr. Connor noted that the peak of the roof for the proposed building is 38ø

Mr. Callahan asked if the applicant is going to disturb the ditch line. Mr. Connors said they do not plan on disturbing the area along the eastern border. The pond may be north, in the back, although this has to be looked at from a civil engineering standpoint.

The applicant submitted an EAF Part I and it has been reviewed by the Planning Board.

ACTION:

Motion by Wendy Salvati, seconded by Paul Shear, pursuant to Article 8 of the Environmental Conservation Law, to **recommend** to the Clarence Town Board to initiate coordinated review and seek Lead Agency under SEQRA on the proposed Senior Housing Project at 8040 Roll Road. This Type I Action involves the proposed construction of a 138 +/- unit senior residential apartment facility with associated infrastructure, parking and landscaping.

ON THE QUESTION:

The Environmental Assessment Form has thoroughly been reviewed and accepted by the Town Board and the Planning Board.

Gregory Todaro	Aye	Paul Shear	Aye
Robert Sackett	Aye	Richard Bigler	Aye
Wendy Salvati	Aye	Al Schultz	Aye

MOTION CARRIED.

Item 2

Rock Garden Properties/Stephen Development
Commercial

Requests a Recommendation under the State Environmental Quality Review Act (SEQRA), Concept Plan Approval and a Recommendation for a Special Exception Use Permit (SEUP) for a Mixed Use Development at 9470 Main Street.

DISCUSSION:

Jim Callahan provided the background on the project. It is located on the northeast corner of Main Street and Goodrich Road and is an existing apartment/former motel and vacant land. The applicant is proposing a mixed use commercial and multi-family residential project. The project was originally introduced to the Planning Board in December 2010 and referred out under coordinated review through SEQRA. The applicant is present seeking a recommendation on the SEQRA and a recommendation for a SEUP that must be issued by the Town Board.

Noel Dill of Stephen Development is present along with the architect Douglas Klotzbach and the engineer Michael Metzger. The applicant owns and has cleaned up many properties in the Town of Clarence. The motel currently consists of 18 residential units, with the acquisition of the property next to the project site; the applicant would add 7 additional units and 19,000 square feet of commercial space. There would be a stone wall to screen the parking area on the Main Street side of the project. There are 127-130 parking spots planned. The intention for the residential component is to have 1100 square foot, 2-bedroom units.

Chairman Schultz pointed out that the 4 units on the west side of the project are 1 story, but there are 25 apartments planned: 16 in the back, 4 out front and 5 to the east.

Mrs. Salvati noted that there has been a struggle with the density on this project. She referred to the code § 229-126 (B) which indicates there shall not be more than eight (8) units per acre. There are 3.2 acres, so it appears the applicant has used up the density with the 25 residential units. Mrs. Salvati said there is no room for commercial uses.

Mr. Dill said the project does not exceed the number of residential units per acre, they are also only at 56% non-pervious surface on the property, which the commercial limitation would then be 70% non-pervious. The residential units, in large part, are located on top of the commercial space, thus giving a footprint that stays within the 70% non-pervious. The 19,000 square foot of commercial space is regulated by the amount of pervious vs. non-pervious surface on the property. This project is at 9,400 gallons per day of flow which is under the amount of flow Erie County Health Department will approve, which is 10,000 gallons. It is clarified that the density calculation takes into consideration that the buildings are 2-story.

Chairman Schultz said the Planning Board needs to see the calculations for the parking spaces. He does not see a recreation area that is dedicated to the homeowners.

Mr. Dill explained that the center building was originally proposed as a commercial use, but it would have been under-parked so the plan changed.

Mr. Shear would like time to review the new plan which would include looking further into the density calculations, the parking, the units per acre and the commercial footprint of the property.

Mrs. Salvati thinks the applicant is overwhelming the site with too much building. She suggested getting rid of the one story structure along Goodrich Road.

Mr. Dill said the SEQRA process was started last year and every comment received was positive.

Mr. Sackett said if 27.2 is the number based on effluence then there is a concern about adding 19,000 square feet of commercial space. He said there is also a concern with the height of the berm.

Mr. Dill said the berm would not exceed the height of the stone wall. He said the County wants to have a test point for the effluent that works off of gravity, that's why they want a small increase in the berm.

Mr. Metzger said the type of system being proposed is an open-bottom sand filter. This is a system with 4' of usable soil which would be a sand filter median that would be utilized for the filtration process. That sits on top of the fractured bedrock. The start of the 4' of fill would be approximately 2' below the surface, so there would be approximately 2' above the existing grade. Mr. Metzger's educated guess is that 3' of the 4' of the sand filter would be above the existing grade. Pumps would be needed.

Mr. Dill would like have the project tabled at this time.

Mrs. Salvati asked how the parking was calculated. Mr. Klotzbach said there are two (2) aspects: retail and office. The retail standard is 200' per 1 space; the office standard is 150' per 1 space. There will be no medical offices at this site.

Mr. Sackett asked how much blasting will be done. Mr. Metzger explained that there would be blasting mainly for utilities. Any loose rock would be scraped away for the foundations of the buildings until a hard surface is reached, the foundation would then be pinned to that rock. Typically there is no blasting for a sand filter system. There are pre-blasting inspections to insure that surrounding properties are not affected. The applicant will work with a qualified blaster who knows the area well.

Mr. Metzger said the septic beds would be in the front of the property along Main Street. The septic tanks would be in the parking lots; the tanks can be paved over and driven on.

Mr. Shear asked how many gallons the septic tank holds. Mr. Metzger said it will hold approximately 13,000 gallons. They will make the tanks as shallow as they can; it will have to be at least 5' - 6'

Mr. Metzger noted that the SEQRA documentation that has been put forth to the Planning Board is for density and number of units in excess of what the current plan is for. The Planning Board could take action using that as the threshold.

ACTION:

Motion by Paul Shear, seconded by Robert Sackett, to **table** the proposal subject to review of the current documentation.

ON THE QUESTION:

Chairman Schultz pointed out that the required setbacks on all sides of the property have been met; but voiced his concern noting that everything else is paved.

Gregory Todaro	Aye	Paul Shear	Aye
Robert Sackett	Aye	Richard Bigler	Aye
Wendy Salvati	Aye	Al Schultz	Aye

MOTION CARRIED.

Item 3

Brooke Stanley
Major Arterial

Requests a Change In Use from Vacant to Jewelry Store at 5333 Transit Road.

DISCUSSION:

Jim Callahan provided the background on the project. The property is located on the east side of Transit Road, north of Greiner Road. It is an existing vacant commercial building. The applicant is requesting a change in use from vacant to a jewelry store.

Mr. Stanley explained that he has outgrown his current location at Main Street and Transit Road; however he is going to keep that location open as well. The name of his business is Universal Gold. Nothing will change at the site, no remodeling will be done, and perhaps some new fixtures will be added. Mr. Stanley leased the property and is now in the process of buying it. He has cleaned up the landscaping on the property and is in the process of doing more.

Mr. Sackett asked how a Change In Use is approved without the owner of the property being present. Mr. Stanley said he closes on the property next month. Mr. Callahan said the applicant is representing that he will own the property; Mr. Callahan knows the current owner and the owner does not have an issue with the Change In Use.

Mr. Stanley is in the process of deciding what type of sign he will use at the sight; he is aware that a sign permit will be required. There will not be a sign on the front of the building, just a window sign.

ACTION:

Motion by Gregory Todaro, seconded by Wendy Salvati, to **approve** the change in use at 5333 Transit Road from vacant to jewelry store subject to the following conditions:

1. Required permits from the Building Department for renovations and occupancy.
2. Landscape Committee approval on any upgrades to the landscaping.

Gregory Todaro	Aye	Paul Shear	Aye
Robert Sackett	Aye	Richard Bigler	Aye
Wendy Salvati	Aye	Al Schultz	Aye

MOTION CARRIED.

Item 4

Northwoods Open Space Design Subdivision
Residential Single Family

- A. Discussion on Density Determination.
- B. Discussion on Wetland Mitigation.

DISCUSSION:

Jim Callahan provided the background on the project. It is located on the north side of Greiner Road between Shimerville Road and Thompson Road. It is existing agricultural land located in the Residential Single Family Zone. The proposed Open Space Design Subdivision is currently in coordinated review under the State Environmental Quality Review Act. The applicant is present to discuss the density of the project and the proposed wetland mitigation.

Jess Sudol, of Passero Associates, is present. Jeff Palumbo and Fred Cimato are present as well. Mr. Sudol explained that the applicant is going to seek other alternatives for placing the mitigation on a different site, down the road, so they are withdrawing the request to discuss the wetland mitigation at this evenings meeting.

Mr. Sudol referred to the code and explained the applicants thought process that got them to this point. The plan that is before the Board is per the code, however, the applicant would not build it per that plan.

Chairman Schultz asked how many of these developments the applicant has done in Clarence. Mr. Sudol said none, this is the first one. Chairman Schultz pointed out that the Planning Board has interpreted and applied the code to many developments in the Town of Clarence. Mr. Sudol said they read the code word for word.

Mrs. Salvati said the Town Board asked the applicant to do an Open Space Design. The regulations for calculating density for an Open Space Design are set forth in §229-108; the applicant must calculate certain deductions per item #6. Mr. Palumbo said they used this calculation then came up with the grid plan.

Chairman Schultz voiced his concern regarding the creek and the wetland around the creek. There are a number of lots there that would never be allowed to be built. The creek and the sewer line have been relocated.

Mrs. Salvati would prefer the calculation method but no matter what method is used, it needs to be decided before moving forward with the proposal.

Chairman Schultz prefers the grid and thinks it is more appropriate for a land parcel that has unusual features, like the wetland in the corner of this parcel. The recent grid plan shows 147 lots. The calculation shows 158 lots.

Chairman Schultz clarified that the discussion is not on the concept; it is on the number of lots. Victor Miller would like clarification on the two (2) different designs that are being discussed. Chairman Schultz explained that an Open Space Design is limited to the number of lots, the roads are drawn and the lots are added then counted. The other way is a calculation: take the total land mass and subtract wetland, utilities and other criteria. Mr. Miller asked what the determination will be for making the determination on whether the design will be a grid or calculated. Chairman Schultz said an agreement will need to be reached.

Mr. Palumbo suggested the applicant submit calculations. It is agreed that the applicant will meet with the Planning Board Executive Committee on Monday October 17, 2011.

Meeting adjourned at 9:15 p.m.

Carolyn Delgato
Senior Clerk Typist