

Town of Clarence
One Town Place, Clarence, NY 14031
Planning Board Minutes
Wednesday May 5, 2021

This meeting was not an in-person meeting, it was strictly virtual.
The Zoom meeting link may always be found on the published agenda, which is accessible on the Town of Clarence's website

Work Session 6:30 pm

Status of TEQR Coordinated Reviews
Review of Agenda Items
Miscellaneous

Agenda Items 7:00 pm

Approval of Minutes

Item 1

Dominic Piestrak - Spaulding Green
Open Space Design Subdivision
Residential Single Family

Requests the commencement of a coordinated review under the State Environmental Quality Review Act to consider a proposed unit density increase from the overall originally approved 380 lots to 405 lots, for utilization with the conceptually approved phase 8, containing 25 lots, located east of Goodrich Road and west of Glenview Drive.

Item 2

Bar-Bill Tavern North
Traditional Neighborhood District

Requests approval of a pergola over the existing second story patio at 8326 Main Street.

Item 3

Mercedes-Benz of Buffalo
Commercial

Requests approval of an automotive accessory structure on the southeast corner of the property at 8185 Main Street.

Chairman Robert Sackett called the meeting to order at 7:00 p.m.

Planning Board Members present:

Chairman Robert Sackett
2nd Vice-Chair Wendy Salvati
Jason Geasling

Vice-Chair Richard Bigler
Jeffrey Buckley

Planning Board Members absent: Gregory Todaro

Town Officials Present:

Director of Community Development Jonathan Bleuer
Junior Planner Andrew Schaefer
Councilman Paul Shear
Deputy Town Attorney Steven Bengart

Other Interested Parties Present:

Steve Dale	Mike Berger	Mike’s iPad Pro
Ken Zollitsch	Robert LaMastra	Own Williams / FJ Wailand
Paul	John Thompson	Jeanne Marie
Michael McLaughlin		

Motion by Richard Bigler, seconded by Jeffrey Buckley, to **approve** the minutes of the meeting held on March 17, 2021, as written.

Jason Geasling	Aye	Jeffrey Buckley	Aye	Wendy Salvati	Aye
Richard Bigler	Aye	Robert Sackett	Aye		

MOTION CARRIED

Item 1

Dominic Piestrak - Spaulding Green
Open Space Design Subdivision
Residential Single Family

Requests the commencement of a coordinated review under the State Environmental Quality Review Act to consider a proposed unit density increase from the overall originally approved 380 lots to 405 lots, for utilization with the conceptually approved phase 8, containing 25 lots, located east of Goodrich Road and west of Glenview Drive.

DISCUSSION:

Mr. Bleuer introduced the project, pointing out that the property is located east of Goodrich Road, North of Greiner Road. Spaulding Green is an approved Open Space Design Development subdivision located in the Residential Single Family zone. It has been conceptually approved by the Town Board in 2008, including Open Space Overlay approval and issuance of a negative declaration under the State Environmental Quality Review Act.

The applicant is seeking a Density Increase approval to allow an additional 25 lots within the subdivision, from the currently approved 380 lots to 405 lots. These 25 lots are proposed to be located within Phase 8, which connects Spaulding Green Parkway to phase 7.

Starting a coordinated review under the State Environmental Quality Review Act would initiate a full review of this proposal.

Mr. Buckley recused himself from this agenda item.

Ken Zollitsch with GPI, project engineers for Spaulding Green Development was present virtually, and spoke on behalf of the applicant. Mr. Zollitsch noted that they are present tonight to begin the State Environmental Quality Review Act process for the density increase.

This project originally went through an impact statement and conceptual approval approximately 15 years ago, with additional work being done with each phase over the past 10-11 years. At this point they are closing in on some of the final phases, and are now seeking a density increase of 25 lots for what will be used in Phase 8. That will be the connection of the extension of Spaulding Green Parkway from Phase 4 where it currently ends, it will then extend over to Phase 7 which has reached development plan approval and Phase 7A is scheduled to go in for a Public Improvement Permit and site construction this year.

This density increase is needed because the original impact statement, the original project only contemplated a portion of the Spaulding Green owned properties which at the time, there were approximately 350 acres which were considered for development. Under the code at that time, the review and approval they received, they had 380 approved total lots on site.

There was some land which was leftover, it was primarily property located north of Ransom Creek just off of Clarence Center Road. There was no clear plan for this at the time, they had plans to hold on to the land until a later time once development was established, and they could determine where the market was.

Additionally, over the course of the past few years, a couple of additional properties have been picked up that have expanded from the original 350 acres. The overall project is now seeking an increase of 25 lots, bringing the project up to 405 lots. Ultimately they are seeking the density increase based on the acreage that is available in part of Spaulding Green. Right now they have approximately 216 acres of planned open space, which is approximately 54% of the total development.

They hope to begin the coordinated review so that they can move forward with Phase 8 approvals, and seek the connection between Spaulding Green Parkway and Phase 7 in order to complete the southern portion of Spaulding Green, completing the loop throughout the project.

Mr. Sackett clarified for the public that tonight Spaulding Green is seeking approval to begin coordinated review, which means they are pursuing an avenue to get all comments from involved and interested parties.

Mr. Sackett stated when they started, they contemplated a bike trail which would lead out to Clarence Center Road near Kraus Road. Problems arose with some businesses, therefore the bike trail has been delayed between the Department of Conservation and the gas company. Mr. Sackett requested an update as to the status of getting the trail out to Clarence Center Road as part of the Coordinated Review Process.

Mr. Zollitsch responded that over the course of the past year, it has been challenging to make much progress with the trail, but within the past few weeks, they have worked to get going again. They have had discussions with National Fuel, and they are expected to have their line marked and staked out within the next week, which runs parallel to the proposed bike path. This will allow Mr. Zollitsch to get survey crews out to the site to pick up the data in the next week and a half. Once they have that data, they will bring it back and layout the actual engineering design of the trail as well as any potential construction areas, encroachments that they will need on the National Fuel property, which is the primary reason they are having that line staked out, so that they know exactly where it lies within their property. There are sensitive areas where they are proceeding through New York State Department of Conservation Wetland, and a lot of the Wetland is on Spaulding Green property, the buffer is located primarily on the National Fuel side. The trails themselves are not very wide, so during active construction they will be looking to enter in to an agreement with National Fuel to allow them to go on part of their property just during the construction.

Mr. Zollitsch stated that the process is moving along, and he expects that by the time they reconvene following the coordinated review, he expects their survey work to be complete and the process of design plans will be underway. Ultimately those plans will need to be submitted to the Town of Clarence for review to make sure it is acceptable to them, as well as New York State Department of Environmental Conservation. He anticipates that within a month, they will have a set of plans off to the Department of Environmental Conservation for the trail, so that they are able to review the process. Mr. Zollitsch doesn't believe that there is much review necessary for a trail, though some hydraulics beneath the trail are necessary due to the wetland, but he expects a straightforward review process.

Mr. Sackett noted that it would be helpful in regards to the Planning Board's recommendation to the town board if a timeline with an expected completion date recognizing the various phases that need to happen was provided. While Mr. Sackett recognizes that there are certain aspects which are out of the applicant's control, it would be beneficial to have that to assist them in wording their recommendation to the town board accordingly. Mr. Zollitsch responded that they can definitely prepare and provide that to the planning department.

Mr. Geasling stated that while he understands they are commencing a coordinated review, as he was reviewing their density calculations, it appears that when you calculate the lot density for the rural residential, they are using the total acreage not the reduced 90% acreage to calculate the lots. When he used the 15.15 acres instead of the 16.83, it drops a full lot, which effects the overall total. Since that is replicated in the EAF, their overall plan, and the overall numbers are duplicated throughout. Mr. Geasling asked for some clarification, which Mr. Zollitsch responded that he will review it and make sure they did not miscalculate. For the purpose of their current review, with the addition of the 25 lots that they are seeking approval on, it is well below what they believe to be the total. If there is a mistake, they will be sure to correct it to assure all information is correct.

Mr. Bleuer stated that correspondence regarding this project will be accepted all through the Coordinated Review process.

- John Thompson of 9689 Rosecroft asked if assuming everything goes as plan in regards to time, when do they expect initial construction to begin and end with this next phase.

Mr. Sackett asked Mr. Zollitsch, even though coordinated review is just beginning, and they are not doing a Site Plan for Phase 8, if everything proceeds as they expect, when do they anticipate construction to begin. Mr. Zollitsch responded that he thinks that they can gain full development plan approval this year, but it is also largely dependent on the market as well as interest from home builders in terms of inventory and moving forward with construction. Mr. Zollitsch believes they will begin construction either late this year, or early spring of next year.

In terms of the construction period for phase 8 itself, the actual road and infrastructure, Mr. Zollitsch believes it won't last longer than 2-3 months of active construction, then home construction following that would likely extend for at least a year to two years. As for the actual site infrastructure, that would only be a matter of a couple of months.

Mr. Sackett noted that multiple approvals are needed before that point is reached, but that gives us an estimate.

During the 30 days of coordinated review, the planning board encourages input from the public, all submissions can be sent to the Planning and Zoning office.

To clarify, Mr. Sackett noted that we are starting a coordinated review with interested and involved agencies to determine whether the density increase is approved. They are not approving per say any sort of configuration for Phase 8 there are a lot of miles to go, including having to go back to the Town Board.

ACTION:

Motion by Robert Sackett, second by Richard Bigler that as pursuant to Article 8 of the Environmental Conservation Law, to **accept** the Part 1 Environmental Assessment Form as submitted and to seek Lead Agency status and **commence** a coordinated review among involved and interested agencies on the proposed Spaulding Green Open Space Design Subdivision Density Increase. This Unlisted Action involves the proposed unit density increase of twenty-five (25) residential units, from 380 units to 405 units, in the Residential Single Family zone.

ON THE QUESTION:

Jason Geasling	Aye	Jeffrey Buckley	Recuse	Wendy Salvati	Aye
Richard Bigler	Aye	Robert Sackett	Aye		

MOTION CARRIED

Mr. Sackett asked Mr. Zollitsch to submit the information for the bike / recreational trail, and to review the density calculation with the planning office to reconcile any discrepancies.

Item 2

Bar-Bill Tavern North
Traditional Neighborhood District

Requests approval of a pergola over the existing second story patio at 8326 Main Street.

DISCUSSION:

Mr. Bleuer introduced this project, which contains approximately 1.6 acres in the Traditional Neighborhood District with an existing approved restaurant and an active Temporary Conditional Permit for outside dining.

The applicant is seeking approval to construct a pergola over the existing second story patio.

Mike Berger from Sutton Architecture was present virtually and spoke on behalf of the applicant, adding that they are hoping to add a wood roof pergola over the 750 sq. ft. roof patio that already exists on the building. It would be an open air structure, which would provide shade and protection from wind, while still allowing an outdoor dining experience.

The proposed structure is not intended to attach to the existing roof, it would be a free standing pergola mounted to the flat roof of the patio, but not the pitched roof of the building.

The owner has no intention to introduce any live music, lighting will be low voltage, minimal, decorative ambient type lighting which would be directed down towards the patio floor. Nothing on the poles or posts would be directed outward in any way.

They intend to maintain their regular business hours, without extending their patio hours in any way.

In addition to the lighting, they would like to install a couple of ceiling fans which would also be directed down to the patio floor.

Horizontal slats would be installed in order to help block the wind.

All materials would be wood framed, with the reuse of the railing already in existence, the posts would go where the railing posts currently are, the railing sections would be reinstalled to be reused, and the posts would be wrapped in a material similar to what they are currently, just taller. Then a pergola structure painted to match the color of the roof, with the horizontal slats painted red to match the color of the building.

Mr. Buckley stated that one of the board's concerns is in regards to the lighting, and they would ask that the lights be turned off no more than one hour after the close of business. Mr. Berger stated that once operation has ceased for the evening, and staff has cleaned then most likely a timer will be set to turn off the lights. This way it will assure they are turned off at the end of operations every day.

Mr. Buckley noted that in regards to the building itself, Mr. Berger understands that it would be subject to any building and / or engineering permits as well. Mr. Berger stated that yes, if they receive approval tonight, then their next step is to submit detailed construction drawings, working with the contractors and submitting drawings to the Building Department for their approval.

Mrs. Salvati asked to confirm that the ceiling fans have no lighting attached to them, which Mr. Berger responded that there is no intent to have lighting attached to the ceiling fans mostly due in fact that they are keeping it a low profile to begin with, so lights attached to the ceiling fans would make it difficult to navigate underneath. They are not intending to add light, just circulate air.

Mrs. Salvati asked if there are only two ceiling fans proposed, which Mr. Berger responded yes.

Mrs. Salvati asked about the other lighting, if it will be string lighting attached to the outer rafters. Mr. Berger stated that they have not designed any lighting specifically, but that yes essentially it is ambient lighting. Nothing strobing or high voltage or anything that will be seen over a few feet past the building.

Mrs. Salvati noted that she would like to get an idea of what is planned. The pergola is comprised of several rafters, will each one have lights attached to it. Mr. Berger responded that they may, low voltage, LED, possibly a string on each one, directed down at the patio floor, turned off at the end of operations each night.

Mrs. Salvati stated that string lighting is just string lighting, you can't direct it. She is trying to get a feel for how much lighting will be coming off of the pergola. Mr. Berger responded that because it is only intended to be ambient lighting, it is difficult to give a voltage or number. There are approximately 8-9 of the large rafters, so maybe 8 strings of lights.

Mr. Sackett interjected, stating that whatever lighting they use, it will be decorative lighting that would not extend beyond the patio, which Mr. Berger fully agreed with. Mr. Sackett noted that it is not the intention to dictate the interior brightness of the lights, but rather to dictate the lighting beyond the patio.

Mrs. Salvati clarified her concern, it is not about how far from the pergola that the lighting spreads, it is about what the residents who live at the rear of the property will be exposed to at night, and if it will be so bright that it would be intrusive for them. She suspects if that were to happen, they would let Bar Bill or the town know. She stated that it is not always about what spills off of the site, every light fixture still has a star of brilliance that people see. Even though she looks at a photometric plan, and all that lighting is not spilling off the site, it is still intrusive.

In regard to Public Participation, no one spoke.

ACTION:

Motion by Jeffrey Buckley, second by Wendy Salvati to **approve** the request of the applicant to construct a pergola over the existing second story patio at Bar-Bill Tavern North located at 8326 Main Street per the submitted plan by Sutton Architecture set received by the Planning Office on April 27, 2021 with the following conditions:

1. Subject to any required permits by the Building and Engineering Departments.
2. No exterior pergola lighting. Any interior pergola lighting to be decorative or used for patio illumination only, and turned off no later than one (1) hour after close of business.
3. All conditions of approval for the existing Temporary Conditional Permit for outside dining remain in force.

Mr. Berger understands and agrees to the above mentioned conditions.

ON THE QUESTION:

Mrs. Salvati asked if approval is granted, when they plan to begin construction, which Mr. Berger responded that their plan is to begin as soon as possible.

Jason Geasling	Aye	Jeffrey Buckley	Aye	Wendy Salvati	Aye
Richard Bigler	Aye	Robert Sackett	Aye		

MOTION CARRIED.

Item 3

Mercedes-Benz of Buffalo
Commercial

Requests approval of an automotive accessory structure on the southeast corner of the property at 8185 Main Street.

DISCUSSION:

This project was introduced by Mr. Bleuer, it is an existing automotive dealership and service center that sits on approximately 4 acres in the Commercial zone.

The applicant is seeking approval of an approximately 4,200 sq. ft. automotive accessory structure at the southeast corner of the property.

The structure would be used for automotive service, including Sprinter Vans. This proposal may be considered through the existing Special Exception Use Permit associated with the property for automotive sales and service.

Finally, and if approved, the existing Sprinter van service Temporary Conditional Permit at 8500 Roll Road would not be renewed for 2022 due to its relocation back to the Mercedes site.

Speaking virtually on behalf of the applicant is Owen Williams from FJ Wailand Associates. Also present is owner / applicant Robert Lamastra.

Mr. Williams stated that Mercedes Benz is getting too onerous to run the Sprinter vans back and forth between their main location on Main Street and their Roll Road location, so they would like to construct this accessory structure in order to streamline their business and help their turnaround time and service for their clients.

The façade facing Main Street would be decorative to match the existing showroom, they have also met with a Landscape Architect for the purpose of beautifying the right of way, similar to what BMW has done.

Aside from that, it is a straightforward, utilitarian style building with the sole purpose of being used to expand their operation.

Mr. Geasling asked what the material on the north elevation is intended to consist of, Mr. Williams responded that it is RhinoBond, which is a name brand for AlumniBond, which matches what is currently on the showroom. They are square, rectangular panels which will be attached straight on to the northern façade of the building.

Mr. Geasling confirmed that all roof drainage will go in to a closed drainage system, which Mr. Williams agreed with, adding that it will be attached to the current drainage system already on the premises.

Mr. Geasling asked what their landscaping intent is, whether it is to compliment the landscaping next door at the BMW dealership, and be consistent with that style, which Mr. Owens stated that yes, and because they just had their first meeting with the landscaper, he is putting together a package to present to BMW which they will then put on a plan and present to the town. They don't have as much space as BMW does, so they don't have the same opportunities that they do to plant large planters or a retaining wall, so their landscaping will be simpler. Perhaps 6-7 trees between the light posts, as well as some bushes and shrubs to surround the light post bases, to help break up the front right of way.

Mr. Geasling asked in regards to the lighting, is it their intention to have lighting only on the west side of the building, which Mr. Owens responded yes, it is basic security lighting nothing operational. There is existing lighting on the site which will perform anything additional they may need.

Mr. Bigler asked about outside storage or working, at which point owner Robert LaMastra responded that there will be similar to what is behind the gate now, which are the vehicles that come in trade, then the vehicles that they work on inside the building. Primarily the Sprinter vans, but occasionally there are pre-owned passenger cars as well.

Mrs. Salvati asked if there will be any work done on vehicles outside of the building, which Mr. LaMastra responded no.

In regard to Public Participation, no one spoke.

Mr. Sackett asked about car washing, which Mr. LaMastra responded that there will be none, it is strictly for automotive repair. They currently have their detail area in the main building which is where the cleaning work is done, which is a preexisting building.

ACTION:

Motion by Jason Geasling, second by Richard Bigler that pursuant to Article 8 of the Environmental Conservation Law, to **accept** the Part 1 Short Environmental Assessment Form as submitted and **approve** the Part 2 & 3 Short Environmental Assessment Form as prepared and to **issue a Negative Declaration** on the proposed Mercedes Benz Automotive Accessory Structure at 8185 Main Street. This Unlisted Action involves the construction of a detached accessory structure in the Commercial zone. After thorough review of the submitted site plans and Environmental Assessment Forms it is determined that the proposed action will not have a significant negative impact on the environment.

ON THE QUESTION:

Jason Geasling	Aye	Jeffrey Buckley	Aye	Wendy Salvati	Aye
Richard Bigler	Aye	Robert Sackett	Aye		

MOTION CARRIED.

Motion by Jason Geasling, second by Richard Bigler to **approve** the request of the applicant to construct a detached automotive service accessory structure at Mercedes Benz of Buffalo located at

8185 Main Street per the submitted plan set by F. J. Wailand Associates received by the Planning Office on March 24, 2021 with the following conditions:

1. Subject to any required permits by the Building and Engineering Departments.
2. Applicant shall submit a landscape plan for review and approval by the Landscape Review Committee, and all required plantings shall be installed within one (1) year of project approval.
3. No collision or paint booth work to occur within the detached accessory structure.
4. Only automotive service, maintenance and storage shall occur within the detached accessory structure.
5. All lighting to be dark sky compliant and shielded to prevent spillage onto adjoining properties.

Mr. LaMastra understands and accepts the conditions.

ON THE QUESTION:

Jason Geasling	Aye	Jeffrey Buckley	Aye	Wendy Salvati	Aye
Richard Bigler	Aye	Robert Sackett	Aye		

MOTION CARRIED.

Mr. Sackett adjourned the meeting at 7:52 p.m.

MOTION CARRIED

Amy Major
Senior Clerk Typist