

Town of Clarence  
One Town Place, Clarence, NY 14031  
**Planning Board Minutes**  
Wednesday June 16, 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 6:00 pm**

Status of TEQR Coordinated Reviews  
Review of Agenda Items  
Miscellaneous

**Agenda Items 7:00 pm**

Approval of Minutes

**Item 1 - Signage Variance**

Jeffrey Wass, The Hurt Locker  
Commercial

Requests a variance of 92 square feet to allow a  
192 square foot wall sign at 9992 Main Street.

**Item 2**

Theodore Hallac  
Traditional Neighborhood District

Requests Development Plan approval for a  
conceptually approved commercial building at  
7149 Transit Road.

**Item 3**

Northtown Automotive Companies  
Commercial

Requests Concept Plan approval for a proposed  
automotive storage lot at 8143 Main Street.

**Item 4**

Richard E. McNamara  
Industrial Business Park

Requests Concept Plan approval for an  
expansion to the existing business operation(s) at  
8615 Roll Road.

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

Planning Board Members present:

Chairman Robert Sackett

Vice-Chair Richard Bigler

2<sup>nd</sup> Vice-Chair Wendy Salvati  
Jeffrey Buckley

Gregory Todaro  
Jason Geasling

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  
Jeffrey  
Patrick McNamara

Michael Metzger  
Jason G

Ted Hallac  
\*\*\*-4411

WHovey  
Richard McNamara

Motion by Richard Bigler, seconded by Jason Geasling, to **approve** the minutes of the meeting held on May 5, 2021, as written.

Jason Geasling	Aye	Jeffrey Buckley	Aye	Gregory Todaro	Abstain
Wendy Salvati	Aye	Richard Bigler	Aye	Robert Sackett	Aye

MOTION CARRIED

Motion by Richard Bigler, seconded by Gregory Todaro, to **approve** the minutes of the meeting held on May 19, 2021, as written.

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

MOTION CARRIED

**Item 1 - Signage Variance**

Jeffrey Wass, The Hurt Locker  
Commercial

Requests a variance of 92 square feet to allow a  
192 square foot wall sign at 9992 Main Street.

**DISCUSSION:**

Mr. Bleuer introduced the item, explaining that it is an existing 8.5 acre parcel located primarily in the Commercial zone, containing multiple business operations, including The Hurt Locker gym and physical fitness center.

The applicant, who is present virtually, is requesting a variance of 92 square feet to allow a 192 square foot wall sign on the east elevation of the building closest to Main Street.

The externally illuminated wall sign currently exists on the building, and states “THE LOCKER” in white and blue wooden letters. The signage was installed without permit prior to June of 2020. On June 1<sup>st</sup>, 2020 a Signage Application for the previously installed sign was received by the Planning Office, and administratively denied due to nonconformity with Town Code Chapter 181-5(F)(4).

In December of 2020, the applicant met virtually with the Planning Board Executive Committee, and determined that a code compliant signage plan would be formed by the spring of 2021.

Finally, on May 18<sup>th</sup> 2021, the applicant submitted a Variance Request to allow the existing un-permitted non-conforming wall sign to remain as-is.

The Planning Board does have the authority to act on Signage Variances per Town Code Chapter 181-7.

Mr. Wass was present virtually and address a correction that he needed to make regarding the size of the variance. Mr. Wass stated that the correct size of the sign is 120 sq. ft., not 192 sq. ft. as submitted on the application, as calculated by Mr. Wass.

According to Mr. Wass, this makes it a 20 sq. ft. variance which he is requesting, not 92 sq. ft. as previously calculated and submitted by Mr. Wass.

Mr. Wass stated that due to a critical estimating error of the size of the letters, he submitted an inaccurate and incorrect number on his application.

Mr. Bleuer affirmed that the application submitted by the applicant states that the sign is 24 ft. long and 8 ft. high, and asked Mr. Wass if he has updated dimensions that he is working off of, Mr. Wass responded not currently in front of him, but that he can.

Mr. Bleuer stated that the total height by the width of the letters, boxing them out is what the Planning Office would accept for the total square footage of the sign.

Much discussion ensued regarding the process that Mr. Wass used to calculate the new square footage of the sign.

Mr. Wass stated that the letters are 6 ft. high by 3 ft. wide. Mr. Sackett reminded Mr. Wass that the calculation of the sign is the total distance from the “T” in the word “The” to the “R” at the end of the word “Locker”. Mr. Wass responded that total is 20 ft. wide by 6 ft. high which is how he came to the new total of 120 ft.

Mr. Bleuer stated that he cannot confirm that number.

Mr. Sackett stated that for the purpose of the meeting, it is agreed that the size of the sign is greater than the 100 ft. which is the limit allowed per town code, therefore a variance is still needed for the sign, which Mr. Wass agreed to.

Mr. Bengart stated that for tonight’s meeting, there is an agreement that the size of the sign is at least 120 ft.

Mrs. Salvati asked Mr. Wass when he first installed the sign, Mr. Wass explained that the sign was installed in the spring of 2020 while his business was in a mandated shut down due to Covid-19. During the shutdown, Mr. Wass took the time to reorganize and rebrand so that when he was able to open again, he would be prepared. He wanted to let people know that they were still there and that they survived Covid-19.

Mrs. Salvati asked Mr. Wass what other signage he has installed on the property, Mr. Wass responded that out by the road there is a 2 ft. by 6 ft. banner with the business name and phone number on it, as well as a 4 ft. by 8 ft. sign on the side of the building that faces Main St., also with company name and number.

Mrs. Salvati stated that she saw an additional sign on the side of the building for another business as well, and asked Mr. Wass if that business is his also. Mr. Wass responded no, it is a different business unrelated to his business.

Mrs. Salvati asked Mr. Wass if he was aware of any existing regulations or whether he had any consultation with the town when he decided to install the sign. Mr. Wass responded that the sign that he moved to the side of the building was previously in the center where the current sign is. It was very small for the location, and difficult to read according to Mr. Wass.

Mr. Wass said that he was aware that there were a lot of rules and regulations for signage by the road, but that he was unaware of the regulation sizes for the building itself.

Mr. Wass stated that he wanted to focus on the entryway so that the members can see where to enter, as there tends to be a lot of confusion as to where they are located. The purpose of the large signage was to let people know that they have made it through Covid and are thriving, and to showcase the entryway.

In regards to Public Participation, no one spoke.

Speaking to the board, Mr. Sackett asked whether they feel there have been any undesirable changes to the character of the area.

Mr. Todaro asked what the letters are made out of, Mr. Wass responded that the material is plywood with all-weather paint, properly secured to the building and with external illumination.

Mr. Sackett asked if there are alternatives which would achieve the same results aside from exceeding the code, even though he has been aware for some time that the sign does exceed the code.

Mr. Wass responded that there are alternatives that would cost more, and he was trying to keep the look of the sign clean, simple, and not too abstract or cause any confusion.

Mr. Sackett reiterated his question as to whether there were any alternatives that stayed within the code, Mr. Wass responded that the simple alternative would be to make the signage smaller but otherwise he did not consider any other alternatives.

Mr. Sackett asked why Mr. Wass didn't reduce the size of the sign once he was notified that it was out of code, which Mr. Wass stated that when he was notified that it was out of code, it was approaching the winter months and there were safety concerns. It's difficult to get up to the sign just to remove a

couple of feet to bring it to code, so Mr. Wass wanted to explore all options, including talking to this board about possibly keeping the sign as it is.

Mr. Sackett noted that Mr. Wass went before the Sign Committee, which they recognized the hardship of the winter and Mr. Wass agreed to bring the sign up to code by the spring of 2021, which Mr. Wass agreed was correct.

Because of the difference in sizes and numbers that have been brought to the board at the meeting tonight by Mr. Wass, Mr. Sackett asked Mr. Wass if he had previously informed the planning office or the sign committee or the planning board that the 192 sq. ft. as previously stated on the application was incorrect, Mr. Wass confirmed that it is correct.

In terms of creating an undesirable precedence, Mr. Sackett asked Mr. Wass why he believes this does not set a precedence. Mr. Wass responded that once he submitted the application, he doesn't believe that he received a copy of the application, and when he just noticed today that his application stated 192 sq. ft. After recently doing more research and calculating the numbers correctly, he realized that he had miscalculated.

Mr. Sackett asked Mr. Wass if he feels his signage is consistent in size with the neighboring signs. Mr. Wass responded that he feels the sign fits his building perfectly, it frames in the entryway, it is not an eyesore, and the wood on wood is consistent.

Mr. Wass stated that the size and square footage of his building is much larger than the neighboring buildings, therefore he tried to stay consistent with the size of his building which is why he believes his signage is a little bit larger, but not out of the ordinary for the neighborhood.

Mr. Bengart asked Mr. Wass for examples of other signs within the same zoning district or neighborhood that exceed the limits under the law. Mr. Wass noted that the signage on the Eastern Hills Mall and JC Penney specifically is larger than 100 sq. ft.

Mr. Bengart is asking this of Mr. Wass because it is one of the considerations that the board has to look at when determining Mr. Wass's request.

Mr. Wass stated that in the Hollow there are buildings there with artwork all across the side of the building which he understands artwork is different than business signage. If across the top where it says his business name if it didn't have his business name, but apparently he can put art work up there as long as it's considered art, he doesn't need a permit.

Mr. Wass stated that he believes The Hollow Bistro has signage that is larger than 100 sq. ft., that is in his zoning district.

Mrs. Salvati clarified that the Hollow Bistro is in a Traditional Neighborhood Design District, where the regulations are different. The Locker is in a Commercial District and are required to comply with the sign regulations outlined in that district.

Mr. Sackett asked Mr. Wass what alternatives he would consider if his variance request is denied, and why hasn't he done them previously.

Mr. Wass stated that he would possibly look in to some sort of mural or artwork that does not require a permit. Another realistic alternative is to just reduce the height of the signage.

Mrs. Salvati noted that Mr. Wass stated that he needed to have a larger sign up over the entrance so that people know where his business is, taking a smaller sign that has the name of his business down from the side of the building. Mrs. Salvati asked if Mr. Wass has considered putting the larger sign on the side of the building which has full exposure to Main Street and keeping the smaller sign over the door. This way once people came in to the parking lot, they would identify that is his business. Mr. Wass responded that a lot of his building gets hidden by the restaurant that sits in front of his building, and the sign would be blocked.

Mr. Sackett stated to Mr. Wass that working with the planning office to help conform to the code is a wise choice to make and often works out for all parties involved.

Mrs. Salvati asked Mr. Wass in regards to the two signs on the south façade which faces Main Street, what the other sign is that is not his. Mr. Wass stated that there is a second business which is located at the property, which is completely separate and unrelated to his business. The business operates inside his building, and has been there for approximately two years.

Mr. Bengart asked Mr. Bleuer if the other two signs which are located on the side of the building are in compliance, Mr. Bleuer responded that he does not currently have the information available to make that determination. Mr. Bleuer identified that a business may have one wall sign, unless the Sign Review Committee may consider secondary wall signs if it faces a public right of way.

Mr. Wass believes that all of the signage previous to the large one currently being discussed was applied for.

Mr. Todaro asked Mr. Bleuer if although the town and planning office may have been closed at certain times during the shutdown, was Town Code still available on the town's website at all times. Mr. Bleuer responded that it was available, as were the office staff, working remotely.

Mr. Buckley asked Mr. Wass what the approximate distance is from the location of the sign on the building to Main Street, Mr. Wass responded approximately 200 ft.

Mr. Buckley noted that Mr. Wass's building sits back behind the Campfire Grill which faces the road, as well as several other businesses along Main Street, unlike Mr. Wass's business. Additionally, there are multiple businesses located in the parking lot that Mr. Wass's business utilizes.

Mr. Buckley believes that there are some mitigating factors involved, regardless of tonight's outcome, if there are ever any modifications to any signage on a building, that Mr. Wass understands that it is necessary to approach the planning department to go through the proper process before any modifications or installations are made. Mr. Wass agreed that he understands that.

Mrs. Salvati noted that the town sign code which is Chapter 181 talks about the protection community character of a neighborhood, and this law is echoed by the Vision Main Street Plan which was developed in 2017.

**ACTION:**

Motion by Wendy Salvati, seconded by Richard Bigler Based on all the evidence provided, in the Town of Clarence Sign Law and Zoning regulations, review of other guidance documents, and the testimony offered by the applicant, Mr. Jeffrey Wass, **deny** the request of Jeffrey Wass of the Hurt Locker for a 20 square foot variance to allow a 120 square foot wall sign located at 9992 Main Street.

**ON THE QUESTION:**

The Planning Board must take in to consideration the benefit of the applicant, and weigh that against the detriment of the health, safety, and welfare of the neighborhood. The Planning Board's determination when looking at this appeal is based on the criteria that the chairman outlined earlier. The evaluation of that criteria represents a balancing test for evaluation of this request for variance from the law:

**1. Will a sign that is very large constitute or produce an undesirable change in the character of the neighborhood or a detriment to nearby properties?**

Visual observation of signage in the surrounding area indicates that other businesses are in compliance with existing sign regulations and have not employed an overabundance of signage to promote their establishment. The existing signage establishes a certain character for the area that is part of the longstanding rural environment along this portion of Main Street, which was reaffirmed through the Vision: Main Street planning process when that Plan was adopted by the Town. The intent of the Town of Clarence Sign Law (Chapter 181 of the Town Code) is to protect property values by reducing visual blight and hazards that may be caused by advertising obstructions and distractions. Allowing very large signage that is beyond the legal limit does not improve or protect existing community character. The subject property is also located in an Agrarian Transition Area as delineated by the Vision: Main Street plan. The transition areas along Main Street are places where design styles should echo the historic rural character of Clarence. Allowing oversized signage is out of step with signage in the surrounding area, does not meet the intent of the Sign Law and is not in keeping with the guidance of the Vision: Main Street Plan. Based on the aforementioned observations that this variance from the law would have to be considered a detriment to protecting and enhancing the character of the neighborhood.

**2. Could the benefit that is being sought by the applicant be achieved by some other feasible method other than variance?**

The discussion has made clear that there are other alternatives. This applicant currently has one free-standing sign for his business as part of a plaza sign that is located on Main Street, one wall sign and another promotional advertising wall sign on the south façade of the building, and the large wall sign on the eastern façade for which a variance is being sought. The south wall façade is large and has direct exposure to Main Street and could be used to achieve the objective desired from the oversized sign that faces east and has far less exposure to the roadway. Based on the discussion tonight, it has been determined that benefits could be achieved through options other than the variance.

**3. Will the proposed variance be substantial?**

The applicant is seeking a sign that is beyond what is permitted under the law (120 ft. vs. 100 ft.). In addition, the applicant is currently utilizing several signs to advertise and promote his business. This includes signage on the south façade, a free-standing street sign on Main Street, the wall sign for which he is requesting a variance taken together, could be considered substantial. The use of an oversized sign that exceeds code requirements, along with the other signs to promote this business is more than what is currently being utilized by other businesses in the area surrounding this site and is substantial.

**4. Will the variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood?**

As other existing businesses in the surrounding area have endured the pandemic, including one business which is located within the applicant’s premises and they have remained in business, and are in compliance with the Sign Law regulations through the pandemic, and are still operating. Approval of this variance would set a precedent that could lead to other existing businesses in the area or new businesses desiring to install signage that exceeds set standards. This could be detrimental to the existing character of the surrounding community and would not be in keeping with the intent of the Sign Law or the Vision: Main Street Plan.

**5. Is the alleged difficulty self-created?**

The applicant chose to erect this sign in an attempt to create an innovative way to promote his business without consulting the Town with respect to regulations or requirements. The town was not closed during the pandemic, it was open for business, and the regulations were available for the applicant to view. After knowing the requirements, and advising the Sign Committee that he would reduce the signage in the spring of 2021, Mr. Wass decided to seek a variance as an avenue of relief rather than working with the Planning Office and employing other legal options to achieve the objective of advertising his business. Actions taken without regard to existing laws and standards and without guidance from the planning office cannot be viewed as anything other than self-created.

Jason Geasling	Aye	Jeffrey Buckley	Nay	Gregory Todaro	Aye
Wendy Salvati	Aye	Richard Bigler	Aye	Robert Sackett	Aye

**MOTION CARRIED**

Mr. Wass was advised to go to the planning office to apply for a sign that achieves his objectives in compliance with the code.

Mr. Wass asked if he decides to have artwork done, he believes he does not need to apply for a sign permit. Mr. Bengart responded that it will depend on what the artwork looks like and consists of. If it’s an attempt to put up a sign in the form of artwork, that would not be allowed. If it is truly artwork, it may be acceptable.



Mrs. Salvati added that any artwork can not contain the name of the business. The applicant had mentioned The Bistro in the Hollow previously as an example, with the mural that they have placed on the side of their business. That mural does not describe or promote their restaurant, but rather cultivates the historic character of the Clarence Hollow.

Mr. Bengart stated that the option of doing something on the front of the building may exist, and that is something that the applicant needs to explore with the planning office.

**Item 2**

Theodore Hallac  
Traditional Neighborhood District

Requests Development Plan approval for a conceptually approved commercial building at 7149 Transit Road.

**DISCUSSION:**

Mr. Bleuer introduced this project, which is located at the southeast corner of Transit Road and Lapp Road, an existing 2.8 acre parcel which contains an existing salon building at the corner, and vacant land surrounding.

The applicant is present virtually, requesting Development Plan approval for the construction of a 7,500 square foot commercial building and associated parking and facilities.

This proposal has previously received a Negative Declaration under the State Environmental Quality Review Act, Concept Plan Approval and Conceptual Architectural Approval by the Planning Board in December of 2019.

The Planning Board has authority to approve the Development Plan, and recommend final Architectural Approval to the Town Board, as this project is within the Swormville Traditional Neighborhood District.

Michael Metzger, the project engineer was present virtually along with owner Theodore Hallac, to further explain the request.

Mr. Metzger explained that they have submitted a fully engineered set of plans for the project, which are in full compliance with local, county, and state regulations. The project itself is in compliance with the town's zoning code.

They have obtained approvals from the New York State Department of Transportation, Erie County Department of Public Works, Erie County Division of Sewage Management for the sewer connections, Erie County Water Authority, the town engineer, and the Landscape Committee.

Mr. Todaro thanked Mr. Metzger and Mr. Hallac for working with the planning board and the planning board executive committee on this project, which has come a long way.

Mr. Todaro asked about the parking in the rear / east side of the building and whether there will be any traffic pattern signage for the area. Mr. Todaro stated that he has some concerns regarding the traffic

entering from Lapp or Transit Road that will be coming in, going towards the back, then at the same time, cars coming from the back and attempting to exit from the same entrance / exit.

Mr. Metzger responded that all of the travel lanes are in compliance with town regulations. They are 24 ft. wide which provides ample room for vehicles to pass each other.

Mr. Todaro reference the hair salon located on the north side of the development has a roadway which leads to a parking lot in and of itself for their business, will that be a shared lot with the new development. Mr. Metzger responded that it is a shared lot, under the same ownership on the same property, and there will not be any issues between businesses in regards to shared parking.

In regards to the retention pond in the rear of the property, Mr. Todaro noted that it is a 6 ft. wet pond, with open area behind it. Mr. Metzger responded that the open land behind the proposed project could potentially be used in the future, there are no set plans to keep it unused.

The pond is 6 ft. at its deepest spot and to be in compliance with the state's stormwater regulations for water quality it has to be at least 6 ft. deep. It does have a safety feature on it meaning that if someone should inadvertently walk in to the water, the slopes are very easy and manageable to walk up.

Mr. Todaro asked about the walkability from the back / east side parking lot to the front of the development and whether there will be a sidewalk available to go back and forth. Mr. Metzger responded that there will be doors in the back of the building, and it will be up to each individual tenant to decide whether or not they want to allow access to their business via the back door. There is a sidewalk along the east / back side of the building leading to the front of the building, which connects to a sidewalk in the front.

Mr. Todaro asked Mr. Metzger to explain the materials used on the building, which Mr. Metzger described as a mixed use of several materials. There will be a material that resembles stone along the bottom of the building below the windows, as well as the columns in the front. There will be a substantial amount of glass windows, then the area above the windows will be an EIFS material. There will be a shingled, pitched roof.

Mr. Todaro asked about the mechanicals located in the back of the building, which in a letter to the planning office explained that there are individual H-VAC compressor units which will be installed behind each leased space at the back side of the building, and screened with landscaping. On one of the designs, Mr. Todaro noted that there are shared mechanicals which Mr. Metzger responded that there are individual compressor units, which is a benefit for the smaller lease spaces because the units themselves can be smaller. There will be a board along the south wall which will have gas meters and electric meters, which will be buffered with landscaping.

Mr. Todaro commented that his assumption is that all of these units will be landscaped in the rear as they become active businesses, Mr. Metzger confirmed yes.

Mr. Todaro questioned lighting, specifically the installation by NYSEG of lights on two utility poles at the Transit Road. right-of-way which will be directed downward to the parking area. Mr. Metzger responded that there will be three different lighting systems utilized with the building, the new systems

are much more controlled than what may have been experienced in the past. They will be shielded so that they shine downward, and will mainly be safety and security lighting.

In regards to the lights that NYSEG is installing, Mr. Todaro asked whether they will be controlled by the business, or will they be on their own operating system. Mr. Metzger responded that those lights are set on photo sensors, they will come on at dusk and go off at dawn.

Mr. Todaro asked whether there is cupola lighting on the top, and if so what are those operating hours. Mr. Hallac responded that yes there are, and those operating hours are also from dusk until dawn. Mr. Metzger noted that the cupola lighting will be more of an ambience lighting.

Mr. Todaro asked if based on the front elevation other than the eave lighting, is there any additional lighting that will be included on the front of the building, which Mr. Metzger responded no there is not.

Mr. Buckley asked what the elevation difference is between the southernmost border of this parcel and the parcel immediately to the south. Mr. Metzger responded that the ground elevation will be just under 586, and that the contour of the property to the south shows approximately a 3 ft. difference between the two elevations.

After further discussion, Mr. Buckley stated that essentially the drainage plan will flow, and any stormwater runoff will be directed in to the retention pond in the back.

Mr. Bigler asked about the stone building materials, and whether it will be real stone, or artificial stone of stone appearance. Mr. Hallac responded that the material is artificial stone, which looks exactly like real stone.

After further discussion regarding the stone material that will be used, Mr. Metzger stated that since the town board has final architectural approval, they would provide a sample of the stone building material for the board's review.

Mr. Bleuer asked whether the stone material is a stone veneer, which would not have the mortar in the joints, but would still be a stone product affixed to the surface. Mr. Metzger responded that it is a veneer, not an actual stone construction.

Further discussion regarding the stone material continued.

Mrs. Salvati asked about the area east of the retention pond on the property, that it will remain wild. Mr. Hallac and Mr. Metzger both responded that there are no plans to keep it wild, but no commercial buildings will be built there, possibly a single family home in the future, as Mr. Hallac owns all of that property as well.

Further discussion continued regarding the vacant land to the east of this property.

In regards to Public Participation, no one spoke.

**ACTION:**

Motion by Gregory Todaro seconded by Richard Bigler to **approve the Development Plan** for Theodore Hallac’s commercial building at 7149 Transit Road per the submitted drawing set by Metzger Civil Engineering dated April 8<sup>th</sup>, 2020, with a revision date of September 30<sup>th</sup>, 2020 with the following conditions:

1. As per the Town of Clarence Engineering Letter of Approval dated April 30<sup>th</sup>, 2021, and associated conditions.
2. Subject to Town Building and Engineering Department approval prior to any permits obtained for the construction on the property.
3. As per Landscape Committee Approval, and associated conditions including the maintenance of all landscaping in perpetuity, and replacement in-kind of any dead or dying landscaping.
4. Any future uses of the building shall comply with the allowable uses of the Traditional Neighborhood District.
5. No future uses of the building shall have outside storage or outside display of merchandise.
6. Parking to occur within designated parking spaces only, and shall remain striped per the approved Development Plan in perpetuity.
7. All site lighting must be dark sky compliant and shielded to prevent spillage onto adjoining parcels.
8. Electric meter panels and gas meters to be installed on the south building wall, and buffered with landscaping subject to approval by the Planning Office prior to installation.
9. Individual HVAC compressor units shall be installed behind each of the tenant spaces at the rear of the building, and buffered with landscaping previously approved for that area.
10. Subject to Open Space and Recreation fees.

Mr. Hallac understands and agrees to all conditions as stated.

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

**MOTION CARRIED**

Motion by Gregory Todaro, seconded by Richard Bigler to recommend **final Architectural** approval to the Town Board for the commercial building at 7149 Transit Road per the submitted plan set by Norman J. Abraham, P.E. Consulting Engineer dated August, 18<sup>th</sup> 2020. With the following conditions:

1. Request that the applicant submit a material sample of any stone appearing product to the planning office prior to being placed on an agenda for final architectural approval.

The applicant understands and agrees to these conditions.

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

**MOTION CARRIED**

**Item 3**

Northtown Automotive Companies  
Commercial

Requests Concept Plan approval for a proposed  
automotive storage lot at 8143 Main Street.

**DISCUSSION:**

Mr. Bleuer introduced this project, which is an existing 4.25 acres in the Commercial zone containing a 1-acre automotive storage parking lot and vacant land on Auto Place, south of Main Street.

The applicant is present virtually, requesting an action under the State Environmental Quality Review Act and Concept Plan Approval for an automotive storage parking lot.

Engineer Michael Metzger as well as Bill Hovey, the architect for the applicant were both present, speaking on behalf of the applicant.

Mr. Metzger noted that this is an expansion of an existing facility, there are a limited number of cars which are stored on the current site, and they would like to expand the facility, doing more with storm water management, landscaping, and buffering with the requested expansion.

Parking will be on the north and west portions of the property, separating it from existing residences that are located on the south and east sides. It will be separated from the residential area by a 45 ft. berm and greenbelt. They will also add 18 islands on the property within the lot and the stormwater facility, which is designed to be in compliance with local and state stormwater regulations.

They have worked with the planning board executive committee to address issues that have come up. They are also working with the town engineer to talk about the stormwater management system and the grading.

There are no buildings involved, it is basically a parking lot.

Mr. Geasling asked if it will be for the storage of new and used vehicles, which Mr. Hovey confirmed that it will be storage for the inventory.

Mr. Geasling asked if they anticipate having on-site lighting, Mr. Hovey responded that there are 11 light poles with 4 heads on each and are in compliance with the code.

Regarding Public Participation, no one spoke.

**ACTION:**

Motion by Jason Geasling, seconded by Gregory Todaro 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 automotive storage lot at 8143 Main Street. This Unlisted Action involves the expansion of an automotive parking lot in the Commercial zone. After thorough review of the submitted concept plan and Environmental Assessment Forms it is determined that the proposed action will not have a significant negative impact on the environment.

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

MOTION CARRIED

Motion by Jason Geasling, seconded by Gregory Todaro, to **approve the Concept Plan** for Northtown Automotive Companies at 8143 Main Street per the submitted drawing set by Metzger Civil Engineering dated September 28<sup>th</sup>, 2020, with a revision date of April 20<sup>th</sup>, 2021 with the following conditions:

1. Subject to Development Plan approval by the Clarence Planning Board prior to any permits being issued by the Town Engineer.
2. Subject to Town Building and Engineering Department approval prior to any permits obtained for the construction on the property.
3. Landscape Committee approval of a final landscape plan prior to Development Plan approval, including but not limited to the buffer along the south and east property lines. In addition, a maintenance plan shall be submitted to ensure landscaping remains in perpetuity, and is replaced in the event of death or disease to plantings.
4. Development of a lighting plan prior to Development Plan approval. All site lighting shall be dark sky compliant and shielded to prevent spillage onto adjoining properties.
5. Lot to be striped and maintained in perpetuity. No parking of vehicles outside the designated parking areas.
6. The thickness of the millings shall be determined by the Town Engineering Department.
7. No automotive sales, advertisement or display of vehicles for sale. Lot to be used for vehicle inventory storage only.
8. Subject to Open Space and Recreation fees.

The applicant understands and agrees to these conditions.

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

MOTION CARRIED

**Item 4**

Richard E. McNamara  
Industrial Business Park

Requests Concept Plan approval for an expansion to the existing business operation(s) at 8615 Roll Road.

**DISCUSSION:**

Mr. Bleuer introduced this project, which is an existing 2.45 acre parcel located in the Industrial Business Park zone, containing existing industrial business operations throughout multiple structures.

The applicant is present virtually, requesting Concept Plan and Conceptual Architectural approvals for the expansion of the business operations, to include two new industrial warehousing and light

manufacturing buildings. Each building contains approximately 12,180 square feet. The project includes the demolition of existing outbuildings to the rear, and the installation of facilities associated with the expanded operations.

This proposal has previously received a Negative Declaration under the State Environmental Quality Review Act by the Planning Board in December of 2019. Finally, the proposal received variances from the Zoning Board of Appeals in March of 2020 for reduced side and rear yard setbacks.

Mr. Buckley asked about the tenants that will be renting the bays at the proposed facility, which Mr. McNamara responded that there is a variety of tenants interested, including warehousing, storage, and some light manufacturing.

Several of the bays will be utilized for their own personal use.

Mr. Buckley asked whether Mr. McNamara anticipates and noise factor with any of the tenants, Mr. McNamara responded that he is already running machinery and equipment, so he doesn't anticipate anything more than what is already being done. Even with the work that is currently being conducted, it is quiet on the premises, as the storage facilities are air tight.

Mr. Buckley asked about the striping of the parking lot, whether Mr. McNamara would have any issues if the board made it a condition that the parking lot was to remain striped and permanent in nature. Mr. McNamara stated that he would be willing to accept that condition.

Mr. Buckley asked about lighting on the property itself once the new building is completed. Mr. McNamara stated that he plans on each overhead door having a wall pack for security purposes, then a couple of new wall packs on the existing building as well.

Mr. Buckley asked Mr. McNamara whether he has plans to add any dumpsters, which Mr. McNamara responded that he currently has one which is located right behind the leach field. It gets emptied twice a week, and if it becomes necessary to add another day, he will do that.

Mr. Buckley asked if a second dumpster became necessary, where he would locate it, Mr. McNamara responded that he'd like to keep it up front near the one that is there now, so that he can keep track of it easier.

Mr. Buckley asked about outside storage, Mr. McNamara responded that anything that would need to be stored outside short term, would remain behind the fence out of view.

Mr. Buckley noted that the Zoning Board of Appeals has approved the setbacks that Mr. McNamara previously requested.

In regards to Public Participation, no one spoke.

#### **ACTION:**

Motion by Jeffrey Buckley, seconded by Wendy Salvati to **approve the Concept Plan and Conceptual Architecture** for Richard E. McNamara's industrial expansion at 8615 Roll Road per the

submitted drawing set by Carmina Wood Morris dated May 12<sup>th</sup>, 2021, with a revision date of June 7<sup>th</sup>, 2021 with the following conditions:

1. Subject to Development Plan approval by the Clarence Planning Board prior to any permits being issued by the Town Engineer.
2. Subject to Town Building and Engineering Department approval prior to any permits obtained for the construction on the property.
3. Development of a lighting plan. All site lighting shall be dark sky compliant and shielded to prevent spillage onto adjoining properties.
4. Lot to be striped and maintained as approved in perpetuity. No parking of vehicles outside the designated parking areas.
5. The thickness of the stone lot shall be determined by the Town Engineering Department.
6. Light manufacturing, warehousing and storage are considered acceptable uses on the property. Other proposed uses shall be approved by the Planning Office and in accordance with the Town of Clarence Code prior to operation.
7. No automotive repair to occur on the property.
8. No outside storage to occur outside of the fenced area.
9. Subject to Open Space and Recreation fees.

The applicant understands and accepts the conditions.

**ON THE QUESTION:**

Mr. Buckley noted that this Board previously issued a Negative Declaration under the State Environmental Quality Review Act in December of 2019, and the Clarence Zoning Board of Appeals issued variances for reduced side and rear yard setbacks.

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

MOTION CARRIED.

Motion by Wendy Salvati to adjourn meeting at 9:10 p.m.

MOTION CARRIED

Amy Major  
Senior Clerk Typist