

Town of Clarence
One Town Place, Clarence, NY 14031
Planning Board Minutes
Wednesday June 30, 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

Item 1

Towne BMW
Commercial

Requests conceptual review of a proposed expansion to the existing automotive mechanical/detail shop for the purpose of adding an automotive collision shop at 8215 Main Street.

Item 2

Stephen Development
Commercial

Requests conceptual review of a proposed mixed use project at 9740 Main Street, SBL 71.11-2-4.

Item 3

Stephen Development
Commercial

Requests conceptual review of a proposed mixed use project at 9745 Main Street.

Item 4

Natale Builders
Industrial Business Park

Requests Development Plan approval for a self-storage facility on the north side of Roll Road, east of Harris Hill Road, at SBL 57.11-4-14.

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
Jeffrey Buckley

Vice-Chair Richard Bigler
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
 Supervisor Patrick Casilio
 Deputy Supervisor Peter DiCostanzo

Other Interested Parties Present:

Gabriele Maddalena	Melissa	Ed Berowski	Sam Shank
Noel Dill	Jacqueline Hensel	Judd Simon	Donna Callaghan
Lawrence's ipad	Steve Dale	Terri Wincott	Angelo Natale
Leilanigainey	Terri Wincott (Bill)	bcorrao	Andrew Peterson
Ken Zollitsch	Robert LaMastra	Michael Metzger	Benard Obichie
Melissa Carrato	Jeffrey Blum	Timothy Schmitt	Frank

Item 1

Towne BMW
 Commercial

Requests conceptual review of a proposed expansion to the existing automotive mechanical/detail shop for the purpose of adding an automotive collision shop at 8215 Main Street.

DISCUSSION:

Jonathan Bleuer introduced the project, explainin that it is an existing automotive sales and service facility in the Commercial zone.

The applicant is requesting conceptual review of an approximately 10,250 sq. ft. expansion to the existing automotive mechanical & detail shop for the purpose of adding an automotive collision shop.

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

Bill Wincott from D.R. Chamberlain Corporation was present virtually and further explained their request, stating that collision shops are not like they used to be. Now it is mainly replacing metal on metal and plastic on plastic. Body and collision shops have become much cleaner and environmentally friendly, with more materials being recycled.

The east wall of the body shop has been changed to full masonry in order to reduce any transmission of sound coming from the body shop to the adjacent neighbors. All of the openings are on the west side, to limit sound transmission. This addition will reduce any ambient noise coming from the detail and body shop, as it is an additional barricade between the property and neighbors.

Mr. Sackett mentioned that within the planning board executive committee discussions, the car wash that is currently on the premises will stay. Mr. Wincott responded that the car wash is still there, but that any ambient noise coming from it will be blocked by the new addition.

Starting off with questions regarding the Environmental Assessment Form, Mr. Todaro asked whether there is anything that will come from the new facility that will in any way put any waste in to the detention pond, or vice versa.

Mr. Wincott responded that they are basically replacing blacktop with building. The stormwater from that area is in to detention wells which are located on the northern part of the property. The detention pond is basically for the building in the rear and has basically nothing to do with the front section of the project.

Mr. Todaro asked for additional information regarding the question on the Environmental Assessment Form asking whether the proposed action will generate liquid waste, which the applicant had responded yes the proposed action will generate liquid waste. Mr. Wincott explained that the 150 gallons of liquid waste is sanitary waste from the additional employees that are there. Additional liquid waste which is 100% recyclable, is generated from the spray gun cleaner which is then captured and disposed of thru Safety Kleen.

Mr. Todaro then asked for clarification as to what Safety Kleen is, Timothy Schmitt from Northtown explained that Safety Kleen is a multi-functional vendor in the automotive industry. In this case, they deliver a solvent which is used to wash paint guns, then once cleaning of the paint gun is complete, all of the solvent is captured in to a 5 gallon drum and repurposed until the solvent is no longer effective. At that point, Safety Kleen then picks up the 5 gallon drum, hauls it away, reconditions it on their site, and returns with a drum filled with clean solvent.

Safety Kleen is under contract with Northtown, and though there are other vendors that perform the same services, they are all under the same federal and state safety regulations. If the applicant were to switch vendors in the future, they would only use one that is an approved vendor with a manifest.

Mr. Todaro asked whether the proposed action uses one or more sources of air emissions, Mr. Wincott addressed that question, stating that there will be heating units that consist of fossil fuel and natural gas.

Mr. Todaro asked whether there will be hazardous solid waste going in to the dumpsters, which Mr. Wincott addressed, stating that the sheet metal that comes off the cars is not hazardous. The plastic is put in to a separate dumpster and recycled as well as the cardboard and wooden pallets. Everything that comes out of the facility will be in the recycle bins.

Mr. Todaro asked whether the project site is located within five miles from a scenic or aesthetic resource as stated on the Environmental Assessment Form. Mr. Wincott stated he believes the creek in Bowmansville is within 5 miles. Mr. Bengart asked that the applicant gets an answer to that question back to the board should the process move forward.

Mr. Todaro read in to the record the correspondence that has been received regarding this item and have been placed in the project file.

- Gabe and Kim Madalenna of Foxwood Lane submitted two letters
- Jennifer Bush on behalf of Roy Jordan
- Michael and Donna Callaghan of 4248 Foxwood Lane

Concerns included proximity of development to residents, toxic chemicals, noxious fumes, raucous noise, lethal gases blowing on to property and homes, and stadium like brightness parking lights.

There was one letter of support, stating that the proposed services are an advantage for the residents of the town.

Mr. Wincott and Mr. Schmitt addressed the concerns that were listed in the correspondence. Mr. Wincott noted that they are not required to have any emissions permits from either the Environmental Protection Agency or the Department of Environmental Conservation. Additionally, they are within all zoning code requirements, and are not requesting any variances.

The new lighting will be less than what is there currently, because they are removing lighting standards and the only additional lighting will be wall packs on the building for security, and they are full down-light fixtures.

Mr. Schmitt added that the addition of the building will improve the ambient noise from the car wash. There are no doors on the west side, it is full masonry.

The air compressing system that they use will be a very high grade and high volume low noise screw type compressor, not a reciprocating compressor that makes any kind of repetitive pounding noise.

In regards to Public Participation, the following residents spoke:

- Donna Callaghan of 4248 Foxwood Lane, adjacent to the proposed body shop addressed concerns regarding the proximity of their property to the proposed body shop, stating it is approximately 20 ft. away. Mr. Sackett stated that according to the plans, there is approximately 46 ft. between the back of The Callaghan's property line to the back of the proposed building.

Discussion continued regarding the distance of the proposed building to Mrs. Callaghan's property.

Mrs. Callaghan stated that Towne BMW has not done a good job maintaining the berm as per an agreement.

Mrs. Callaghan stated that the stadium lights that were installed 17 years ago and are supposed to go off every night at 9:00 p.m. do not turn off.

Mrs. Callaghan stated that nobody is monitoring BMW, they have not been a great neighbor or taking care of their property as they are supposed to.

- Lawrence Hensel of 4249 Foxwood Lane understanding that the paint is water based, but Mr. Hensel asked what the Clear Coat solvent is made of that is applied to the vehicles.

Mr. Hensel asked why the proposed building is not moved forward on the property, so that it can't be seen from the nearby homes.

Mr. Hensel also asked about noise from the air handlers.

- Andrew Peterson of 4226 Foxwood Lane – abuts a different building that Towne Automotive owns. The Town of Clarence does not enforce the site plans that are submitted and approved. Towne Automotive states that they want to be good neighbors, but “actions speak louder than words” and their actions do not prove that, and Mr. Peterson believes that Towne Automotive should be held accountable.

Mr. Peterson stated that if improper behavior is justified and rewarded, giving businesses the opportunity to have free reign, it is not a good thing for the residents.

The Planning Office received two phone calls from Kim Maddalena tonight, who has been unable to join tonight’s Zoom meeting, but has previously submitted correspondence, which have been put in to the record.

At this time the applicant addressed the concerns of the residents.

Mr. Wincott referred to their submittal drawing which is an aerial view and has the addition blocked out on it, the Callaghan’s pool is also shown on that map. Mr. Wincott stated that they are 46 ft. away from their property line, and their pool is approximately 90 ft. from the same property line.

This addition will not impact the existing berm, which they supplied photographs of, as well as the landscape barrier that is there. The east side of the berm is almost inaccessible because of the pine trees and the size of them. They do keep the side of the berm that is accessible to them maintained, and if they were able to access the other side they would do what they can to maintain that side as well.

Mr. Schmitt stated that the clear coat is a volatile organic compound based clear coat, it is the shell that protects the paint, body, and the metal of the car. The way that they manage the situation, a state of the art spray booth, which catches 99% of any overspray is locked down to interior air upon completion, not releasing any exhaust until curing is complete. In their current facility, they are well below any air permit needs or waste generator status. They are a heavy repair facility, not a drive thru paint facility.

Mr. Sackett stated that as the proposal progresses, that the Landscape Committee will be involved, and will keep a close eye on inspections.

Mr. Wincott stated that normally air handlers consist of blowers and fans, blowers tend to emit a higher level of noise because there is a higher pressure. They use a fan-based system, it is not a continuous flow of air, it is intermittent moving the hot air out of the spray booth.

Mr. Wincott stated that there are no required permits for the facility by the Department of Environmental Conservation or the Environmental Protection Agency. They are not allowed to operate the way things were years ago.

Mr. Bleuer noted that part of the Coordinated Review involves reaching out to involved agencies, which include the Department of Environmental Conservation.

Mr. Wincott extended an invitation to any board member or any of the interested parties to visit the facility, which is basically an operation on Genesee Street in Bowmansville, which would be relocated to the proposed site.

ACTION:

Motion by Gregory Todaro, seconded by Richard Bigler that pursuant to Article 8 of the Environmental Conservation Law, to **accept** the Part 1 Full Environmental Assessment Form as submitted and to seek Lead Agency status and **commence a coordinated review** among involved and interested agencies on the proposed Towne BMW project at 8215 Main Street in the Commercial zone. This Unlisted Action involves the construction of an approximately 10,250 square foot addition to the existing automotive mechanical/detail shop for the purpose of adding a collision shop.

ON THE QUESTION:

Mr. Todaro stated that he would like the applicant to submit an answer for E3 Section H of the Environmental Assessment Form, in regards to the scenic or aesthetic resource located within 5 miles of the officially designated accessible federal, state, or local scenic area.

The applicant understands and agrees.

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

MOTION CARRIED.

Mr. Bleuer noted that when this item has concluded an environmental review in the Coordinated Review period and if it's placed back on a Planning Board agenda for further review, the same Neighbor Notifications would be made.

Item 2

Stephen Development Commercial	Requests conceptual review of a proposed mixed use project at 9740 Main Street, SBL 71.11-2-4.
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DISCUSSION:

Jonathan Bleuer introduced the project, explaining that this property is located on the north side between 9734 and 9760 Main Street.

Existing .92 acre vacant parcel located in the Commercial zone.

The applicant is requesting conceptual review of a mixed use project featuring a single 2-story building containing approximately 3,390 sq. ft. of commercial space and one residential unit on the first floor, and five residential units on the second floor.

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

Present virtually and speaking on behalf of the applicant is Noel Dill, who explained that the proposed Mixed Use Development is in line with what Vision Main Street is looking for. It is placed along Main Street to create a walkable space.

Mr. Buckley asked Mr. Dill about the Short Environmental Assessment Form, specifically the question regarding whether the site is adjoining or located on a State Historical Preservation Office archaeological site that the applicant previously answered yes to. Mr. Buckley asked whether the specific site itself falls in to that category. Mr. Dill stated that this site is not, but that generally when a site is within 3 miles of an existing project which would be Spaulding Lake which does fall under the Historical Preservation District, is why they responded yes to that question.

Mr. Buckley asked if this specific site is on Wetlands, which Mr. Dill responded there are no wetlands on the property.

Mr. Buckley reiterated that if the planning board agrees to commence a coordinated review, it is not an approval of the site plan.

Mr. Todaro asked if the stormwater detention is proposed wet or dry detention pond, which Mr. Dill responded that they normally have dry detention ponds, they plan on doing the same with this site.

In regards to Public Participation, no one spoke.

ACTION:

Motion by Jeffrey Buckley, seconded by Gregory Todaro that pursuant to Article 8 of the Environmental Conservation Law, to **accept** the Part 1 Short Environmental Assessment Form as submitted and to seek Lead Agency status and **commence a coordinated review** among involved and interested agencies on the proposed Stephen Development project at 9740 Main Street in the Commercial zone. This Unlisted Action involves the construction of a mixed use project, featuring approximately 3,390 square feet of commercial space and 6 multiple family dwelling units.

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

MOTION CARRIED.

Item 3

Stephen Development
Commercial

Requests conceptual review of a proposed mixed use project at 9745 Main Street.

DISCUSSION:

Jonathan Bleuer introduced the project, explaining that the property is located on the south side of Main Street, and is an existing 6.26 acre parcel located in the Commercial zone, containing an existing principle and accessory structure proposed for demolition as part of this project. The parcel also contains a recently blocked temporary access road to Rock Oak Estates.

The applicant is requesting conceptual review of a mixed use project featuring a single 2-story building containing approximately 3,390 sq. ft. of commercial space and one residential unit on the first floor, and five residential units on the second floor. The proposal also includes a shared access point for the proposed mixed use building and Rock Oak Estates.

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

Mr. Dill is representing the applicant and noted that this is the same prototype building as presented in Item No. 2. The difference with this project is that it gives them the ability to propose an additional road to provide access to Rock Oak to replace the closed construction road, which would be a direct benefit to the residents of Rock Oak, giving them additional access to Main Street.

At this time this is the only development that would have a private treatment system and not have a public sewer.

Mr. Buckley asked Mr. Dill for clarification regarding the indication on the Short Environmental Assessment Form stating that the proposed location is or joins a State Historic Preservation Office archaeological site. Mr. Dill responded that it is an adjoining site, as this particular site was reviewed when the entire Rock Oak site was reviewed as part of an archaeological investigation, there is nothing on this site.

Mr. Buckley asked about the wetlands, and the indication on the Short Environmental Assessment Form that the proposed location is or adjoins a lot that is either state or federal wetlands. Mr. Dill responded that there are no wetlands on this project site.

Mr. Buckley reminded the applicant that this is not an approval of the site plan at this stage, as there are several outstanding issues that still remain. Additionally, if there is additional development to be proposed for the balance of the lot, the SEQR process will need to be completed for the additional area.

Mr. Sackett asked Mr. Dill if there a rear entrance for the residents in the back of the building. Mr. Dill noted that there is an entrance, but the sidewalk is not shown in the renderings.

Mr. Sackett asked why there is not a parking lot in the rear of the building, which Mr. Dill responded that because that question has previously been raised, they are looking in to it further, there are several issues that need to be addressed and rectified.

Mr. Sackett also made note of the concept of a prototypical building, and while efficient, the Comprehensive Plan and Vision Main Street reflect different architectural designs along Main Street.

Mrs. Salvati noted that based on the comments Mr. Dill has made, it is obvious that Mr. Metzger has shared the comments and concerns that the Planning Board Executive Committee has addressed. In support of Mr. Sackett's comments, she would also like to see the architectural façade of these buildings change, so that they don't all look the same.

Mr. Dill responded that they are aware of their concerns, and that there are opportunities they have to make modifications to the façade of the buildings. Their goal is to have a walkable Main Street with the Mixed-Use buildings.

In regards to Public Participation, no one spoke.

ACTION:

Motion by Jeffrey Buckley, seconded by Wendy Salvati that pursuant to Article 8 of the Environmental Conservation Law, to **accept** the Part 1 Short Environmental Assessment Form as submitted and to seek Lead Agency status and **commence a coordinated review** among involved and interested agencies on the proposed Stephen Development project at 9745 Main Street in the Commercial zone. This Unlisted Action involves the construction of a mixed use project, featuring approximately 3,390 square feet of commercial space and 6 multiple family dwelling units.

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

MOTION CARRIED.

Item 4

Natale Builders
Industrial Business Park

Requests Development Plan approval for a self-storage facility on the north side of Roll Road, east of Harris Hill Road, at SBL 57.11-4-14.

DISCUSSION:

Jonathan Bleuer introduced the project, explaining that this property is located on the north side of Roll Road, east of Greiner Road it is an existing vacant 28.9 acre parcel located in the Industrial Business Park zone.

The applicant is requesting Development Plan Approval and Final Architectural Approval for the construction of a self-storage facility. The facility will include a 2-story approximately 18,662 square foot temperature controlled storage and office building along Roll Road, and 5 cold storage buildings to the rear.

This proposal was referred from the Town Board in April of 2019. After a coordinated review, it received a Negative Declaration under the State Environmental Quality Review Act, Concept Plan, and Conceptual Architectural Approval by the Planning Board in September of 2019. The proposal then received Landscape Committee Approval in April of 2021. Finally, the proposal received Engineering Department signoff in May of 2021.

Ken Zollitsch with GPI was present virtually, representing the applicant. Mr. Zollitsch added that they have stayed away from the Gott Creek floodway to prevent any concerns with that location.

The project consists of multiple buildings most of which are outdoor storage, there is also indoor condition storage, a total of 232 units of various sizes are provided.

Stormwater facilities are located throughout the project, sand filter, bio-retention to take care of runoff as well as an underground storage facility at the north end.

There is a very small office located on the location, therefore a septic system is located at the front portion of the site.

A thorough engineering review has been completed, as well as approvals from the Erie County Water Authority, Department of Public Works for the curb cut, the project has been reviewed by the Landscape Committee, and all approvals from those agencies.

Mr. Geasling asked why the secondary front entry door, which is shown on the elevation as well as the color illustration, does not match what is shown in the plans. Mr Geasling asked whether the color illustration is correct. Mr. Zollitsch responded that the site plan has the correct information on it. The intent of the door is to have a central door on a secure side of the storage area with access to the central part of the building, and to be able to park along that side of the building. The door is on the north side of the building, which is the storage side, not the front entrance.

Mr. Sackett stated that because this is for final approval, they need to have an understanding of that.

Angelo Natale, developer for the project has concurred with Mr. Zollitsch that the site plan is correct.

Mr. Geasling stated that what is shown in the rendering will look like the rest of the feature towers.

Mr. Sackett asked if they would be able to add a motion stating that development approval is contingent on the submission of revised architectural plans to agree with the site plan.

Mr. Geasling asked the applicant if they would please review the building materials for the record. At this point, Bobby Corrao, President of Natale Development explained that the front elevation which is shown from Roll Road is a light grey Split Face block with a corrugated metal siding in two different colors above that. The vertical elements are a fiber cement panel which will be a lighter blue.

The office portion of the building is a combination of the same fiber cement panel in a different color, with an aluminum store front, aluminum frames with glass inserted. An EIFS type material.

The back side of the building which is not visible from Roll Road is all corrugated metal siding then the elevation from the east side has the same combination of the split faced block in light grey with the metal siding above it, and the same store front window set with entry door.

Mr. Geasling asked for clarification of the fiber cement panel, which Mr. Corrao explained it is like a stucco but with a clean line finish, then pre-finished in the color shown in the rendering.

Mr. Geasling asked where the mechanicals will be located, which Mr. Zollitsch responded that they will be on the rooftop of the building. Part of the reason for the vertical elements that are visible from Roll Road is that they extend above the rooftop of the building, in conjunction with the placement of the mechanicals on the rooftop, and shield the mechanics so that they will not be visible at street level.

Mr. Geasling asked if based on the rendering, it appears as though it is curbed. Mr. Zollitsch responded that the entire site is not curbed, it is intended for protection at the entrance of the building along the sidewalk.

Mr. Todaro asked about the lighting on the building, which Mr. Zollitsch responded that there is a combination of building mounted sconce style lighting all facing down, night sky compliant lighting, no bright lights or projecting on other buildings.

Mrs. Salvati asked about the limits of clearing, which Mr. Zollitsch stated that it will be on the east side of the ditch, which runs north and south and is located on the west of the property. That line is depicted on the erosion and sediment control plan. There will be some disturbance going down in to the ditch, as they do have a pair of stormwater outlets that need to be extended off in to the ditch bottom. The majority of the clearing will be located from the top of the ditch out.

Mr. Geasling asked about the stone resembling hatch on the north half. Mr. Zollitsch responded that yes, it is located on the northern side on the slope, which is in proximity to Gott Creek as well as their underground storage for stormwater. It is designed to provide security and prevent hydraulic pressure from blowing out of the side of the slope. It is armored and stoned to protect from erosion.

In regards to Public Participation, no one spoke.

ACTION:

Motion by Jason Geasling, seconded by Gregory Todaro to **approve the Development Plan** for Natale Builder's self-storage facility at Roll Road SBL 57.11-4-14 per the submitted drawing set by Greenman-Pederson, Inc. dated February 5th, 2021, **and approve the Final Architectural Design** per the submitted drawing set by Silvestri Architects, dated June 23rd, 2021, all with the following conditions:

1. As per the Town of Clarence Engineering Letter of Approval dated May 6th, 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. No site disturbance west of the ditch and north of the creek, as identified on the approved Landscape Plan as areas to remain undisturbed.
5. All lighting must be dark sky compliant and shielded to prevent spillage onto adjoining parcels. No lighting shall be elevated above the roof lines on any building, nor higher than 15' if freestanding.
6. Other than loading or unloading, vehicular parking to occur within designated parking spaces only, and spaces shall remain striped per the approved Development Plan in perpetuity.
7. No outside storage of any kind, including but not limited to: vehicles, trailers, recreational vehicles, construction equipment, storage containers and boxes.
8. No placement of signage without necessary permit.
9. Building mechanicals for the climate controlled building along Roll Road shall be located inside the building or on the roof in a manner not visible from public view at ground level.

10. Subject to Open Space and Recreation Fees.

11. Approval is contingent upon submission of revised architectural plans to match the site plans.

The applicant understands and agrees to the conditions.

Jason Geasling Aye
Wendy Salvati Aye

Jeffrey Buckley Aye
Richard Bigler Aye

Gregory Todaro Aye
Robert Sackett Aye

MOTION CARRIED.

Meeting adjourned at 8:50 p.m. in a motion made by Wendy Salvati.

Motion Carried

Amy Major
Senior Clerk Typist