

Town of Clarence
One Town Place, Clarence, NY 14031
Planning Board Minutes
Wednesday January 10, 2018

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

West Herr Automotive Group
Commercial

Requests Site Plan Approval for the construction of an Automotive Storage Lot at 8137 Main Street.

Item 2

Benderson Development
Major Arterial

Requests a Building Permit and Architectural Approval for a proposed addition to an existing our parcel at Eastgate Plaza, 4927 Transit Road.

Chairman Robert Sackett called the meeting to order at 7:00 p.m. Councilman Paul Shear led the pledge to the flag.

Planning Board Members present:

Chairman Robert Sackett	1 st Vice-Chairman Richard Bigler	Timothy Pazda
Gregory Todaro	Steven Dale	Jeffrey Buckley
Jason Geasling		

Planning Board Members absent: Wendy Salvati

Town Officials Present:

Director of Community Development James Callahan
Assistant Director of Community Development Jonathan Bleuer
Councilman Paul Shear
Deputy Town Attorney Steven Bengart

Other Interested Parties Present: Rob Pidanick James Boglioli

Motion by Gregory Todaro, seconded by Richard Bigler, to **approve** the minutes of the meeting held on December 20, 2017, as written.

Jason Geasling	Aye	Jeffrey Buckley	Aye
Steven Dale	Aye	Gregory Todaro	Aye
Timothy Pazda	Abstain	Richard Bigler	Aye
Robert Sackett	Aye		

MOTION CARRIED.

In the absence of 2nd Vice-Chair Wendy Salvati, alternate Planning Board member Jason Geasling will be sitting in with full voting privileges.

Chairman Sackett explained the protocol for the meeting noting that Mr. Callahan will introduce each project. The applicant will then have a chance to address the introduction and add to it as they wish. The Board will ask the applicant questions. Members of the audience will then have the opportunity to speak on the issue. Depending on their comments either the applicant, Mr. Callahan or the Board will address them. The Board will then take action as it sees fit based on the testimony that was heard.

Item 1

West Herr Automotive Group
Commercial

Requests Site Plan Approval for the construction of an Automotive Storage Lot at 8137 Main Street.

DISCUSSION:

Jim Callahan provided the history on the project noting that it is located on the south side of Main Street, east of Transit Road, at the end of Auto Place Drive, just south of the West Herr Nissan dealership. The property is currently vacant. The Planning Board will have final approval authority on this project.

Rob Pidanick, of Nussbaumer and Clarke, is present on behalf of the West Herr Automotive Group. He explained that this proposal is to expand their parking lot at the Nissan Infiniti Dealership. It is a 3.1 acre parcel, approximately 250 spaces are proposed along with other improvement including drainage, site grading, landscaping and lighting. Construction of the work is anticipated to begin in the Spring. The existing dealership is currently undergoing renovation, those plans have been submitted under a separate proposal, they have been approved and a building permit issued.

Mr. Pidanick said they submitted a landscape plan for review which incorporated items previously discussed by the applicant, the Planning Board Chair and the Planning Office. John Wabick, vice-president of West Herr Automotive Group has spoken directly to the neighbor to the east and has met with Bruce Wisbaum, who owns the apartment complex immediately adjacent to the applicant's project. The plan that is currently in front of the Board members shows 34 Colorado Spruce staggered on a 4' berm. The Town Board asked for the berm to be installed. This will effectively create a wall. Mr. Pidanick understands that this is acceptable to Mr. Wisbaum. Mr. Pidanick references the greenspace areas inside the lot which account for 8%, Honey Locust and Red Maple trees have been added to that greenspace.

Mr. Pidanick understands they are subject to final Engineering approval. This will be a milled surface. The millings are installed in lifts almost like pavement, so they are able to put a positive gradient on that pavement. They can actually grade that surface. The surface water is directed to rain gardens along the perimeter of the site. There is a storm detention area located adjacent to the cul-de-sac, the discharge for this is a dry well located in the center. There will be a minimal amount of run-off.

Mr. Pidanick said there are seventeen (17) light standards, thirty-four (34) light heads. They will go on at dusk, they will go off at 10:00p.m. with the exception of nine (9) lights. These nine (9) lights will remain on all night. There is only one (1) lightbulb that will remain lit after 10 p.m. on the east side. All the lights adjacent to the residences have house shields, so that no light will be directed in that direction. The fixtures will shine directly down and only light the surface of the parking lot, not all around. The lights that are colored blue on the plan are the lights that will remain on after 10:00p.m. This was found to be the safest way for security purposes. They are low wattage lights.

Chairman Sackett commended the applicant for addressing the concerns of the landscape plan in a prompt and efficient manner. He asked for clarification on the lighting shields. Mr. Pidanick said the lights in the row immediately adjacent to the neighbors will be shielded. The other lights are directed straight down into the parking lot. Chairman Sackett noted that the time of “dusk” will change depending on the time of year. He asked why there is a need for more lighting between dusk and 10:00p.m., since this is a storage lot. Mr. Pidanick does not know, he would have to ask the people who prepared the lighting plan. Chairman Sackett asked if the nine (9) lights, and possibly one (1) more in the back row, where allowed to go on at dusk, what problems would that cause the applicant. Mr. Pidanick said the applicant wants uniform lighting in the entire lot in the evening. He will ask the applicant if they can have fewer lights at night. Mr. Bigler said there are really eighteen (18) lights being lit because there are two (2) heads on each of the nine (9) poles. Mr. Pidanick clarified that only one (1) light head will be lit on those nine (9) poles that are intended to be kept on at night. All light poles are 15’ high.

Bruce Wisbaum represents the management company that owns and operates Stonegate Apartments. Stonegate is a 119 unit apartment complex, it is a 55 and over community. There are approximately 180 residents. There are patios and balconies that look over this area. Mr. Wisbaum said he met with John Wabick yesterday and he (Mr. Wabick) was amazing, he was very willing to accommodate Mr. Wisbaum’s requests. He voiced his concern with the lighting asking why more light is needed from 5pm until 10pm in the winter and why more light is even needed in the Summer time. He thinks it would be a better ambiance for his residents to have less lighting there. He said it would be wonderful if no more than nine (9) lights were on after dusk.

Chairman Sackett noted that the applicant’s preference is to not use motion sensors. There will be no spillover effect from the proposed lighting. Mr. Pidanick will check with Mr. Wabick to see if less lighting is acceptable. He asked that this proposal be conditionally approved and if the lighting can be reduced he is sure the dealership would do it.

Deputy Town Attorney Steven Bengart suggested the Board approve the plan they are comfortable with, if the applicant is not comfortable with it they can come back before the board with a new one.

Mr. Pazda asked if limiting the number of poles is really practical since there can be more than one light head on a pole. Chairman Sackett suggested adding language to the condition indicating two light heads per pole. Deputy Town Attorney said the proposed motion says “per the submitted plan”, the submitted site plan shows 2 light heads on each pole.

Mr. Geasling said based on the millings and looking at the detail it shows asphalt. Mr. Pidanick said that was left there from when they were contemplating putting pavement in. Through their work with the Engineering Department the proposed section will be modified to show those millings. They are compacted so they can be graded and will be installed in lifts. Mr. Geasling asked what the thickness is, it is not shown on the plan. Mr. Pidanick said they will clarify that point. This will have to go through engineering for approval and is subject to PIP permits.

ACTION:

Motion by Richard Bigler, seconded by Timothy Pazda, pursuant to Article 8 of the Environmental Conservation Law, to **accept** the Part 1 Short Environmental Assessment Form (SEAF) as submitted and approve the Part 2 and 3 SEAF as prepared and to **issue** a Negative Declaration on the proposed West Herr Parking Lot located south of 8137 Main Street. This Unlisted Action involves the

development of a storage parking lot. After thorough review of the submitted site plan and SEAF it is determined that the proposed action will not have a significant negative impact upon the environment.

Jason Geasling	Aye	Jeffrey Buckley	Aye
Steven Dale	Aye	Gregory Todaro	Aye
Timothy Pazda	Aye	Richard Bigler	Aye
Robert Sackett	Aye		

MOTION CARRIED.

Motion by Richard Bigler, seconded by Gregory Todaro, to **approve** the West Herr parking lot south of 8137 Main Street as per the submitted site plan from Nussbaumer and Clarke, dated January 9, 2018, with the following conditions:

1. Subject to PIP Permits as issued by the Clarence Town Engineer.
2. Lot to be for storage of vehicle inventory and not a sales lot.
3. Subject to final Landscape Committee approval and final plan to be implemented and all landscaping perpetually maintained by the applicant.
4. Site lighting to be limited to ten (10) poles maximum, with two (2) fixture heads each, dark sky compliant and shielded from adjoining residential uses. In addition, only ten (10) fixture heads, of twenty (20), will remain lit after 10:00p.m.
5. The thickness of the millings shall be determined by the Town Engineering Department.
6. Only one (1) head, of two (2), will be lit on each pole after 10:00p.m.

ON THE QUESTION:

Deputy Town Attorney Steven Bengart said, with reference to Mr. Geasling’s question on the millings, the argument can be made that it is per the site plan and Engineering is just going to issue or not issue PIP’s based on that. If Mr. Geasling or the Board has a number in mind with reference to the millings and the depth they would like to see, they can make it part of the motion. Mr. Geasling is ok with having the Engineering Department determine the millings, therefore it has been made condition #5 of the approval. Mr. Bigler and Mr. Todaro find it acceptable that #5 is added to the motion.

Chairman Sackett said he thinks the lighting is a critical issue and having ten (10) poles should suffice, since the lot is not a display lot but for storage only. Mr. Pidanick said the lights are for security and he believes the motion that was made achieves that. Mr. Bigler recapped saying the applicant will not have a motion sensor but instead a timer that will have the lights come on at dark, then at 10:00p.m. the lights will be changed so that only (1) light head is lit for each pole. This is added as condition #6 of the approval. Mr. Bigler and Mr. Todaro find it acceptable that #6 is added to the motion.

Mr. Pazda said part of the motion says the lights will be shielded however that was not part of the plan.

Mr. Pidanick said he understands the conditions, but questions the shielding of all the lights. He does not know if that can be done. The back row of lights will have house shields, to shield any spread of light in that easterly direction. He does not know if the other fixtures can be equipped and will be functional with shields. Mr. Bigler explained that if they are not shielded it could cause a starlight effect, even though they are LED. If the shield is fabricated to extend below the existing fixture you won’t get the starlight effect into those apartments, whose residents are used to it being dark back there.

Jason Geasling	Aye	Jeffrey Buckley	Aye
Steven Dale	Aye	Gregory Todaro	Aye
Timothy Pazda	Aye	Richard Bigler	Aye
Robert Sackett	Aye		

MOTION CARRIED.

Item 2

Benderson Development
Major Arterial

Requests a Building Permit and Architectural Approval for a proposed addition to an existing our parcel at Eastgate Plaza, 4927 Transit Road.

DISCUSSION:

Jim Callahan provided the history on the project noting that it is located on the east side of Transit Road, north of Sheridan Drive at the southerly access to Eastgate Plaza. The applicant is proposing to expand the existing out-parcel building doubling the size of the retail space. The Planning Board has final site plan and architectural approval on this project.

James Boglioli, attorney at Benderson Development, is present and explained the property in question is currently the Yankee Candle building. It is a 4500 square foot building with a parking lot all the way around it. The proposal is to double the size of the building making it 9000 square feet, by adding a 4500 square foot expansion to the southern side of the building. This brings the building out to where the island is. They will maintain the parking lots in the front and back, and the access ways so it continues to the shopping center. They are proposing a pedestrian connection on the back of the site, around and across to the parking lot so people can access parking. Mr. Boglioli met with the Landscape Committee, addressed all their concerns and modified the plan. They are proposing three (3) street trees across the front of the site and five (5) new street trees in the back of the site, three (3) new landscape beds along the front, and landscaping all along the sidewalk and the building.

Mr. Boglioli said the materials for the building will be the same as those used on the 19K building, which is the Neat and Core Life building. This includes architectural split face CMU siding, IPE Brazilian wood, EIFS cornice, new glass windows on all four (4) sides of the building and the brick in the back will match.

Mr. Todaro asked if there are any lighting packs on the building, where will they be located and how bright will they be. Mr. Boglioli said if there are packs they would be on the back of the building. They will use the existing site lighting. Mr. Pazda asked if the lot at the back of the building will be used for employee parking. Mr. Boglioli said he would assume yes.

Mr. Dale said he is concerned with people using the crosswalk. He asked if a sign could be put along the access road heading east just before the stop sign. The sign to read "yield to pedestrians crossing ahead". Mr. Boglioli said a sign can be installed as requested. The location is further clarified as being on the southern side of the side access driveway just east of the intersection.

ACTION:

Motion by Gregory Todaro, seconded by Steven Dale, pursuant to Article 8 of the Environmental Conservation Law, to **accept** the Part 1 Short Environmental Assessment Form (SEAF) as submitted

and to approve the Part 2 and Part 3 SEAF as prepared and to issue a Negative Declaration on the proposed Benderson Development Building addition located at 4927 Transit Road. This Unlisted Action involves the addition of approximately 4500 square feet to an existing outparcel building at Eastgate Plaza. After thorough review of the submitted site plan and SEAF it is determined that the proposed action will not have a significant impact upon the environment.

Jason Geasling	Aye	Jeffrey Buckley	Aye
Steven Dale	Aye	Gregory Todaro	Aye
Timothy Pazda	Aye	Richard Bigler	Aye
Robert Sackett	Aye		

MOTION CARRIED.

ACTION:

Motion by Gregory Todaro, seconded by Steven Dale, to **approve** the architectural style and site plans of the proposed building addition located at 4927 Transit Road as per the submitted drawings from Benderson Development received in the Planning and Zoning Office on January 4, 2018, with the following conditions:

1. Subject to Building Permits and PIP Permits from the Town Building and Engineering Department.
2. Subject to Open Space and Recreation fees on the Building Permits.
3. An addition of a “yield to pedestrian crossing” sign on the south side drive road opposite the proposed addition.
4. Final approved Landscape Plan to be implemented and all landscaping perpetually maintained by the applicant.
5. No outside storage of mattresses, new or used, around the building.

ON THE QUESTION:

Mr. Boglioli said he understands and accepts the conditions of the motion.

Jason Geasling	Aye	Jeffrey Buckley	Aye
Steven Dale	Aye	Gregory Todaro	Aye
Timothy Pazda	Aye	Richard Bigler	Aye
Robert Sackett	Aye		

MOTION CARRIED.

Meeting adjourned at 7:45p.m.

Carolyn Delgato
Senior Clerk Typist