

Town of Clarence
One Town Place, Clarence, NY 14031
Planning Board Minutes
Wednesday January 11, 2023

Work Session 6:00 pm

Status of SEQR Coordinated Reviews
Review of Agenda Items
Miscellaneous

Agenda Items 7:00 pm

Approval of Minutes

Item 1

Royal Car Wash
Commercial

Requests Concept Plan approval of a proposed car wash facility located at 6685 Transit Road.

Item 2

Harris Hill Commons Mixed Use
Commercial and Restricted Business

Requests Development Plan and Final Architectural approvals for a conceptually approved mixed use project on the north side of Sheridan Drive, west of Harris Hill Road.

Item 3

Mattina Development, LLC.
Industrial Business Park

Requests preliminary Conceptual review of a proposed retail plaza at the southeast corner of County Road and James Ryan Parkway.

Item 4

Northtown Automotive Companies
Commercial

Requests Concept Plan approval of a proposed Genesis automotive dealership, with access to Auto Place, at 8143 Main Street.

Chairman Robert Sackett called the meeting to order at 7:10 p.m.

Councilman Shear led the Pledge of Allegiance.

Planning Board Members present:

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

Vice-Chair Richard Bigler
Gregory Todaro
Patrick Johnson

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:

Morgan Miller	Austin Goodwin	Calvin Caruso	Mike Gjorgievski
Ann Koerner	Bob Koerner	Angelo Caruso	Karen Caruso
Henry Jurek III	Dan Hamlin	Nancy Hamlin	Cindy Ashton
Adam Ashton	Terri Loudenslager	Dennis Murphy	Jacob Metzger

APPROVAL OF MINUTES:

Motion by Gregory Todaro, seconded by Jason Geasling, to **approve** the minutes of the meeting held on November 9, 2022, as written.

Jason Lahti	Aye	Patrick Johnson	Aye	Jason Geasling	Aye
Gregory Todaro	Aye	Wendy Salvati	Abstain	Richard Bigler	Abstain
Robert Sackett	Aye				

MOTION CARRIED

Motion by Gregory Todaro, seconded by Jason Geasling, to **approve** the minutes of the meeting held on December 7, 2022, as written.

Jason Lahti	Aye	Patrick Johnson	Aye	Jason Geasling	Aye
Gregory Todaro	Aye	Wendy Salvati	Aye	Richard Bigler	Aye
Robert Sackett	Aye				

MOTION CARRIED.

Item 1

Royal Car Wash
Commercial

Requests Concept Plan approval of a proposed car wash facility located at 6685 Transit Road.

Wendy Salvati recused herself from this item.

DISCUSSION:

Mr. Bleuer introduced this project, located at 6685 Transit Road. It is an existing 2.3-acre parcel in the Commercial zone, currently containing a funeral home facility.

The applicant is requesting consideration of a project involving the demolition of the existing funeral home facility and construction of a drive through car wash and associated facilities, including parking

and vacuums. The proposed car wash building is approximately 4,096 sq. ft., featuring brick walls and a peaked asphalt shingle roof. A three-lane full access driveway to Transit Road is proposed, as required by the NYS Department of Transportation.

This proposal was referred from the Town Board in July of 2021. In August of 2021, the Planning Board initiated a coordinated review under the State Environmental Quality Review Act (SEQRA). Since that time, the Town has coordinated with numerous involved and interested agencies, resulting in a thorough and varied analysis of the proposal. Such review has required additional studies and modifications from the applicant, including the potential for cross access to the proposed Bevilacqua mixed-use development to the south, and the modification of stormwater management practices.

The applicant is requesting an action under the State Environmental Quality Review Act, Concept Plan approval, Conceptual Architectural approval, and a recommendation of a Special Exception Use Permit to the Town Board.

Ari Goldberg from the law firm Barclay Damon was present representing the applicant, along with Project Engineer Austin Goodwin with Passero Associates, and Anthony Daniele with Royal Car Wash.

Mr. Goldberg reviewed the project, noting that as a result of the diligent State Environmental Quality Review Act (SEQRA) process and discussions with multiple involved and interested parties, the Planning Board Executing Committee and other departments in the Town, there were key site design changes.

One of the main updates is through the New York State Department of Transportation (NYS DOT), who project proposes consolidation of two existing curb cuts on either side of the property in to one existing curb cut located to the north.

Mr. Goldberg noted that the DOT was heavily involved in the SEQRA process, and dictated several of the project changes. It is the DOT's recommendation that there be both left and right turn lanes exiting the site.

Traditionally, a car wash does not meet the threshold of requiring a Traffic Impact Study (TIS) Mr. Goldberg added, nonetheless one was conducted. Revisions were made four times based on the Traffic Impact Study, which addressed all of the Town, DOT, Planning Department and neighbor concerns.

Mr. Goldberg added that the TIS addressed 5 intersections adjacent to the proposed project site. From there, the DOT concluded that the project would not have a significant impact compared to existing traffic in the area, and that traffic mitigation was not warranted.

Mr. Goldberg stated that the conclusion was reached inclusive of traffic proposed from the proposed mixed-use proposed project immediately to the south of this proposed project site.

Mr. Goldberg noted that the proposed project site is located within Erie County Sewer District No. 5, and they need to pass through infrastructure owned by the Town of Amherst. Initially when the SEQRA Solicitation correspondence was distributed, the Town of Amherst did not need to reply. Mr. Goldberg stated that they were not comfortable or satisfied with that, so independently, they reached out to the Town of Amherst Engineering Department and provided them with an Engineer's Report.

Subsequently, the Town of Amherst provided a letter of determination stating that the proposed project would not adversely impact downstream sewers.

Mr. Goldberg continued to review the project and approvals in this point of the process.

The stormwater facility has been moved to an underground retention facility, based on the preferences of this Board, as well as comments received.

Mr. Goldberg noted that after the updates and amendments have been made, the resulting project is an appropriately balanced product of what the Town of Clarence, involved and interested agencies, and the client all want to see.

Mr. Johnson noted that the Planning Office has received approximately 100 resident comment letters regarding this project. He read each letter, and is sensitive to the comments and concerns stated in the correspondence.

Mr. Johnson explained that the Planning Office has been actively working with the NYS DOT for approximately a year to determine the state's ingress and preference for this site. It has been determined that the north end of the property would be the appropriate location. While the Town of Clarence is indeed an interested and involved party in this decision, the NYS DOT has the final say in the state-owned road.

Mr. Johnson continued, explaining that competition is not addressed in the Town of Clarence Code, therefore the Planning Board has no authority to consider competition as part of their decision.

Referring to a document previously submitted by the applicant, Mr. Johnson asked if there were originally two stacking lanes with a third added.

Austin Goodwin with Pasero Associates responded, stating that based on other car washes that they have done with the same applicant, it has always been three stacking lanes. He does not recall any submission with only two stacking lanes. Originally, the entrance was located on the south side, closer to Deer Creek Lane. Based on the NYS DOT requests, the entrance was relocated to its current location. This change allows for more stacking than what there was previously with the entrance at the original location.

Mr. Johnson asked how a backup would be handled due to a failed pay station.

Mr. Daniele responded, stating that there is typically at least one staff person located at or near the pay station to assist customers as needed, and for the occasion that there is an issue at a pay station.

The procedure for when a pay station is out of service is they come off the lane, the employee would merge the traffic in to an adjacent lane, funneling the traffic in to two lanes.

Mr. Daniele clarified that on an above average day there may possibly be 10-15 cars stacked in the queue, and there will never be 80 cars on the lot waiting to go through the pay station.

Mr. Johnson asked what stops the car wash if all of the cars are backed up to the exit of the wash area and can't get out on to Transit Road.

Mr. Daniele responded that mechanically the car wash would stop, due to an anti-collision feature on the car wash itself. If a car pulls out and can't proceed, the conveyor would shut down until the car clears. On busy days that it is that busy, they have staff placed at the exits to assist as needed.

Mr. Johnson asked the applicant to explain their lighting plan.

Mr. Goodwin explained that the lighting plan is designed to provide an even-blank coverage across the site. dark sky compliant, they do their best to make sure there is no light pollution bleeding out on to adjacent properties. Additionally, it is a DOT requirement that there is no excessive light bleeding on to the NYS roadways.

Mr. Johnson asked the applicant if they would consider installing 12 ft. light poles.

Mr. Daniele responded that they will review the photometrics and consider that option. They may need to add a pole from a safety standpoint, to assure that there is sufficient lighting on the site. Mr. Daniele added that the lights go off approximately 30 minutes after the facility closes, and come on approximately 30 minutes before opening. With the exception of safety lighting around the building, so that the site is not pitch black.

Mr. Johnson asked where the safety lighting will be located.

Mr. Daniele responded that wall the packs that will be used for safety lighting are primarily located on the building itself, approximately 10 ft. from the ground, and are dark sky compliant. There are also lights on the actual pay stations as a safety standpoint.

Mr. Johnson asked what the intended business hours will be.

Mr. Daniele responded that currently they are 8am-8pm 7 days a week. The earliest they would potentially open is 7:00am and the latest they would close would be 9:00pm.

Mr. Johnson asked how long demolition of the current building will take.

Mr. Daniele responded that typically their start to finish time is counted in days.

Mr. Johnson asked how long it will take to complete the facility.

Mr. Daniele responded that generally their construction takes 5-6 months, depending on whether there are any construction or supply issues.

Mr. Johnson asked what materials will be used on the building.

Mr. Goodwin referred to the elevations that have been submitting, explaining that all of Mr. Daniele's projects of this type look the same, very uniformed throughout the site.

Mr. Goodwin noted that a detailed list of materials that will be used is included in the submitted packet. They will be prepared to discuss this in detail at future development meetings for the proposed project.

Chairman Sackett asked if there is any plastic or vinyl materials used.

Mr. Goodwin responded, stating the only possible place that there may be vinyl is at the bottom of the crown molding near the brick, that is done with an efface.

Chairman Sackett discouraged the applicant from using any plastic or vinyl.

Chairman Sackett asked how someone would get out, once they come in the entrance.

After discussion regarding exiting the car wash without going through the pay station, Chairman Sackett advised the applicant to consider adding directions within the site of how to proceed to the exit without going through a pay station.

Regarding Public Participation, the following residents spoke:

1. Calvin Caruso
 - real estate agent in Clarence, is familiar with the busyness of the area
 - the applicant stating that they will never have 80 cars in their site shows how unfamiliar they are with the area
 - people are familiar with the backup of cars on Transit Road from Delta Sonic, with this being a one lane street he doesn't see this will be any different
 - it is already a mess turning left on to Transit Road, this will add to it
2. Henry Jurek III of 9728 Silver Birch Court
 - his office is located at 8272 County Road
 - reviewed his family history in the Town of Clarence
 - his family and the Caruso family have a long history of family run businesses in Town
 - issues with two car washes within 100 ft. of each other
 - issue with additional traffic in the already congested area, his customers and contractors complain
 - applicant proposed 80 cars an hour
 - vote no against putting a small family business out of business
3. Karen Caruso owns business in front of Bubble Boy Car Wash
 - thought of selling their land and moving on
 - Historical Conservation dictates historical review of any structure built before 1950, this existing structure was built in 1940
 - when snow piles up it's like playing Russian Roulette with traffic
 - the applicant doesn't live here, has no idea what traffic is like in the area
 - has elderly customers that are afraid to pull out of her shop
4. Angelo Caruso, General Manager of Bubble Boy Car Wash
 - served the Clarence Community for 15 years with his dad
 - very busy car wash and area, sometimes their line is backed up to Transit Road
 - they were required to place a "No Left Turn" sign on their property by the NYS DOT due to it being a safety hazard to make a left turn
 - reviewed the safety hazards and conditions in that immediate area

- putting another car wash in close proximity to an existing car wash that already has hundreds of cars coming through a day is a major safety concern
 - additional comments regarding traffic
 - this is a need, not a want
5. Ann Koerner of 8050 Miles Road
- do not need two car washes in a short distance
 - if having an exit in to Bevilacqua Development they will use that as a cut through
 - concern with too much traffic at a point where the street narrows
6. Vincent LoTempio of 8433 William Smith Way
- doesn't understand how the Board can say that competition doesn't matter
 - consider being reasonable
7. Maureen Miller of Fox Creek
- concern for the older population in the immediate area of the proposed car wash
 - may drive people out of the community

Public Participation was closed for this item for tonight's meeting.

Mr. Goldberg returned to address the concerns and questions, noting that while not familiar with every detail of the four Traffic Impact Studies (TIS), and Mr. Johnson's question related to the queuing capacity, at no point was it stated that 80 cars per minute would go through the site.

Mr. Goldberg reiterated the findings of the TIS that the traffic produced as a result of the potential car wash will not be significant compared with existing traffic conditions.

Mr. Goldberg continued to review the findings of the NYS DOT, noting that as previously stated, the Town of Clarence does not own Transit Road, it is a state-owned road.

Mr. Goldberg explained that they requested of the DOT to get rid of the white line, one lane portion of the road and make it two lanes, which the DOT denied. Mr. Goldberg believes it is in everyone's best interest if that was made two lanes.

Mr. Daniele explained that 90-95% of the traffic that uses their facilities is pass-by traffic, which are cars that are already passing by every day. It is a misconception to think that a car wash will add business and vehicles to the road.

Mr. Goldberg is a simple car wash, with no added options like gas, oil changes, detailing, etc. It is a streamlined process in and out.

Mr. Goldberg added that he lives in the area and is very familiar with Transit Road, which is a major reason they have the NYS DOT so heavily involved in this project.

Mr. Goldberg explained again that the zoning code cannot be used to regulate competition.

Chairman Sackett noted that the Planning Board is governed by the Town Code. Town Code does not address competition as a requirement for competition.

In regards to the comments regarding Historic Preservation, Mr. Bleuer explained that they reviewed all of the documents and files for the existing funeral home, and documentation states 1960's and later. That being said, there were documents located stating 1940. The matter was referred to the State Historic Preservation office for review, and is deemed not historic.

Mr. Geasling asked regarding traffic and exiting the site, how many vehicles can be queued in the left and right exit lanes.

Mr. Goodwin responded, stating that with both lanes now added, it doubles the number of cars. He believes the amount from the exit of the tunnel to the road is between 10-12.

Regarding construction, Mr. Todaro asked when the construction vehicles will be going in and out of the area.

Mr. Daniele responded that it will vary depending on the stage of construction throughout the day, but there are not dozens of vehicles entering and exiting the property. Generally, the hours of construction will be anywhere between 7:00 a.m. to 4:30 p.m.

ACTION:

Motion by Patrick Johnson, seconded by Gregory Todaro that pursuant to Article 8 of the Environmental Conservation Law, to **accept** the Part 1 Environmental Assessment Form as submitted and **approve** the Part 2 & 3 Environmental Assessment Form as prepared and to **issue a Negative Declaration** on the proposed Royal Car Wash project at 6685 Transit Road. This Unlisted Action involves the demolition of a former commercial business, and construction of a drive-through car wash and associated facilities in the Commercial zone. After thorough review of the submitted plans, documents, meeting minutes, reports, letters, and Environmental Assessment Forms, it is determined that the proposed action will not have a significant negative impact on the environment.

Jason Lahti	Aye	Patrick Johnson	Aye	Jason Geasling	Aye
Gregory Todaro	Aye	Richard Bigler	Aye	Robert Sackett	Aye

MOTION CARRIED

Motion by Patrick Johnson, seconded by Jason Geasling to **approve** the Royal Car Wash **Concept Plan**, located at 6685 Transit Road, per the submitted drawing by Passero Associates, dated September 2021, with a final revision date of December 5th, 2022, and to **approve** the **Conceptual Architectural** drawings by Passero Associates dated April 5th, 2018, all with the following conditions:

1. Applicant meeting the requirements of the Town of Clarence Engineering preliminary grading and drainage review, and associated conditions.
2. Applicant meeting the requirements of the Town of Clarence Building Department preliminary fire code compliance review, and associated conditions.
3. Subject to Clarence Town Board Special Exception Use Permitting for the development of a Car Wash Facility.
4. Subject to Development Plan review by the Town, including a technical review of the final Development Plan by the Town Engineering Department.
5. Subject to Town Building and Engineering Department approval prior to any permits being obtained for the construction on the property.

6. Subject to New York State Department of Transportation approval for access to Transit Road.
7. Subject to Erie County Division of Sewerage Management review and approval, and additional regulatory agencies, as required, for connection to the sanitary sewer system within Erie County Sewer District #5.
8. Landscape Committee approval of a final landscape plan prior to Development Plan approval, including dumpster location and screening, fencing, and planting details where applicable, and screening of the vehicle exit bay as required per Town Code. In addition, a maintenance plan shall be submitted as part of the landscape plan to ensure landscaping and fencing remain in perpetuity, and is replaced in kind should there be any deterioration or death or disease to plantings.
9. Review 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. No lighting shall be elevated above the roof lines and all lighting shall be turned off no later than one hour after business hours except for necessary security lighting.
10. Final building elevations to be submitted as part of the Development Plan review, including the labelling of material types and colors.
11. Any exterior building mechanicals shall be identified, detailed, and shielded on any future Development Plan submittals.
12. Building and site shall be maintained as approved, in perpetuity, and any building and site deficiencies shall be repaired or replaced as approved.
13. Paved areas to be striped and maintained in perpetuity. No parking of vehicles outside the designated parking areas.
14. No outside display or storage of materials, goods, or other business-related products of any kind on the property, including but not limited to: vehicles, trailers, equipment, and storage containers.
15. Any permanent signage subject to review and approval by the Sign Review Committee, and any temporary signage subject to review and approval by the Office of Planning and Zoning.
16. Subject to Open Space, Recreation, and any other applicable fees as required by Town Code.

Mr. Goldberg stated that he has heard, understands, and agrees to the conditions.

Jason Lahti	Aye	Patrick Johnson	Aye	Jason Geasling	Aye
Gregory Todaro	Aye	Richard Bigler	Aye	Robert Sackett	Aye

MOTION CARRIED

Motion by Patrick Johnson, seconded by Jason Geasling to **recommend** to the Town Board, **approval of a Special Exception Use Permit** for the Royal Car Wash facility as per the approved concept plan and associated conditions.

Jason Lahti	Aye	Patrick Johnson	Aye	Jason Geasling	Aye
Gregory Todaro	Aye	Richard Bigler	Aye	Robert Sackett	Aye

MOTION CARRIED

Mrs. Salvati returned to the meeting.

Item 2

Harris Hill Commons Mixed Use
Commercial and Restricted Business

Requests Development Plan and Final
Architectural approvals for a conceptually
approved mixed use project on the north side of
Sheridan Drive, west of Harris Hill Road.

Mr. Johnson recused himself from this item.

DISCUSSION:

Mr. Bleuer introduced this project, located on the North side of Sheridan Drive, west of Harris Hill Road. It is an existing 11.45-acre vacant parcel located in the Commercial and Restricted Business zones.

The applicant is requesting consideration of a mixed-use project consisting of the following:

- 8 mixed use buildings, each with 3,100 sq. ft. first floor commercial space and 3 second story apartments. (24 res units)
- 18 two-unit townhouse buildings (36 res units)
- 2 four-unit townhouse buildings (8 res units)
- 3 four-unit duplex buildings (12 res units)

This results in a total of 80 residential units and 24,800 sq. ft. of commercial space.

This proposal was originally referred From the Town Board in August of 2019, and then an updated proposal was referred from the Town Board in February of 2020. In September of 2019, the Planning Board first initiated a coordinated review under the State Environmental Quality Review Act (SEQRA). In December of 2020, the Planning Board issued a Negative Declaration under SEQRA, Concept Plan approval, Minor Subdivision approval for the excluded corner piece at Sheridan Dr. and Harris Hill Road, Conceptual Architectural approvals, and a recommendation of a Special Exception Use Permit (SEUP) to the Town Board for multiple-family housing. In October of 2021, the Town Board issued a SEUP, after holding a public hearing. In February of 2022, and amended in November of 2022, the Landscape Review Committee approved a final Landscape Plan. Most recently, in December of 2022, the Engineering Department has determined that the development plan meets their technical requirements.

The applicant is requesting Development Plan approval and Final Architectural approvals.

This constitutes the final Board review of this project prior to construction.

Sean Hopkins with the law firm Hopkins Sorgi & McCarthy, Ken Zolitsch on behalf of the project's engineering firm, and project sponsor's were all present to represent the project.

Mr. Hopkins further reviewed the proposed project, and referred to the current site plan as well as the many modifications that have been made during the lengthy review process, which ultimately began as a multi-family housing project.

Mr. Hopkins continued to review the project, with references to the visual slides.

Mr. Hopkins noted that lengthy review was spent in State Environmental Quality Review Act (SEQRA), specifically access on to both Sheridan Drive and Harris Hill Road. Originally there were three driveways proposed on to Sheridan Drive, but as a result of many conversations with the Planning Board, Town Board, and the New York State Department of Transportation (NYS DOT) to name a few, the amendments were made to install an access road on to Harris Hill Road, and have two main driveways on the Sheridan Drive side of the proposed project.

Mr. Hopkins explained that one of the conditions the DOT insisted on during the review process is that there is to not be a proposal at this point in time for the parcel located at the corner of Sheridan Drive and Harris Hill Road.

Mr. Hopkins noted that there are a lot of pedestrian amenities, which will blend the structures together better.

Mr. Hopkins explained that since previous review of this project, and approved by this board on December 19, 2020 the necessary approvals from involved and interested parties have been secured.

Mr. Hopkins reiterated that there was an extensive coordinated quality review conducted under that State Environmental Quality Review Act (SEQRA), and continued to review the timeline of this.

Regarding phasing of the project, Mr. Hopkins noted that with each phase, construction of a multi-family building in the back will corollate with a mixed-use building along Sheridan Drive.

Mr. Hopkins continued to review the project.

Mr. Hopkins noted that the Landscape Plan has been approved, with extensive landscaping proposed.

Upon request of the Planning Board Executive Committee, Mr. Hopkins was able to confirm that there will be no vinyl used on the buildings. In instances where vinyl was originally proposed, it will be replaced with LP Smart Siding.

Mr. Geasling thanked Mr. Hopkins for addressing many of the previous comments including the color scheme, as well as many others.

Mr. Geasling asked Mr. Hopkins to explain the necessity of disturbing the amount of the western property line that they are.

Mr. Hopkins responded that they are providing extensive buffering and mitigation between the project site and the adjacent neighbors.

Mr. Geasling asked for explanation on the draining impacts in the area of the western property line.

Mr. Zollitsch responded that there are two swales, one on either side of the low berm. The drainage on the west side will pick up any runoff from adjacent properties, then the drainage on the east side of the berm will pick up more drainage. Both will be directed toward the bio-retention area to the north.

Mr. Geasling noted that with other recent projects they have asked for orange fencing to be installed near the proposed disturbance lines, property lines, etc.

Mr. Hopkins agrees with placing the fencing along the inner-boundaries of the 45 ft. of greenspace, along the natural property line.

Mr. Geasling asked about fencing around the undeveloped portion on the eastern limits.

Mr. Hopkins responded that he thinks the attention should be on the boundaries where there are homeowners adjacent to the property.

Mr. Geasling asked if there is a proposed location for a construction entrance for Phase 1.

Mr. Hopkins responded, stating that construction will be going from west to east, and construction access will be off of Sheridan Drive.

Referring to the striping on Sheridan Drive near the project site, Mr. Hopkins explained that through conversations with the DOT the striping will be removed.

Mr. Geasling asked about providing access connecting the internal sidewalk to Harris Hill Road.

Mr. Hopkins responded that there will be plenty of opportunities in the future to attach the sidewalk to Harris Hill Road.

Discussion continued regarding walkability within the site and outward.

Mr. Geasling asked about the focal point in the center of the property and what features will be installed in Phase 1.

Mr. Hopkins explained that they don't plan to install any of the larger circle in too early and have it interfered with Phase 2 construction.

Mr. Todaro asked when the roads will all be put in.

Mr. Hopkins responded that they will be put in by phase aside from temporary turn-arounds as per the fire code.

Mrs. Salvati followed up on the phasing and road construction, with discussion continuing.

Mrs. Salvati asked when the sidewalk along Sheridan Drive will be installed.

Mr. Hopkins responded that it will be installed in phases.

Mrs. Salvati asked when the site will be cleared.

Mr. Hopkins responded that it will be cleared in the spring.

Mrs. Salvati requested that the clearing be done before late spring.

Mr. Hopkins responded that they will aim for that, it is their goal.

Mr. Todaro asked if there will be a show unit, and where it will be located.

Mr. Hopkins responded that they do not have that planned at this time.

In Regards to Public Participation, the following residents spoke:

1. Dan Hamlin of 8320 Sheridan Drive:
 - concerns with the wildlife in the area
2. Lorrie Anne Knight of 8443 William Smith Way:
 - bought their home because of the wooded area behind them. Will they now look out their back window and see buildings or a buffer
3. Adam Ashton in Harris Hill Commons area:
 - asked for clarification on the appearance of the retention pond
 - asked for clarification on the pathway that is shown on the plans
4. Theresa Loudenslager of 4825 Glenwood Drive:
 - praised the work the applicant has done to address neighbor's concerns regarding landscaping
 - will landscaping be done in phases or all at once

Mr. Hopkins addressed the comments and concerns regarding the pathway noting that it is an easement area for sanitary sewer and stormwater management. There is no connectivity between this project and the adjacent subdivision.

In terms of what the neighbors on William Smith Way will see of this new proposed project, there is a total 90 ft. greenspace buffer between the two sites, based on conditions from the original subdivision and this new mixed-use project. There are bio-retention areas which differ from stormwater retention, their primary focus is stormwater quality.

Mr. Hopkins noted that there is substantial landscaping being installed.

Mr. Hopkins has no comments on wildlife, it is outside of his area of expertise.

Mrs. Salvati asked why the deer won't move and migrate to another area.

Mr. Hamlin returned to respond to Mrs. Salvati's question, stating that there is a very large herd of deer and a limited amount of vegetation in the area. The deer can't move to another area because there are already deer located in that same area.

Discussion continued regarding the deer population.

Chairman Sackett asked Mr. Hopkins if landscaping will be done in phases. Mr. Hopkins responded yes.

Mrs. Salvati asked if the area where the sanitary sewer is going through the buffer will be revegetated.

Mr. Zollitsch responded that the entire length will not be redone, but the initial screen will be placed so that there will not be any gaps.

ACTION:

Motion by Jason Geasling, seconded by Richard Bigler to **approve** the Harris Hill Commons Mixed Use **Development Plan** on the north side of Sheridan Drive, west of Harris Hill Road, per the submitted plan set by GPI dated August 10th, 2021, with a final revision date of October 4th, 2022 and to **approve the Final Architectural** drawings by Silvestri Architects dated, up to and including, January 5th, 2023, all with the following conditions:

1. Applicant meeting the requirements of the Town of Clarence Engineering Development Plan Review Letter dated December 14th, 2022.
2. Applicant meeting the requirements of the Town of Clarence Engineering and Building Departments and any associated conditions.
3. Applicant meeting the requirements of the Landscape Committee Approval on February 8th, 2022, amended on November 28th, 2022, and associated conditions, including but not limited to, the maintenance of all landscaping and fencing in perpetuity and replacement, in-kind, should there be any deterioration, or death or disease to plantings.
4. Prior to any site disturbance, a phased clearing plan shall be submitted to the Town of Clarence for review and approval, to include limits of disturbance, and material stockpile locations. Orange construction fence shall be installed along the limits of the disturbance.
5. Subject to New York State Department of Transportation approval for access to Sheridan Drive, and Erie County Department of Public Works approval for access to Harris Hill Road.
6. Modification of the Sheridan Drive Two Way Left Turn Lane, subject to review and approval by the New York State Department of Transportation, and issuance of a Highway Work Permit, prior phase 3 completion.
7. Subject to Town of Clarence Engineering and Erie County Division of Sewerage Management review and approval, and additional regulatory agencies, as required, for connection to the sanitary sewer system within Clarence Sewer District 10, with conveyance of sanitary sewer flow to and through Erie County Sewer District #5.
8. Project site to be developed in conformance with the phasing plan found within the development plan set.
9. Buildings to be constructed per the labelled and approved materials and colors.
10. Building and site shall be maintained as approved, in perpetuity, and any building and site deficiencies shall be repaired or replaced as originally approved.
11. Paved areas to be striped and maintained in perpetuity. No parking of vehicles outside the designated parking areas.
12. For commercial uses, no outside display or storage of any kind on the property, including but not limited to goods, materials, or other items.
13. Dumpster enclosures shall remain closed at all times when not in use. Dumpster service shall occur in conformance with Town Code. No garbage or debris shall accumulate outside of the dumpsters.
14. Westerly mixed use building closest to Glenwood Drive shall not occupy commercial businesses requiring outside dining, display, speakers or other similar features that may result in elevated noise spillage to adjoining residential properties.

15. Any future proposed commercial outside operations shall be subject to a Temporary Conditional Permit as reviewed and approved by the Town of Clarence.
16. All site lighting shall be dark sky compliant and shielded to prevent spillage onto adjoining properties. No lighting shall be elevated above the roof lines and other than residential lighting, all lighting shall be turned off no later than one hour after business hours except for necessary security lighting.
17. Installation of an ADA compliant sidewalk on Sheridan Drive and Harris Hill Road, as per the development plan set.
18. Installation of a play area and gazebo per the development plan and supplements, dated January 5th and 6th, 2023.
19. 30' Easement on the south and east property boundaries per the development plan, granted to the Town of Clarence for future installation of a recreational trail, as reviewed and approved by the Town Attorney and Planning Offices. A recorded copy of the easement shall be provided to the Town Attorney and Planning Offices.
20. Any permanent signage subject to review and approval by the Sign Review Committee, and any temporary signage subject to review and approval by the Office of Planning and Zoning.
21. Any future development on the Exception parcel at the northwest corner of Sheridan Drive and Harris Hill, apart from the vehicular access to Harris Hill Road, 30' Easement and subsequent Recreational Trail and sidewalk installation within the Sheridan Drive and Harris Hill Road rights-of-way shall be subject to a full environmental and site plan review.
22. Any future development on the Exception parcel at the northwest corner of Sheridan Drive and Harris Hill, shall provide full interconnectivity to the Harris Hill Commons Mixed Use development, for both vehicular and pedestrian movement.
23. Any future development on the Exception parcel at the northwest corner of Sheridan Drive and Harris Hill, shall not result in additional curb cuts along Sheridan Drive and Harris Hill Road, per New York State Department of Transportation and Town of Clarence.
24. A reciprocal access easement for the project site and the Exception parcel shall be provided to the Town Attorney and Planning offices for review and approval. Such reciprocal access easement shall include language stating there shall not be any direct vehicular access from the Exception Parcel to either Sheridan Drive or Harris Hill Road. A copy of the recorded reciprocal access easement shall be provided to the Town Attorney and Planning Offices.
25. Subject to Open Space, Recreation, and any other applicable fees as required by Town Code.

ON THE QUESTION:

The applicant has heard, understands and agrees to these conditions.

Jason Lahti	Aye	Jason Geasling	Aye	Gregory Todaro	Aye
Wendy Salvati	Aye	Richard Bigler	Aye	Robert Sackett	Aye

MOTION CARRIED

Mr. Johnson returned to the meeting.

Item 3

Mattina Development, LLC.
Industrial Business Park

Requests preliminary Conceptual review of a proposed retail plaza at the southeast corner of County Road and James Ryan Parkway.

DISCUSSION:

Mr. Bleuer introduced this project, located on the southeast corner of County Road and James Ryan Parkway. It is an existing 6.9-acre vacant parcel located in the Industrial Business Park zone.

Proposed 2.14-acre lot within the previously approved Cimato Industrial Business Park, located in the Industrial Business Park zone.

The applicant is requesting preliminary conceptual review of a retail plaza. The plaza structure is proposed to be approximately 11,000 sq. ft., with two access points off James Ryan Parkway.

An initiation of a coordinated review under the State Environmental Quality Review Act would allow for a thorough review of this proposal, including review by involved and interested parties.

Joseph Mattina from Mattina Development was present to represent his request.

Mr. Todaro touched on a few items that will come up during the process.

Mr. Todaro asked for clarification on a few of the items on the Short Environmental Assessment Form, beginning with No. 8, which asks if the proposed action will result in a substantial increase of traffic. Noting the types of businesses already located on County Road, Mr. Todaro asked Mr. Mattina if he foresees there being different types of businesses for his proposed project that would bring in more traffic.

Mr. Mattina responded that he concentrates on neighborhood businesses such as delicatessens, laundromats, etc.

Mr. Todaro asked if the engineering of the pond is able to handle the proposed development.

Mr. Mattina responded yes, the pond should be able to handle that and more.

Mr. Todaro asked if there will be any outside storage at all.

Mr. Mattina responded no.

Mr. Todaro asked what types of materials will be used.

Mr. Mattina responded they will use architectural shingles on the entire building, and also a combination of Smart Siding and brick, but they are leaning more towards all brick. Limited metal will be used and it will match the roof.

Recessed lighting under the eaves to light up the building.

Mr. Todaro asked if the building will be divided based on need, or will there be one business for the entire building.

Mr. Mattina responded that they are proposing approximately 6-8 businesses total.

Regarding the parking, Mr. Todaro asked if the parking as shown on the submitted plans are for employees or business customer parking.

Mr. Mattina responded it will be both, though they do ask employees to park in the back and save the front spots for customers.

Mr. Todaro asked if the parking lot is visible from County Road, he believes there will be details within the design changes that may need to be made as this project progresses.

Mr. Todaro asked if the proposed project will be septic or are there sewers.

Mr. Mattina responded that there are sewers, all utilities are existing.

Mrs. Salvati noted this parcel is part of a larger subdivision that was previously proposed but has never been officially platted, the lots do not officially exist.

Mrs. Salvati stated that the first thing Mr. Mattina needs to do is subdivide the lots. Mrs. Salvati stated they should be subdivided all at once.

Mr. Mattina confirmed he is aware.

Mrs. Salvati reviewed the details of the site plan that will need to be revised.

- drive aisle on front of building needs to be 24 ft. wide per code
- review current buffer area at the rear of the building along the property line
- needs to show how he plans to accomplish internal greenspace due to 8% minimum requirement for parking lots that have space for more than 10 cars
- site data table overall needs to be improved. Mr. Mattina should see the Planning Office for guidance
- lighting standards show 3 poles that have 4 heads on them, which she believes is excessive and should be estimated and adjusted with a site engineer. One head per pole is probably sufficient

Mr. Mattina noted that the project's prior concept had a larger parking lot. When the Site Engineer decreased the parking lot, he did not adjust the lighting standards.

In regards to Public Participation, no one spoke.

ACTION:

Motion by Gregory Todaro, seconded by Patrick Johnson that 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 Mattina Retail Plaza project proposal at the southeast corner of County Road and James

Ryan Parkway, in the Industrial Business Park zone. This Unlisted Action involves the construction of an approximately 11,000 +/- sq. ft. retail plaza with associated facilities.

Jason Lahti	Aye	Patrick Johnson	Aye	Jason Geasling	Aye
Gregory Todaro	Aye	Wendy Salvati	Aye	Richard Bigler	Aye
Robert Sackett	Aye				

MOTION CARRIED.

Item 4

Northtown Automotive Companies
Commercial

Requests Concept Plan approval of a proposed Genesis automotive dealership, with access to Auto Place, at 8143 Main Street.

DISCUSSION:

Mr. Bleuer introduced this project located at 8143 Main Street, with access to Auto Place. It is located South of Main Street, east of Transit Road, an existing 4.25-acre property located in the Commercial zone, containing a previously approved and partially constructed automotive storage lot.

The applicant is requesting consideration of an automotive dealership, to include sales, service, vehicle display and storage. The dealership structure is proposed to contain approximately 20,000 sq. ft., with a single access to Auto Place.

This proposal was referred from the Town Board in October of 2022. In November of 2022, the Planning Board first initiated a coordinated review under the State Environmental Quality Review Act (SEQRA). Since then, the applicant addressed comments received during the preliminary grading and drainage review with the Engineering Department and the preliminary fire review with the Building Department / Fire Inspector.

The applicant is requesting an action under the State Environmental Quality Review Act, Concept Plan approval, Conceptual Architectural approval, and a recommendation of a Special Exception Use Permit to the Town Board.

Jake Metzger with Metzger Engineering and Rich Pierre with Northtown Auto Group were present to further discuss the project and answer any questions.

Mr. Metzger reviewed the project, noting that during construction of the previously approved project, the opportunity arose for the Genesis dealership to move in to the location.

Mr. Metzger explained that it is a very similar layout to the storage lot. Both the geometry of the site, and from an engineering standpoint, it won't change. It was an impervious area that they will now build a building on.

Mr. Metzger added that there is now a full row of parking along the north edge of the parking area, which shortened the double spaces around the building.

Mr. Metzger pointed out the 45 ft. greenbelt will remain as originally approved on the previous project, as well as a heavily vegetated berm.

Mr. Metzger stated that many of the comments that were received back in response to the State Environmental Quality Review Act (SEQRA) are comments that are standard comments, and that need to happen in order for the project to proceed.

Mr. Metzger stated that the Department of Environmental Conservation (DEC) asked about SHPO (State Historic Preservation Office) which they did receive sign-off on, with a no impact letter for the site.

Mr. Lahti noted that the main concern is the residential neighbors to the south and east of this location, and assuring that the original plans for landscaping are followed through.

Mr. Lahti added that the lighting is also a concern, the buffer will help to mitigate the lighting. Keeping the lighting poles down to a height of 12 ft. is preferable.

Mr. Lahti pointed out that there is a requirement for 8% of internal greenspace to be included, and the current plan only has 6%. Therefore, there will need to be an increase.

Mr. Lahti reiterated the main concern of the buffer for the residential area.

Mrs. Salvati asked about the parking setback and where the 3 ft. setback is located on the plan.

Mr. Metzger referred to the plans.

Mr. Bleuer noted that they will look in to the details of the code and how it pertains to this project.

Mrs. Salvati reiterated 8% of interior landscaping must be provided.

In regards to Public Participation, no one spoke.

ACTION:

Motion by Jason Lahti, seconded by Gregory Todaro that pursuant to Article 8 of the Environmental Conservation Law, to **accept** the Part 1 Environmental Assessment Form as submitted and **approve** the Part 2 & 3 Environmental Assessment Form as prepared and to **issue a Negative Declaration** on the proposed Genesis automotive dealership project at 8143 Main Street. This Unlisted Action involves the construction of an automotive facility for vehicle sales, service, display and storage in the Commercial zone. After thorough review of the submitted plans, documents, meeting minutes, reports, letters, and Environmental Assessment Forms, it is determined that the proposed action will not have a significant negative impact on the environment.

Jason Lahti	Aye	Patrick Johnson	Aye	Jason Geasling	Aye
Gregory Todaro	Aye	Wendy Salvati	Aye	Richard Bigler	Aye
Robert Sackett	Aye				

MOTION CARRIED

Motion by Jason Lahti, seconded by Gregory Todaro, to **approve** the Genesis Automotive Dealership **Concept Plan**, located at 8143 Main Street, per the submitted drawing by Metzger Civil Engineering, dated September 20th, 2022, and to **approve** the **Conceptual Architectural** drawings by LaBella dated August 23rd, 2022, all with the following conditions:

1. Applicant meeting the requirements of the Town of Clarence Engineering preliminary grading and drainage review, and associated conditions.
2. Applicant meeting the requirements of the Town of Clarence Building Department preliminary fire code compliance review, and associated conditions.
3. Subject to Clarence Town Board Special Exception Use Permitting for the development of an Automotive sales and service facility.
4. Subject to Development Plan review by the Town, including a technical review of the final Development Plan by the Town Engineering Department.
5. Subject to Town Building and Engineering Department approval prior to any permits being obtained for the construction on the property.
6. Subject to Erie County Division of Sewerage Management review and approval, and additional regulatory agencies, as required, for connection to the sanitary sewer system within Erie County Sewer District #5.
7. Landscape Committee approval of a final landscape plan prior to Development Plan approval, including dumpster location and screening, fencing, and planting details where applicable. In addition, a maintenance plan shall be submitted as part of the landscape plan to ensure landscaping and fencing remain in perpetuity, and is replaced in kind should there be any deterioration or death or disease to plantings.
8. Dumpster enclosure shall remain closed at all times when not in use. Dumpster service shall occur in conformance with Town Code. No garbage, fluids, or debris shall accumulate outside of the dumpsters.
9. Review 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. No lighting shall be elevated above the roof lines and all lighting shall be turned off no later than one hour after business hours except for necessary security lighting.
10. Final building elevations to be submitted as part of the Development Plan review, including the labelling of material types and colors.
11. Any exterior building mechanicals shall be identified, detailed and shielded on any future Development Plan submittals.
12. Building and site shall be maintained as approved, in perpetuity, and any building and site deficiencies shall be repaired or replaced as approved.
13. Paved areas to be striped and maintained in perpetuity. No parking of vehicles outside the designated parking areas.
14. No vehicle display, storage, or sales outside of the designated parking spaces or building. No outdoor vehicles shall be displayed with open hoods, doors, or trunks, and no outdoor vehicles shall contain banners, flags, balloons, or ribbons.
15. No outside storage of any kind on the property, included but not limited to goods, materials, parts, tires, and debris.
16. Any permanent signage subject to review and approval by the Sign Review Committee, and any temporary signage subject to review and approval by the Office of Planning and Zoning.
17. Subject to Open Space, and any other applicable fees as required by Town Code.

Mr. Metzger heard the conditions, and asked for clarification on condition #9. Chairman Sackett clarified that it is security lighting. Mr. Metzger understands and accepts the conditions.

Jason Lahti	Aye	Patrick Johnson	Aye	Jason Geasling	Aye
Gregory Todaro	Aye	Wendy Salvati	Aye	Richard Bigler	Aye
Robert Sackett	Aye				

MOTION CARRIED

Motion by Jason Lahti, seconded by Gregory Todaro to **recommend** to the Town Board, **approval of a Special Exception Use Permit** for the Genesis Automotive Dealership as per the approved concept plan and associated conditions.

Jason Lahti	Aye	Patrick Johnson	Aye	Jason Geasling	Aye
Gregory Todaro	Aye	Wendy Salvati	Aye	Richard Bigler	Aye
Robert Sackett	Aye				

MOTION CARRIED

Meeting **adjourned** at 9:25 p.m. with a motion by Gregory Todaro.

Amy Major
Senior Clerk Typist