

Town of Clarence
One Town Place, Clarence, NY 14031
Planning Board Minutes
Wednesday October 19, 2022

Work Session 6:30 pm

Status of SEQR Coordinated Reviews
Review of Agenda Items
Miscellaneous

Agenda Items 7:00 pm

Approval of Minutes

Item 1

Seal & Design, Inc.
Industrial Business Park

Requests Site Plan and Architectural consideration of an approximately 3,400 square foot addition to the existing business facility located at 4015 Casilio Parkway.

Item 2

Bevilacqua Development
Commercial &
Residential Single Family

Requests an action under the State Environmental Quality Review Act, and Conceptual consideration, of a proposed mixed-use project, containing commercial space, multiple-family housing and single-family residential lots located at 6625 Transit Road, SBL 43.05-2-1.11 & SBL 43.05-2-1.12

Chairman Robert Sackett called the meeting to order at 7:01 p.m.

Councilman Shear led the Pledge to the Flag.

Planning Board Members present:

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

Vice-Chair Richard Bigler
Gregory Todaro
Patrick Johnson

Planning Board Members absent: Jason Lahti

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:

| | | | |
|--------------------|------------------|-------------------|------------------------|
| Emily Stoll | Scott Snyder | Jim Hook | Kathy Hook |
| Jason Burford | Ed Nesselbeck | Megan Cumbo | Pat Sheedy Jr. |
| Adam Mikos | Robert Koerner | Anne Koerner | John Goulacher |
| Sandy Goulacher | John P. Russo | Sue Freeman-Russo | Denise Torrey Gonzales |
| Kelly Braunschidle | Don Braunschidle | | |

Item 1

Seal & Design, Inc.
Industrial Business Park

Requests Site Plan and Architectural consideration of an approximately 3,400 square foot addition to the existing business facility located at 4015 Casilio Parkway.

DISCUSSION:

Mr. Bleuer introduced this project, located at 4015 Casilio Parkway. Southeast corner of Gunnville Road and Casilio Parkway. Currently an existing 7.2-acre parcel located in the Industrial Business Park zone, containing an existing industrial light manufacturing facility.

The applicant is requesting Site Plan and Architectural approval for the construction of an approximately 3,400 square foot addition to the existing building. A small amount of greenspace and parking area will be modified to accommodate this addition, that will primarily be used for cafeteria and warehouse space.

The Planning Board has the authority to take action on the Site Plan and Architecture. If approved, the applicant must proceed to the Building/Engineering Departments for any necessary review and permitting prior to construction.

Jason Burford from Greenman Pederson, Inc and Adam Mikols, CFO of Seal and Design were present to represent the proposed project.

Mr. Burford noted that the proposal is a minor addition, simply adding on warehouse space and cafeteria space that is being modified for the employees.

Mr. Burford added that storm drainage will continue to follow the same flow that it currently does.

Referring to the diagram, Mr. Todaro asked Mr. Burford to explain the location of the proposed addition in relation to the current building.

Mr. Burford explained that the inside northeast corner of the current building will have an expansion to the north and west walls.

Mr. Todaro confirmed that the expansion will include warehouse and cafeteria space, as well as some remodeling. Mr. Burford responded yes.

Mr. Todaro asked if the warehouse and the cafeteria are sealed off from each other. Mr. Burford confirmed yes, there is a structural wall.

Mr. Todaro asked if there will be any new entrance ways that will go in to any portion of the new spaces. Mr. Burford responded that the existing warehouse entrance will remain the same aside from a slight expansion.

Mr. Burford stated that the entrance to the addition is a man door next to a glass partition wall, at the edge of the addition to the east.

Mr. Todaro asked if any deliveries are expected to be made at the new addition at all. Mr. Burford responded all deliveries will be made at the warehouse addition, as they have in the past.

Mr. Todaro asked if the addition will change the need or number of parking spaces for the facility.

Mr. Burford responded that the addition does not require more parking spaces, they have the required spaces on the maximum shift capacity. Currently they have 120 spaces and 119 are required, they also have the required 2 wheelchair accessible spaces.

Mr. Todaro asked if the new addition building materials will match the current building. Mr. Burford responded yes, it will match, as shown on the elevation plan. The cafeteria will have a glass wall, to maximize lighting and view for the employees.

Mr. Todaro asked if the exterior lighting will match the lighting that is on the existing building.

Mr. Burford stated that there will not be any changes in the type of lighting. A light may be relocated on the exterior of the building, but no lighting will change.

Mr. Burford stated that there is safety lighting above each man-door and there will be lighting above the door for the cafeteria addition.

Mr. Todaro asked if the drainage pattern will be changed at all with the addition. Mr. Burford responded that nothing will change in terms of patterns. The impervious area of the property that causes the storm drainage to be necessary, doesn't change.

Chairman Sackett confirmed with Mr. Burford that aside from the safety lighting, all other lighting will be shielded and dark sky compliant. Mr. Burford responded yes, although he doesn't believe there is any additional lighting.

In regards to Public Participation, no one spoke.

ACTION:

Motion by Gregory Todaro, seconded by Richard Bigler to issue **Site Plan and Architectural Approval** for the expansion of the Seal & Design located at 4015 Casilio Parkway per the submitted plans by GPI, signed and dated September 10th, 2022, and architectural elevations by Silvestri Architects, dated July 26th, 2022, all with the following conditions:

1. Subject to all required permits by the Building and Engineering Departments.

2. Building shall be maintained as approved, in perpetuity, and any building deficiencies shall be repaired or replaced as approved.
3. Site shall be maintained as approved, in perpetuity, including all associated parking, and landscaping, including parking lot striping.
4. Any exterior building lighting must be dark sky compliant and shielded to prevent spillage onto adjoining parcels. Lighting shall be turned off at most one hour after operating hours except for necessary security lighting.
5. Building materials to be installed per the approved plan specifications.
6. All prior approvals for the Seal & Design site shall remain in full force and effect.
7. Subject to any associated open space fees as required by code.

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

ON THE QUESTION:

Mr. Todaro stated that this proposal has been deemed a Type 2 action by the Town of Clarence, and therefore requires no further environmental review nor action under the State Environmental Quality Review Act.

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

MOTION CARRIED

Item 2

Bevilacqua Development
Commercial &
Residential Single Family

Requests an action under the State Environmental Quality Review Act, and Conceptual consideration, of a proposed mixed-use project, containing commercial space, multiple-family housing and single-family residential lots located at 6625 Transit Road, SBL 43.05-2-1.11 & SBL 43.05-2-1.12

DISCUSSION:

Mr. Bleuer introduced this project, located at 6625 Transit Road (SBL 43.05-2-1.11 and SBL 43.05-2-1.12. These properties are located on the east side of Transit Road, north side of Miles Road. They encompass approximately 37-acres of vacant land located in the Commercial and Residential Single-Family Zoning Districts, and also Erie County Sewer District # 5. All with frontage on Transit Road and Miles Road.

The applicant is requesting an action under the State Environmental Quality Review Act and Conceptual consideration of a mixed-use project featuring commercial space, multiple-family housing and residential single-family lots.

This proposal was referred from the Town Board in July of 2021. In September of 2021, the Planning Board initiated a coordinated review of the proposal to involved and interested agencies through the State Environmental Quality Review Act.

Since that time, the applicant has refined the proposal based on comments received. Finally, in May of 2022, the Town initiated an updated coordinated review to the same involved and interested agencies, based on the updated proposal as shown this evening.

As Lead Agency, the Planning Board has authority to consider an action under the State Environmental Quality Review Act.

It is important to note that currently the plan does not conform to Town Code, and will require two variances to be considered by the Zoning Board of Appeals. One is for the total number of stories associated with three of the buildings and also one additional variance for the number of units proposed for one of the multi-family buildings.

Therefore, the Planning Office is recommending that there be no approval consideration given to this project relative to Concept Plan this evening.

Sean Hopkins from the law firm Hopkins Sorgi & McCarthy was present on behalf of the applicant Bevilacqua Development. Accompanying Mr. Hopkins from Bevilacqua Development was Megan Cumbo as well as Andrew Romanowski and Bill Burke from Alliance Homes who will be developing the subdivision portion.

Amy Dake, Traffic Engineer from Passero Associates was present as well as Patrick Sheedy, Licensed Civil Engineer from Carmina Wood Design.

Mr. Hopkins started by reviewing the plan that was previously presented to the Planning Board on September 15, 2021. Mr. Hopkins noted that they have made substantial modifications based on information that has been received over the past year primarily from the New York State Department of Transportation (DOT), the body that holds jurisdiction over Transit Road.

Mr. Hopkins noted another important update is in regards to the five buildings along Transit Road, specifically the first two closest to Transit Road that are mixed-use buildings that have been modified in terms of location. They have been eliminated and consolidated with the three-story multi-family building.

Mr. Hopkins stated that the original plans showed a retail building with an accessory drive-thru, but due to the modifications that they needed to make based on comments received by the DOT, the drive-thru has been flipped to the other side of the redesigned driveway.

Mr. Hopkins reviewed the proposed project site, stating that the western most portion of the site located along Transit Road is 19 acres, and zoned Commercial. The remainder of the site, approximately 16.8 acres is zoned Residential Single-Family.

Mr. Hopkins acknowledged that they are not in a position to seek a formal Concept Plan approval, however they are asking for consideration to the issuance of a Negative Declaration pursuant to a State Environmental Quality Review Act (SEQRA).

Amy Dake and her team with Passero Associates conducted a comprehensive Traffic Impact Study based on the original layout. As a result of many discussions and meetings that involved the Planning Department, on April 5, 2022 they received comments back from the DOT in connection with the

coordinated environmental review pursuant to SEQRA. This required them to make some substantial modifications.

1. Indicated the preference would be to install a traffic signal opposite the main driveway on to Transit Road, directly opposite of Deercreek which is in the Town of Amherst.
2. The redesigned driveway would need to accommodate 95th% queue lengths without interference. This means they needed to move back further from Transit Road.
3. Additional technical changes were made based on input from the Department of Transportation.

Mr. Hopkins continued, stating that based on all of the comments, an amended Concept application was submitted on May 17, 2022. This also included an amended Part 1 Full Environmental Assessment Plan as well as a copy of the Jurisdictional Determination issued by the Army Corp of Engineers. A No-Impact determination letter issued by the State Historic Preservation Office (SHPO), a Downstream Sanitary Sewer Capacity Analysis, a Traffic Impact Study and also a Wetland Permit Application have all been submitted in varying stages since the original submission for this project.

Mr. Hopkins stated that this is a Type I Action, which is what has triggered the need for a Coordinated Environmental Review, and they have solicited Lead Agency Status twice. Of the 16 involved and / or interested parties that were solicited, none of them expressed any concerns that the mixed-use project as amended would result in any significant adverse environmental impacts.

Mr. Hopkins reviewed the SEQRA requirements. They include identifying potential environmental impacts, which with the intensive assistance from the Planning Department, has been thoroughly completed.

Once any possible impacts have been identified, a SEQRA determination and Negative Declaration is issued and supported by a reasoned elaboration.

Mr. Hopkins pointed out the extensive criteria for determining significance in regards to [6 NYCRR Part 617.7(c)(1)]. Mr. Hopkins noted that there is a very comprehensive framework established by the New York State Department of Environmental Conservation (NYS DEC).

Mr. Hopkins reviewed the updated slides that break down what has changed and why, starting with the modification of the northern signalized driveway onto Transit Road. Previously the retail building was located there, but it will be a dividing driveway with a median.

- Based on DOT comment, making sure they accommodate the 95% que length, with no internal access aisle connection until approximately 270 ft. back from the Transit Road right-of-way. The DOT had requested 200 ft., which they have exceeded.
- Installation of a traffic signal per the DOT standards, aligned with Deer Creek Lane on western side of Transit Road
- Eliminated the northernmost outparcel
- Added four outparcels along Transit Road
- Included possible future access to the proposed Royal Car Wash, nothing is final.
- Two mixed-use buildings have been moved further back and away from Transit Road, as previously indicated. This has also resulted in benefits from a planning perspective, as it has given the ability to plan more of a streetscape and providing more of a pedestrian environment.
- Reduced the footprint of the two mixed-use buildings by approximately 2,500 ft. and eliminated two 3-story townhome buildings, consolidating them in to other buildings.

Mr. Hopkins noted that these modifications did not require any increase to the wetland impacts or any reductions to the amount of permanent open space to be provided.

The residential subdivision continues to have 16 lots ranging in size from 8,268 sq. ft. to 32,011 sq. ft for upscale single-family homes.

8.4 acres of permanent open space will be reserved for the portion of the residential project site. This does not include the portion provided with the Commercial district.

Mr. Hopkins reviewed the categories of criteria, leading off with impacts on land.

- Depth to water table is greater than 3 ft.
- Any project of this scope may result in some erosion. This will be addressed as part of the engineer's plans.
- This is a multiphase project
- Each phase at all times will have to insure with the Town that they are in compliance with Stormwater Standards.
- Mr. Hopkins added that this plan does include density determinations for both the mixed-use as well as the open space design subdivision.
- Ransom Creek is a regulated floodway, they are not proposing any impact on the floodway itself. However, there are impacts depicted through the floodplain which is primarily located closest to Transit Road. This is mainly due to the fact that this site has not had a drainage system for many years.
- They acknowledge that they need to obtain a permit from the Engineering Department for the impacts. There will be a need to grade the site, as well as the need to import fill. All of the technical aspects will be worked out within a future submission of a Development Plan application as well as the issuance of a Flood Plain Application from the Engineering Department.

Mr. Hopkins pointed out that as a result of comments issued by the Town's Engineering Department, a memorandum was issued confirming the preliminary grading and drainage plans are sufficient. This is not an approval, but it acknowledges that from the perspective of an analysis of environmental impact, they are sufficient.

In addition to the engineering plans, they will need to submit a comprehensive Stormwater Pollution Prevention Plan and an Engineer's Report. This will all need to be reviewed and approved by the Engineering Department at the Development Plan phase of the process.

Mr. Hopkins noted that Downstream Sanitary Sewer Capacity specifically during wet weather conditions was reviewed extensively. Capacity within the sewer district as well as all sewer from that district is conveyed in to the town sewer system, and ultimately conveyed in to Tonawanda Creek at the treatment plant on Tonawanda Creek Road.

As a result of some improvements that were recently made by the Town of Amherst on their side of Transit Road, they issued a letter confirming that yes, they have conditional downstream sanitary sewer capacity for up to 111,838 gallons of daily flow for the mixed-use component of the site. As they proceed, they will likely need sewer approval for the entire site.

Mr. Hopkins then reviewed the impact on surface waters, a wetland impact plan which was prepared by Earth Dimensions, Inc. A study was originally done on this property in 2018 by Scott Livingston with Earth Dimensions. Based on the previous process and reviewing all relevant background, it was confirmed that there are no regulated freshwater wetlands on this site subject to the jurisdiction of the New York State Department of Environmental Conservation (NYS DEC). However, Earth Dimensions did identify 7 distinct wetland areas totaling 9.084 acres on the Project Site. In addition, it was confirmed that both Ransom Creek which is 2,036.2 linear ft. and a tributary to Ransom Creek which is 2,253.1 linear feet also constitute federal waterways.

Mr. Hopkins noted that On June 5, 2019, the United States Army Corp of Engineers (USACE) issued a Jurisdictional Determination based on its site visit and review of the wetland delineation report prepared by Earth Dimensions.

Mr. Hopkins referred to the mitigation plan that was included in their most recent submission, and stated that originally, they had proposed 3.68 acres of wetland impacts, that has since been reduced to 3.46 acres. This was primarily accomplished by reducing some of the wetland impacts on the retail out-parcel on the northernmost portion of the Transit Road frontage.

Mr. Geasling asked Mr. Hopkins about the frontage that is shown in the current plan versus the previous plan, because the easternmost portion appears to be more than that. Mr. Hopkins noted that the Army Corp of Engineers does have a copy of the most recent plan.

Mr. Hopkins noted that while they have reduced the wetland mitigation impacts by approximately 2/10 of an acre, they have not proposed to reduce any of the wetland mitigation on site. In terms of mitigation, they are proposing the creation of 7.38 acres of jurisdictional wetlands. Ultimately these wetlands will need to be accepted by the Army Corp of Engineers as jurisdictional, which typically takes a monitoring period of approximately 5 years.

Mr. Hopkins added that they will not be clear-cutting the areas, but will be supplementing them with additional plantings and grading to make sure that they are wetland areas. They will be removing vegetation that is dead and evasive species of vegetation per the Army Corp of Engineers.

Mr. Todaro asked about the areas near the creek where there are no wetlands. Mr. Hopkins responded that it will be left in its natural state, which they plan to do for as much of the site that they can.

Mr. Hopkins then reviewed the Planting Plan, noting that in order to supplement the existing vegetation in the relevant areas, they are proposing to plant 1,558 additional shrubs, and 30 trees.

Mr. Hopkins noted that the proposed on-site mitigation is at a ratio of slightly more than 2:1, which goes a long way to assure that the project will not result in any significant adverse wetlands impact.

Mr. Hopkins added that they do understand that the decision to authorize those impacts will ultimately be made by the Army Corp of Engineers. Mr. Hopkins noted that they believe they are going down the right path, and are hopeful that they will get a decision on the wetland permit.

Referring to the diagram on the screen, Mr. Geasling asked Mr. Hopkins if the red areas are the impact areas.

Mr. Hopkins responded yes.

Mr. Geasling asked about a portion of red that had previously been shown as an impact area, and in the current design it is shown like it is cut-off. Mr. Hopkins responded that it is an actual impact area. They will only impact a portion large enough to build a home, the rest will remain preserved.

Mr. Hopkins reviewed any potential impact to endangered plants and / or animals, adding that according to the U.S. Fish and Wildlife Service with the exception of the Northern Long-Eared Bat, there is absolutely no protected habitat or species on this site.

Mr. Hopkins added that the flagging of the Northern Long-Eared Bat comes back on every parcel consisting of vacant land with vegetation.

Mr. Hopkins stated that as long as construction activities are outside of the time frame from November 1st to March 31st, it is ok. If conducting construction during the period that the U.S. Fish and Wildlife Service is concerned with, additional documentation is necessary stating the habitat during breeding will not be impacted.

Mr. Hopkins noted that as part of the project, the DEC also checks their database, and they did not find any protected or threatened species or habitat on the site outside of Gott Creek.

Mr. Hopkins addressed a letter from the New York State Parks, Recreation, and Historic Preservation that states the development of this site will not result in any impacts to protected resources, specifically cultural and / or historic.

Mr. Hopkins then addressed impacts on Open Space and recreation, noting that the entire space consists of privately owned greenspace and open space. A landscape plan will need to be submitted with the submittal of future review requests, and ultimately need approval by the Landscape Committee.

The mixed-use project will result in the creation of 10.7 acres of greenspace in connection with mixed-use component of the project and 11 acres of Permanent Open Space in connection with the subdivision. There will be 18.7 acres consisting of greenspace and permanent open space.

Pursuant to the Open Space Design standards, the area of permanent open space to be provided in connection with the residential subdivision consisting of 16 lots will be subject to a declaration of restrictions. They will then be recorded at the Erie County Clerk's Office after the Town Attorney's Office reviews and approves the document. Those areas can never be developed after this project occurs.

Mr. Hopkins reviewed the extensive report regarding impacts on transportation. Many extensive meetings and conversations have been conducted with the New York State Department of Transportation, who has exclusive jurisdiction over Transit Road.

Mr. Hopkins pointed out that pursuant to the current plan, there are three access points. Two on Transit Road, a roadway connection to Miles Road opposite Poplar Hill Lane.

An updated traffic study includes a wide study area including 4 intersections located at:

1. Transit Road, French Road and County Road

2. Transit Road and Deercreek Lane,
3. Transit Road and Miles Road, and
4. Transit Road, Casey Road, and Old Post Road.

Mr. Hopkins noted that the very detailed traffic study includes a very detailed level of service analysis. This study indicates that the section along with the intersections that were analyzed will not be a degradation to the existing levels of service.

Within the updated traffic impact study, the conclusions and findings were set forth, indicating that based on the full build-out of this site, a signal is warranted at the Transit Road intersection with the proposed northern driveway and the existing Deercreek Lane. The design of the driveway will need to be reviewed by the DOT.

Mr. Hopkins noted that Passero Associates prepared a letter stating that the project will not result in any potentially significant adverse traffic impacts. This does not mean there will not be any traffic impacts, only that they will not be potentially significant.

Mr. Hopkins stated that the updated traffic study was reviewed extensively by the DOT who then issued a response memo with additional comments.

The first comment and perhaps the most important, stated that the NYSDOT has no further comments regarding the study area, trip generation or trip distribution.

Next, the DOT indicated that the applicant is required to install a three-color signal at the intersection with Deercreek Lane. They cannot install that signal until the applicable warrants have been met. This means an updated traffic impact study will need to be prepared after Phase 1 of the project to see if the warrants have been met.

Mr. Hopkins noted that their goal as the project gets started, is to install the traffic signal sooner rather than later.

Mr. Hopkins stated that they will need to obtain a highway work permit.

Regarding whether the proposed project is consistent with the adopted community plans, specifically the Town of Clarence Comprehensive Plan 2030 which was adopted by the Town Board in 2016. Specifically Map 8 of the Comprehensive Plan, titled "Future Land Use Map" this project site is designated as appropriate for a Business Center and Residential Use.

Mr. Hopkins reviewed the term "Business Center" as described on pages 51-52 of the Comprehensive Plan. Business Center areas are generally characterized by a wider range of commercial activity within the community; and large-scale buildings and parking areas.

Additionally, Mr. Hopkins touched on the criteria for the Open Space Design subdivision as described on page 46 of the Comprehensive Plan, which indicates that over the next decade there will be an increased demand for residential subdivisions and an effort should be made for utilizing the clustering provisions set forth in Chapter 229-106 of the Town Code.

Mr. Hopkins recognizes they cannot seek concept approval at tonight's meeting, as they need to seek two area variances with the Zoning Board of Appeals. Should the Zoning Board of Appeals not grant the variances, they will need to return to the Planning Board with an updated Concept Plan application.

Mr. Hopkins noted that what they are presenting tonight is the maximum development that this site can have. If a Negative Declaration is issued and the applicant reduces impacts, it will not be an issue in terms of SEQRA. The issuance of a Negative Declaration does not impact whether the Zoning Board will approve the variances.

There are multiple aspects of the multi-use component to the project that will require additional review, including but not limited to; lighting, landscaping, and parking.

Mr. Geasling asked Mr. Hopkins what the current plan is for the proposed project's phasing.

Mr. Sheedy, Project Engineer from Carmina Wood Design responded that the Mixed-Use portion is referred to as Phase 1A, and the commercial outparcels as Phase 1B. This is how it was presented to the Town of Amherst explaining their sanitary sewer demands. Phase 2 will be the multi-family and single-family residential components.

Mr. Hopkins added that if they can get full sanitary sewer capacity approval for this project, Alliance Homes may start simultaneously.

Mr. Geasling asked if as Phase I is being constructed, will the outparcel portion be vacant uncleared, or cleared?

Mr. Hopkins responded that the actual clearing, grading and stormwater for both will be done simultaneously.

Mr. Sheedy stated that all stormwater infrastructure for the commercial outparcel and the mixed-use portion will consist of one system, therefore the development of both Phase 1A and Phase 1B will be done together.

Mr. Geasling asked if the four outparcels are intended to be installed individually, or all at the same time.

Mr. Sheedy responded that they are marketing them separately, they will be developed based on market demand.

Mr. Geasling asked if the Preliminary Grading Plan was used to determine the wetlands.

Mr. Sheedy responded yes, for their concept submission the preliminary grading and drainage plans were included.

Discussion continued regarding the shading on the plan as shown on the screen, and what it indicates.

Mr. Hopkins reviewed the wetland impacts once again, pointing out that while the final Grading and Drainage Plan has yet to be completed, they do not expect there to be differences from the preliminary plan.

Mr. Geasling asked about the portion of the project that is zoned Residential that Mr. Hopkins mentioned is 16.8 acres. Based on the calculations to determine how many residential lots were available, 17.4 acres was used.

Mr. Sheedy responded that 17.4 is the correct acreage, 16.8 is a mismatch on the overall site plan, that they will correct.

Mr. Geasling also inquired about the small tapered corner shown on the site map that originally showed as a square. Mr. Sheedy responded that they will correct that also.

Mr. Hopkins stated that a residential home will be in the residential district, not in a commercial district.

Mr. Geasling stated that correspondence was received from the following residents all located on Miles Road:

- Scott Snyder
- Lynn Winiarczyk
- Steve Favale
- Penny Favale
- Edward Nesselbeck

The concerns were mainly regarding traffic on Miles Road, installing a sidewalk on Miles Road, questioned the traffic study that was performed, concerns and questions regarding the designation of woodlands, and also alternate development sites in regards to community impacts of developing this site.

Mr. Hopkins responded to the questions that were asked, starting off with the density determination, and what it means in terms of the woodlands. Mr. Hopkins stated that they obtained the services of the environmental consultant Earth Dimensions, Inc. After extensive research, they responded with a letter to the Planning Office that the publication “Ecological Communities of New York State” published by the NYS National Heritage Program of 2002” is a widely accepted document for classified ecological communities in New York State.

Mr. Hopkins added that as stated in the document, there are 7 distinct categories of woodland ecological communities described in the report. Earth Dimensions returned to the proposed project site and confirmed that none of those exist. The categories that do exist show that there are not any “protected woodland communities” on this site.

Mr. Hopkins addressed the concern regarding traffic on to Miles Road, noting that some residents have previously indicated a preference for a traffic signal on Miles and Transit Roads, while other residents showed a preference for a traffic signal where it is currently indicated at Deercreek and Transit Roads. Ultimately based on information received from the DOT, they have located it on the norther portion of the site, opposite Deercreek Road.

Amy Dake with Passero Associates addressed the traffic signal concerns, stating that they reviewed the signal warrants for both locations, and the Miles and Transit Roads intersection does not meet traffic signal warrants, which the DOT agreed with. A signal located at the intersection of Deercreek and Transit Roads was warranted and more beneficial.

Ms. Dake added that adding a signal at the Transit and Deercreek Roads intersection will create gaps that will benefit the traffic flow at the Transit and Miles Road intersection.

Mr. Dake also stated that this proposed project will not add a significant volume of traffic or speed of traffic on Miles Road.

Mr. Hopkins added that while it falls out of the scope of this project, consideration of traffic mitigation measures in that area should be considered.

Mr. Geasling stated that he is a component for roundabouts, which would help to slow traffic down on Miles Road.

Chairman Sackett stated that should this project return in the same form after going to the Zoning Board of Appeals, the applicant may take the questions to heart, and consider further mitigations that can be supported in future collaborations with the DOT.

Mr. Todaro asked about sewer capacity for Sewer District #5, and asked the applicant to describe how capacity will relate to phasing.

Mr. Hopkins referred to correspondence between the Town of Amherst and Mr. Sheedy, explaining what they have in mind in terms of the buildout relative to the site's sanitary sewer capacity. The mixed-use, residential subdivision, both generate different numbers. For the purpose of that submission, they asked for approval for the retail parcels along Transit Road and the 2 three-story mixed-use buildings, and the 28-unit three-story buildings. Ultimately it created up to 111,838 gallons of sanitary sewer flow per day, which would accomplish what they need for Phases 1A and 1B.

Mr. Todaro asked how long it would take for the Peanut Line sewer capacity to be developed. Mr. Hopkins responded that if it gets reviewed and approved, that the actual construction of that improvement is not that difficult to complete in one construction season.

Mr. Todaro asked if the proposed signal light would be a crosswalk light or just a traffic light.

Mr. Hopkins noted that the DOT comment is very specific, and does include significant pedestrian improvements.

Mrs. Salvati asked about the Peanut Line, and who will do the construction for that.

Mr. Hopkins responded that he believes it will be done by the Town of Amherst, as it is within their geographic jurisdiction.

Mrs. Salvati noted that there have been no plans or indications in the traffic study for improvements at the Transit and Miles Roads intersection.

Mr. Hopkins responded, saying that the warrants were not there to justify any improvements at that intersection.

Mrs. Salvati asked if there has been any mention or possibility about putting sidewalks in along Miles Road.

Mr. Hopkins responded no, while they would support those improvements, it would not be at the expense of the applicant.

Mrs. Salvati referred to the Environmental Assessment Form and that it indicated the entire site is poorly drained, and the area where development is proposed is in a floodplain.

Mrs. Salvati asked if there is mitigation being done to lessen the floodplain, and will the soils support the buildings that will be constructed.

Mr. Hopkins summed up the soils, stating that the worst of them are closer to Transit Road, where the buildings will not include basements. The multi-family and single-family home components have better soils and are able to support more. A geo-technical analysis will be included and the Town of Clarence's Building Department is very thorough in their review process.

Mrs. Salvati asked about the preservation of open space within the single-family subdivision area. Will a portion of those lots be preserved open space.

Mrs. Hopkins stated that some of those areas are wetland areas that they are not able to touch. The Army Corp of Engineers who ultimately issues the wetland permit, will also require the applicant to file a declaration of restrictions separate of the Town's requirement to ensure that all of the areas will remain protected.

Further discussion continued regarding the wetlands.

Mrs. Salvati asked if the larger lots around the outer edge of the subdivision would be preserved in its natural state.

Andrew Romanowski with Alliance Homes responded, stating that the lots that are along the southern side with the deeper lots would have more of a vegetative buffer. Some of the lots are shallower and will need to be cleared closer to the lot line, but will be backed up by the dedicated green space, retaining a buffer.

Mr. Romanowski stated that in general, they plan to keep as much vegetation as possible, outside of the 250 ft.

Mrs. Salvati then asked what time of year any clearing would be done, as she has concerns about the wildlife that utilizes the site. Avoiding any detrimental impacts to the wildlife would be ideal.

Mr. Romanowski responded that their preference would be during the driest months of the year, late spring and through the summer.

Mr. Hopkins stated that ultimately, there will be permanent protection on the site.

Discussion continued regarding the difference with the impact on acreage is shown on the EAF.

Mr. Hopkins agreed to update the EAF Part 1 to include the creation of on-site wetlands and the acreage of wetland impacts after creation of the project.

Chairman Sackett asked how many residential units are part of the project.

Mr. Hopkins responded that there will be a total of 142 units, full build-out, subject to the Zoning Board of Appeals granting the requested variances.

In regards to Public Participation, the following residents spoke:

1. Scott Snyder of 8100 Miles Road

- During the two previous meetings for this proposed project with this board, an agreement was made that involves the pie-shaped piece of land between his plot and his neighbor's plot was to be conveyed to them by completion of the project.
- At the community meeting a few months ago, Mr. Hopkins and the development team stated that they would be willing to uphold the previous agreement.
- Definition of woodlands according to the code, feels it should be re-visited.
- Drainage on the site cannot support the number of residential lots.
- Updated site plan showing residential site #1 extended in to Commercial Zone.
- Previous issued regarding 16 acres zoned residential not able to be developed as a condition of the rezoning of the front portion.
- Conservation easement concerns.

2. John Russo of 6515 Poplar Hill Lane

- Proposed traffic light possible detriment to Miles Road, causing more traffic backups and accidents.

3. Robert Callan of 8075 Miles Road

- Stated he is against the entire project and would like to get rid of it.
- Will add to the traffic which is already gridlocked during specific times of the day.
- Dangerous area now
- Miles Road residents getting the short end of the stick.
- Ridiculous proposal, no more retail is needed.
- Board's responsibility to say "enough is enough"
- Transit road already one of the most dangerous roads, adding more not the answer.

4. John Gaulocher of 8209 Stahley Road

- Bevilacqua is a great developer, many great projects
- Traffic is unbelievable on any given day at 4:00 p.m., backed up for miles.
- Serious problem, adding more traffic will create a big mess.

5. Ann Kerner of 8050 Miles Road

- Questioned a large machine on the property approximately a month ago taking soil samples. Town indicated it was a preliminary sampling.
- Rumor mill pointed to possible car wash coming to the area, looking to make a thoroughfare for a car wash.

Public Participation was closed for this project for this meeting.

Mr. Hopkins returned to respond to the concerns.

In regards to Mr. Snyder's comments, he is correct that the original developer had stated that they would convey that property that extended back to his property. Shortly after the Master Plan was amended in 2008, Berkshire Development went bankrupt, which is why the project came to a halt. Mr. Hopkins stated that they did agree to consider discussion about conveying that area. Wetland mitigation and limitations also exist in that area, which would need to be included in the deed restrictions for the current open space. Mr. Hopkins stated that they would ask Mr. Snyder if they consider the agreement, that he not be opposed to the project.

Mr. Hopkins noted in response to the concern regarding driveways or single-family homes along the area of permanent open space on Miles Road, the answer is absolutely no.

Mr. Hopkins stated that generally on the site, the soils are poorly drained which is not uncommon for all soils in Clarence and the neighboring towns. As long as recommendations of a geo-technical engineer, Engineering and Building Departments are followed, and foundations are built appropriately, it is a safe process to follow and not an issue.

In respect to the previous decision in 2008 amending the Comprehensive Plan, the Master Plan 2030 was updated in 2016 which supersedes the 2008 decision. With that being said, Mr. Hopkins added that they would like to work closely with the neighbors.

Mr. Hopkins noted in regards to traffic, it is not arguable that as the residents have stated, traffic along Transit Road during certain times of the day is at the very least, frustrating. Referring to the traffic impact study, Mr. Hopkins confirmed that the average daily vehicular trips on Miles Road in 2016 was 2,183 and 27,000 on Transit Road.

Mr. Hopkins stated in regards to the comment about Lot 1, they will look at that and make zoning adjustments as needed for the Concept Plan, correcting it if necessary.

Regarding the soil testing on the lot in question, Mr. Hopkins is unsure but noted that geo-technical testing is necessary, it may have been that but he cannot verify that. Earth Dimensions has already done their testing. The main concern was that there would not be any development on the site that the testing was being done on, Mr. Hopkins confirms there is not.

Discussion continued regarding the soils on site.

Chairman Sackett stated that the Planning Board has done due diligence with this project thus far. There have been many conversations with the NYS Department of Transportation, who has sole jurisdiction of Transit Road and Miles Road, up to 500 ft. in to Miles Road. The authority lies with the DOT, who have agreed that should traffic conditions worsen in that area, they will look at it again with the Office of Planning and Zoning.

Mr. Hopkins noted that this Planning Board is thorough in their research, taking the time to read the traffic studies, wetland reports, and any other reports and data that is needed in order to guide them in making informed decisions.

Mrs. Salvati stated that the Planning Board does not rubber-stamp anything that comes before them.

ACTION:

Motion by Jason Geasling, seconded by Gregory Todaro that pursuant to Article 8 of the Environmental Conservation Law, to **accept** the amended Part 1 Long Environmental Assessment Form as submitted and **approve** the Part 2 & 3 Long Environmental Assessment Forms as prepared and to **issue a Negative Declaration** on the proposed Bevilacqua Mixed Use project at 6625 Transit Road, SBL # 43.05-2-1.11 and SBL # 43.05-2-1.12. This Type I Action involves the construction of a mixed-use development, containing commercial space, multiple family housing, and residential single family lots in the Commercial and Residential Single-Family zones and Erie County Sewer District # 5. 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.

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

MOTION CARRIED.

Motion by Jason Geasling, seconded by Gregory Todaro to **deny** the Bevilacqua Development Mixed Use Concept Plan per the submitted drawing by Carmina Wood Morris dated May 3rd, 2022.

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

MOTION CARRIED.

ON THE QUESTION:

While the proposed mixed-use buildings do not exceed the maximum height threshold of the Commercial zone, multiple-family buildings are limited to two-stories and this proposal calls for three-stories.

In addition, multiple family structures not containing an in-building commercial component are limited to no more than four units per structure, and this proposal contains a 28-unit multiple family housing structure with no in-building commercial component.

If the applicant chooses to make an appeal to the Zoning Board and is successful, this proposal must return to the Planning Board for Concept Plan review.

Meeting **adjourned** 8:57 at p.m. with a motion by Wendy Salvati.

Amy Major
Senior Clerk Typist