

Town of Clarence
One Town Place, Clarence, NY 14031
Planning Board Minutes
Wednesday October 6, 2021

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

PB Investors, LLC
Major Arterial, Commercial,
Restricted Business

Requests conceptual review of a proposed mixed use project, containing commercial space and multiple-family housing at 5695 & 5731 Transit Road.

Item 2

The Broadway Group, LLC
Traditional Neighborhood District

Requests Concept Plan approval of a proposed Dollar General retail store at 10340-10344 Main Street.

Item 3

Alice Donaldson
Agricultural Floodzone

Requests Minor Subdivision of land approval to create one (1) new lot at 8225 Tonawanda Creek Road.

Item 4

Clarence Community & Schools
Federal Credit Union
Commercial

Requests Development Plan approval for a proposed new credit union building located at 9145 Sheridan Drive.

Item 5

GMA Concrete Design
Industrial Business Park

Requests conceptual review of a proposed warehouse / office building at 9377 County Road.

Item 6

William Wilcox
Industrial Business Park

Requests conceptual review of a proposed landscape business at 9367 County Road.

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

Councilman Paul Shear led the pledge to the flag.

Planning Board Members present:

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

Vice-Chair Richard Bigler
Gregory Todaro
Jason Geasling

Planning Board Members absent: 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:

Sally Blain	Rosemarie Montreux	Bill Weisbeck	Ken
Susan Ballard	Sean Hopkins	Patricia Esposito	Doug Olson
Andrew Terragnoli	Paul Bliss	Emily Stoll	Scott Kreher
Deanna Hyche	Carson Styles	Chris Boyea	Susan Anders
Randy Anders	Alice Donaldson	Steve Favale	Penny Favale
Paul Sheeler	Doug McCallum	Robert Lenz	Nicole Niezgoda
Erwin	Larry Orsini		

Motion by Gregory Todaro, seconded by Richard Bigler, to **approve** the minutes of the meeting held on September 15, 2021, as written.

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

MOTION CARRIED

Item 1

PB Investors, LLC
Major Arterial, Commercial,
Restricted Business

Requests conceptual review of a proposed mixed use project, containing commercial space and multiple-family housing at 5695 & 5731 Transit Road.

DISCUSSION:

Mr. Bleuer introduced this project, which is located at 5695 & 5731 Transit Road, and are existing vacant parcels containing approximately 10 acres in the Major Arterial, Commercial and Restricted Business zones.

The applicant is requesting preliminary conceptual review of a mixed-use project featuring commercial space and multiple-family housing. The layout of the proposal consists of the following:

- One 3-story mixed use building containing 22,575 sq. ft. of commercial space on the 1st floor, and 61 total apartments on the 1st through 3rd floors.
- Six 4-unit multi-family buildings containing a total of 24 apartments.
- Several detached garage structures, each containing numerous garage bays.
- Associated facility parking, pool area, pool house, Dog Park, etc.

The initiation of a coordinated review under the State Environmental Quality Review Act will allow for involved agency and interested party comment.

The proposal will require a variance from the Zoning Board of Appeals for the 3rd floor of the mixed-use multiple-family housing building, and a variance to allow 9 more apartments than are allowed per code. Finally, the proposal will require rezoning of the front part of the parcels from Major Arterial to Commercial.

Sean Hopkins from the law firm Hopkins Sorgi McCarthy representing the applicant PB Investors, LLC was present as well as Paul Bliss, owner of PB Investors, LLC.

Mr. Hopkins briefly reviewed the information that Mr. Bleuer spoke of, adding that an informational meeting was held for nearby residents on September 30, 2021. They advised the residents in attendance that they will keep them informed of all future developments.

In connection with the construction of the project, in order to preserve the integrity of the open space, they would erect some construction fencing in order to clearly delineate those areas not to be touched.

They are aware of dead trees and vegetation on the property, and as they move forward they will make an effort to remove any that may be jeopardizing nearby single family homes.

Mr. Hopkins stated that the updated plan which they have submitted addresses one additional comment that they had received which was the fact that school age children use Highland Farms Drive to access Transit Middle School, which is located on the western side of Transit Road.

What they have shown is for the driveway connection on to Highland Farms Drive via the Lakeshore Bank property now includes a striped pedestrian walkway, as well as installing signage which would make it clear that if you are exiting that particular driveway to use extreme caution, especially during school hours.

Mr. Hopkins pointed out another addition since the previous approval which is that there is now a school crossing guard at the intersection of Transit Road and Highland Farms Drive.

Mr. Hopkins added that they feel their proposal for the mixed-use project is consistent with the Town of Clarence Comprehensive Plan which was adopted on December 14, 2016.

Mr. Hopkins also stated that what they are proposing is mixed use vs. "old school" commercial development on Transit Road.

Mrs. Salvati stated that she did attend the neighbor informational meeting that they presented.

One question Mrs. Salvati had was in regards to sidewalks, there are none located on Highland Farms Drive or that area, so she appreciates the addition of public safety measures of any kind.

Mrs. Salvati asked if they are proposing any internal sidewalks, Mr. Hopkins responded that they would work with the Planning Board to determine what the best options are in regards to signage.

As far as internal sidewalks are concerned, Mr. Hopkins agrees that it would be a good idea to add some. By definition this is a mixed-use project, and if you look at the Town of Clarence Master Plan 2030, it does encourage opportunities for pedestrian access.

Mrs. Salvati stated that if they review the areas within the proposed development and focus on the areas with a higher likelihood of pedestrian use that would be a benefit.

Mr. Hopkins stated that one thing they would not propose, would be to have any trails or walking access within the Open Space, as they would like to leave that as a buffer.

Mrs. Salvati noted that at the neighbor informational meeting one of the biggest concerns were the children that walk to school currently, and how many additional school age children this development may generate. Mr. Hopkins replied that they would come back at a later date with a more adequate response to that question, but by way of example he referred to Mr. Bliss's most recent Mixed-Use project which is located at 6790 Main Street, and the adjacent building which is almost complete, located at 6770 Main Street, both in Amherst. Between both of those buildings, all of the residential units have been rented out, there is one school aged child. While there will probably be some school aged children that live within the residential components of the proposed project, Mr. Hopkins does not foresee there being many, due to the types of housing that will be available.

Mrs. Salvati asked Mr. Hopkins if he will be providing a Traffic Analysis as part of the State Environmental Quality Review. Mr. Hopkins responded that the study was conducted in July, 2021 and has been submitted.

Mrs. Salvati noted that currently the neighboring property Zoe's Restaurant parks on this property, and asked if there has been consideration to have a cross-cut, or shared parking. Mr. Hopkins stated that Mr. Bliss has met with the owner of Zoë's, he has indicated that they will discuss the possibility of a long term parking arrangement. Mr. Hopkins did state that they are not proposing cross-access between the parcels. They will need at least one driveway on to Transit Road from this parcel, and without speaking for the owner of Zoë's, Mr. Hopkins presumes he will not want to give up his curb cut on to Transit Road. Mr. Hopkins stated that if there is an opportunity for shared access between the two parcels, they would consider doing that.

Mrs. Salvati stated that it was discussed at the neighbor informational meeting the different construction phases of this potential project. Mr. Hopkins responded that this will be a single phase project, which they would like to be in a position to begin in the spring of 2022, with the construction period lasting approximately 16-18 months.

Mr. Hopkins noted that the hours of operation as indicated by Mr. Bliss would generally be 7:00 a.m. to 3:30 p.m. weekdays, typically half days as needed on Saturdays, and unless circumstances warranted it, there would be no construction scheduled on Sundays or holidays.

Mr. Hopkins explained that for construction access, utilizing the driveway connection to Highland Farms Drive is not in the plans. Generally speaking, in terms of larger construction equipment, the goal would be to get it on site, then it will remain there while construction is taking place.

Mrs. Salvati asked if there are any plans proposed for gardening or fencing anywhere. Mr. Hopkins responded that as of now, they are not currently showing any berms or fencing, and that the topic also came up during the informational meeting as well. They are willing to entertain the idea, but Mr. Hopkins stated that one of the issues with berms in the greenspace comes at the expense of taking down existing vegetation.

The other problem with berms, is that the issue of drainage on the homeowner's side needs to be considered as well.

Mrs. Salvati asked what the plans are for internal site lighting, Mr. Hopkins responded that lighting will be hooded and dark-sky compliant, which means there will not be any lighting spill over on to any of the adjoining properties. They will not be the lighting fixtures commonly associated with large commercial structures.

Mr. Todaro asked Mr. Hopkins the following three questions:

- are there dumpsters on site, and if so, where are they located.
- how snow removal will be handled across the development.
- in regards to the dog park to the east, have the neighbors brought up any concerns regarding noise and if so, how will that be handled.

Mr. Hopkins responded to Mr. Todaro's question in the order in which they were asked, first by reminding the board that this is a concept plan, and that they are showing dumpsters which will be fully enclosed.

In terms of snow plowing, Mr. Hopkins pointed out what areas the snow will be pushed to when snow removal is necessary.

Mr. Hopkins indicated that there were no specific concerns regarding the dog park, and as Mrs. Salvati indicated during the work session, the residents did present an alternative Concept Plan which shows the pool back in that area rather than the dog park. They discussed the fact that there would probably be noise associated with the pool area as well.

Mrs. Salvati followed up on the dumpster question, stating that they show three dumpsters, asking if that will be a sufficient amount for a project of this size. Mr. Hopkins stated that Mr. Bliss confirmed it will be sufficient for this project.

In regards to Public Participation, the following residents spoke:

1. Patricia Esposito lives in the Highland Farms community
 - Very concerned about the road which is planned to access Highland Farms Drive. Not necessarily the children in the proposed development, but the children in their community utilize that road to travel back and forth to school, she feels it is a very dangerous proposal. She would like to know why it can't be facilitated on to Transit Road.

- She also asked why she received the notice regarding the meeting at 2:00 this afternoon, and she lives in the Highland Farms Community. Why were they not notified by mail of this particular proposal?
- For the sake of the audience, Mr. Bleuer explained the Town's mailing process, stating that a notification process is followed which is outlined by the State of New York as well as the Town of Clarence. This process includes notifying all parcels within 500 ft. of a proposed project. These notifications are sent out as soon as possible, we are unable to control when they are delivered.
- Mrs. Esposito responded that 500 ft. is not adequate.

Mr. Bleuer identified that the Town of Clarence publishes agendas on the town's website, along with supporting documentation. Agendas are also published in the Clarence Bee as well. We do our best, sending out thousands of letters a year, and there are also a multitude ways to find out. Additionally, we accept calls, emails and questions in the Planning and Zoning Office.

2. Carrie Classer of 5728 Field Brook Drive

- Stated that this project backs up to their home, and while she is not so much against the proposal as she is concerned with the street associated with Highland Farms. Her daughter as well as many other children from the Highland Farms Development attend school across Transit Road, therefore utilizing Highland Farms Drive. This will cause an increase of traffic traveling as well as other issues throughout the development.
- Mrs. Classer stated that she distributed flyers to all 52 residents of the Highland Farms Development notifying them of this meeting. She feels they should all know, and none of them would be pleased with the proposed project.

3. Doug McCallum of 8087 Highland Farms Drive

- He feels density is an issue with this project, the traffic at that intersection is already an issue.
- Beyond those issues, Mr. McCallum stated that he is in support of this project, and he feels that they have taken a lot of past project comments, and included them in this one.

4. Larry Orsini of 5779 Forest Creek

- Stated that he will repeat some of the issues that have already been stated because he feels that they are important.
- Mr. Orsini is concerned about where a school bus stop would be for this development, a school bus stop on Transit Road would be a bad idea. Mr. Orsini stated that he assumes school buses would come through the Highland Farms development itself, which creates additional traffic.
- Mr. Orsini stated that he lives in the rear of the development, and there is a development off of Roll Road which is currently in construction. Mr. Orsini wonders if the Highland Farms exit is there because there is a requirement due to the size of the property needing to require three exits. If that is the case, Mr. Orsini stated that a fence could be installed to create an emergency exit to be used on an as needed basis rather than a permanent day to day access.

5. Douglas Olson of 5692 Field Brook Dr.

- Addressed his concerns, which also included the exit from the proposed project that goes on to Highland Farms Drive. The exit was designed for residential only, now they are going to double if not triple the flow of people there, and he's sure that Zoe's will want to have a tie-in so that they have access to the same traffic light. He stated that when looking at potential traffic exiting on to Transit Road, all neighboring parcels need to be included, not just the proposed development.
- Mr. Olson stated that currently there are two other developments, both north and south of this proposed project. Laurel Park has 50 homes which come straight out to Transit Road without any sort of traffic light, and Village Station to the north, has 90 homes which exit as well, and without a problem. He stated that this project has approximately the same number of homes, and questioned whether there is a need for the traffic light.
- Mr. Olson stated that in his profession, he deals with safety on a regular basis, and you need to consider whether there is an administrative control, or an engineering control. Sidewalks, signage, lighted signage are all examples of administrative control. Engineering control would mean to prevent any potential accidents, which means if the driveway is not there, there is no potential for accidents.

Mr. Hopkins issued responses to the public comments that were heard, stating that the primary concern that has been heard from the residents is that they do not want any connection on to Highland Farms Drive. They are not making a final decision on that driveway just yet, and while their preference would be to have that driveway there, they are not making it a necessary requirement of the development.

Regarding the question as to whether the driveway is required for emergency access, the answer is no. They do have two other access roads for the development, one located on Transit Road, the other on to Roll Road.

In terms of where a school bus would come to pick up and drop off children, the school district would have the opportunity to comment on this, but Mr. Hopkins stated that it would probably be on Transit Road, as school buses will not be coming through the proposed development as it is a private infrastructure with private roadways.

Mr. Hopkins stated that they appreciate the support of the layout itself, which many of the residents have expressed. The driveway itself on to Highland Farms Drive seems to be the focal point of contention overall, so they will take a closer look at that during the review process.

Mr. Geasling asked which side of the intersection the crossing guard is located on, north or south of Highland Farms Drive, it was determined that it's the south side of the intersection.

Mr. Geasling stated that though he is unsure of the right-of-way on Highland Farms Drive, to potentially put a sidewalk from Transit Road to at least past the proposed driveway.

Mr. Geasling also expressed his concern about the potential for limited stacking of vehicles at the intersection of Transit Road and Highland Farms Drive, as any vehicles attempting to make a left hand turn on to Transit would impinge the flow of traffic.

Mr. Todaro commented that he will be watching through future meetings the lighting for the development, knowing that there will be 3 stories. He is concerned that lighting from the living spaces on the second and third floors will exude on to the neighboring properties.

Mr. Hopkins encouraged Mr. Todaro as well as others, to take a look at Mr. Bliss’s other three story mixed-use building located at Main and Tennyson, in order to get an idea of the lighting.

Mr. Lahti asked about the current parking with Zoe’s, Mr. Hopkins responded that there is no easement, he is unsure whether Zoe’s has been given permission to park there, and there is no permanent right to park there. Mr. Hopkins stated that they cannot allow the temporary dirt parking area to remain there, it would be inconsistent with what they are proposing.

Mr. Hopkins stated that in light of the comment regarding shared access with Zoe’s, they will most likely not entertain the idea of any shared access on to Highland Farms Drive.

Mr. Bleuer stated that for those individuals that signed in on tonight’s meeting sign-in sheet and provided interest with this project, we will do our best to manually enter your name and address to our notification list for future mailings.

ACTION:

Motion by Wendy Salvati, seconded by Richard Bigler that pursuant to Article 8 of the Environmental Conservation Law, to **accept** the Part 1 Long Environmental Assessment Form as submitted and to seek Lead Agency status and **commence a coordinated review** among involved and interested agencies for the proposed PB Investors, LLC mixed use project at 5695 & 5731 Transit Road, in the Major Arterial, Commercial and Restricted Business zoning districts. This Type I Action involves the development of a mixed use project containing commercial space and multiple family housing.

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

MOTION CARRIED

Item 2

The Broadway Group, LLC
Traditional Neighborhood District

Requests Concept Plan approval of a proposed Dollar General retail store at 10340-10344 Main Street.

DISCUSSION:

Mr. Bleuer introduced this project, located at 10340-10344 Main Street, existing vacant parcels located in the Traditional Neighborhood District and Clarence Hollow Overlay.

Applicant is requesting concept approval to construct an approximately 9,000 sq. ft. retail building known as Dollar General, parking and associated facilities.

This proposal was referred from the Town Board in February of this year. In July, the Planning Board initiated a coordinated review under the State Environmental Quality Review Act. Since that time, the Town has accepted comment from involved and interested parties, including comments from the Clarence Hollow Community Character Protection Committee. Since that time, the applicant has made site and architectural modifications to address comments received.

Speaking on behalf of the applicant is Joe Calimeri on behalf of the applicant, the Broadway Group, as well as Deanna Hyche, Development Manager, Chris Boyea from Bohler Engineering, and Carson Styles also from the Broadway Group.

Mr. Buckley noted that several written comments have been received regarding this project, with the name of each individual that submitted written correspondence being noted for the record:

- Edward J. Woodworth, DDS
- Cheryl Anthony
- Scott Kreher & Bob Lenz on behalf of the Clarence Hollow Community Character Protection Committee
- Carol Conwall
- Bill Weisbeck
- Michael and Joanne Vallardo
- Arlene Didley

Mr. Buckley asked the applicant whether they anticipate any blasting as part of the construction project. Ms. Hyche responded that they do not, that they have done extensive geotechnical testing at this site, they are aware that Clarence is known for its shallow Bedrock, therefore the design that they have presented is based on shallow foundation.

Mr. Bleuer noted that significant additional comments have been received which have already been read in to the record at a prior meeting, including petitions by multiple individuals. All of the previous comments are in the project file, received and reviewed by the Planning Board as well.

In regards to construction, Mr. Buckley asked the applicant when they anticipate construction to begin if it is approved. Ms. Hyche stated that after approval, their goal would be to begin as early as Mother Nature would allow, hopefully spring of 2022. Contractually their goal date is to begin no later than May, 2022 assuming all of the necessary town processes have been met.

Mr. Buckley asked if there is any anticipated development in any of the greenspace area on the land just north of the proposed building, Ms. Hyche affirmed that because that is their detention area, there will not be any development back there. Because of the shallow bedrock, it is larger, which is how they are managing their drainage.

Mr. Buckley stated that another concern that was raised amongst the correspondence received from public comment relates to traffic, specifically the location of the entrance to this property and its proximity to the volunteer fire company which is located just across the street, as well as one of our town parks, also located across the street from this proposed project.

Mr. Buckley understands that a traffic study was done, but stated that there is information filed which indicates that a Dollar General average store generates 15-20 transactions per hour. Ms. Hyche responded that this particular client has a large number of stores in operation all over the country, so that number is an average. Based on their experience in New York State over the past 5 years that they have spent developing for this client, the average is a bit lower.

Ms. Hyche stated that they have other locations nearby to this proposed site, one is also located across from a volunteer fire station, and there has not been any disturbance with the ability of those facilities to respond.

Ms. Hyche reiterated that this store is not a destination location, but rather a convenience location, supporting the traffic already out on the road.

Mr. Buckley stated specifically to this location, there have been many concerns raised to the lighting and shielding of the lights from neighboring properties, some of which are residential and multi-family residential. Mr. Buckley stated that if the board approves this concept and they move forward, one of the conditions that they include is that the Landscape Committee has the approval of the final landscape plan that will need to be submitted.

Mr. Buckley asked Ms. Hyche if they have any proposals as to how the neighboring properties may be shielded. Mr. Buckley commented that there have been previous discussions which include landscape, berms, and fencing but asked whether there was a current proposal at this time. Ms. Hyche responded that their current proposal would be any and / or all of those items, that although they are zoned Traditional Neighborhood Business, they understand that there are residents which they will be impacting, therefore they are amiable to providing the appropriate shielding that Mr. Buckley is referencing. Ms. Hyche stated that they held off with being definitive with their plan, knowing that they would need to confer with the Landscape Committee and with their experiences with this board, they assumed they would receive some specific feedback.

Previously discussed in July of this year was the dentist office to the east, at that time Ms. Hyche had made mention of additional landscaping and fencing. In the letter that Dr. Woodworth submitted to the Planning and Zoning office, he referenced an 8 ft. vinyl fence, which is not what the applicant had proposed, which is what is shown in their plans as matching the back of the property, which is a 6 ft. wooden, Dog-Ear, shadow box fence. There is an existing tree line currently, which they have sent their surveyors out to the property so that the surveys that are for this property are very specific, and show the line of trees. Ms. Hyche stated that they are making every effort to save all of the trees on the eastern property boundaries that separates Dr. Woodworth's dentist office from their proposed project.

Mr. Buckley asked Ms. Hyche to describe the type of lighting within their lighting proposal, as spillage is understandably a concern of several residents within close proximity. Ms. Hyche responded that this facility has minimal lighting, and based on the requirements and requests that the Planning Board has already made, they have reduced that even further. Traditionally on this type of a building, you would see lighting on the front of the building, on the parking lot and back door side of the building. There is a single pole light with a double head, shielded, downward facing LED light, which by request of the Planning Board, they have removed the lighting which was originally proposed on the front of the building. Traditionally they would have parking planned for that area, but in this instance they do not, therefore there is no need for lighting in that area.

For lighting in the parking area, there are 3 box lights, and 2 arm lights all of which are shielded, and pointed down in to the parking area.

This particular site has the delivery area on the backside of the building, which does have one very small light over the door which will stay on.

Ms. Hyche stated that the traditional hours of this client is generally 8:00 a.m. to 10:00 p.m. The lighting at this building would remain on one hour after closing, and would only remain on long enough for the staff to re-stock internally then get to their cars safely.

This building does have a vestibule, which is lit and the internal vestibule stays lit 24/7 and is a part of their safety requirement.

The signage on this building as it relates to lighting, and after extensive conversations with the Planning Board, they have no internal box lighting on the monument sign, there is external gooseneck lighting only, which goes off one hour after closing.

Mr. Buckley reminded Ms. Hyche that they will need to work with the Sign Committee for review and approval of their signage.

Mr. Buckley asked Ms. Hyche if they would agree to restrictions concerning outdoor displays around the store, Ms. Hyche agreed that if it something that is needed to do in order to gain approval, they would not be opposed to that, but would like to discuss ramifications and what that would look like.

Mr. Buckley stated that one of the big concerns amongst the nearby residents are the delivery schedules, which Ms. Hyche responded that the actual delivery schedule does not get put in to place until the project is approved and the store is put in to place. Ms. Hyche noted that the contractual agreements with the driving company is that they are required to deliver during normal business hours, and have been contractually directed to not show up at the locations until their scheduled times.

Mrs. Salvati asked Ms. Hyche how many employees this store will have, Ms. Hyche stated that based on metrics for this location, they expect between 10-12 employees, consisting of 2 full time and 8-10 part time.

Discussion continued regarding the type of material used on the exterior of the building.

Mr. Bleuer asked that the applicant highlight the architectural features of the design especially as it pertains to the community architecture and Community Character Protection Committee's concerns that they have submitted.

Ms. Hyche responded that using the committee's correspondence directly, the first issue that they referenced is an opinion that they feel this particular project is too large for the area which they are proposing. Ms. Hyche stated that they have met all of the zoning and code requirements which they have made mention of, they are also aware that there are facilities around them which are larger.

Chris Boyea of Boehler Engineering spoke, stating that they have placed a lot of time and attention to the guidelines, making sure that the project fits in with the codes and design guidelines. One of the adjustments that they have made is to move the building up closer to the street, and located the parking to the side of the building. They also placed the delivery service area to the rear of the building, so that

it does not impact the visibility from the front of the store. From a site standpoint perspective, they have met all of the guidelines which have been provided including the aesthetics of a stone wall.

Continuing on with the architectural features and materials used for the proposed project, Ms. Hyche explained that they began the project with a gabled roof over the entrance, along with four dormers along the roofline, but have since enlarged the dormers per the Planning Board's transparency request, and per the Clarence Hollow Community Character Protection Committee's desire to improve the symmetry of the building, which they do feel that they've improved upon. Additionally, the stone along the base of the building, they will do their best to make sure it matches the stone of the stone wall which will be out front.

Ms. Hyche noted that the HVAC in the rear of the building, which is hidden with a wall and a gate that provides access to the HVAC unit itself, for maintenance purposes. The HVAC ducting will run inside the building, rather than on the outside as they have typically done in the past.

Additionally, the Planning Board has been adamant that there be a four-sided presentation to this building, so they have found ways to include additional windows throughout the building and on all four sides. This will provide a more architecturally appealing facility.

Ms. Hyche stated that for the stores that offer produce as part of their inventory, that produce is supplied locally. The manager of each store orders from local suppliers, based on the demand at each store.

Discussion continued regarding other stores by this same client which are in the area, and this applicant's goal to keep their other projects as maintained as possible. Much of this information has been acted on due to concerns and issues that have been brought forth by concerns from the residents.

Chairman Sackett asked Ms. Hyche to review the materials, specifically in regards to the windows. Ms. Hyche explained that from the first window on the east side back is Hardie Plank, underneath is Nichiha, and the area around the door is Shake siding.

Clarence Town Code requires a certain percentage of transparency on a building, therefore the windows that are in each of the dormers are transparent, as well as the doors on each corner. The windows on the back are not transparent glass, but due to the internal ducting and limitations in spacing and need for the support structure, they could not jeopardize the integrity of the beams in that wall.

The roof is asphalt, and the awnings are metal.

In regards to Public Participation, the following residents spoke:

1. Bill Weisebeck of 10170 Pineledge Drive South

- stated that this property is zoned Traditional Neighborhood District, which is to contain small town historic style businesses, with small retail shops no greater than 10,000 sq. ft. in size.
- Need to examine the spirit and nature of this individual project. A retail chain is not the same as a small retail shop.
- Should the Town still allow this, the design still does not match the historic look that is seen in the Hollow, which is a historic district.

- The building still looks like a square box, with non-traditional colors.
- The board needs to decide what they want to do with this, put aesthetics over cost.

2. Sally Blaine from the Claremont

- Read a poem that was on record and in the project file.
- Does not appreciate a big store like this in their front yard for them to have to look at whenever they are on their patios.
- They see all kinds of animals, it is peaceful and quiet and nice.
- Does not appreciate the big delivery trucks that will be there.
- Has been to other chains, does not appreciate all of the racks and garbage oozing out of the big bins, it is not attractive.
- The fire is across the street and they come to the Claremont at least 5 times a week, the fire company is great to have there.
- It takes about 20 minutes to get out of their driveway to go west, she does not feel the traffic has been taken in to consideration as much as it should.

3. Rosemarie Montral of the Claremont

- asked how the board would like it if their mothers and fathers lived at the Claremont and had to deal with looking at the building that they are proposing, right out in their front yard, right on top of them.
- They are building this building, but the Claremont is being hidden away behind it. They should build it in an open space like they do in every other space around town, and not on top of them.
- They have no say in this Planning Board, they know what they do. The Claremont residents do not have the money that they are looking for.
- Can they not see the sunrise and the sunset like they deserve to without a big building going in on top of them.
- No respect for senior citizens.

4. Linda Snyder of the Claremont, questioned the lighting. Whatever lighting they have, they are down lower and will see any kind of lighting that they put in. All the lights, all of the time.

- They live in the back, this building will be on their front yard.
- If they would at least consider the lighting, because she has no idea what kind of lighting, just asks that it be kept low for them.
- Also concerned about traffic safety, it is already difficult to get out on to Main Street.
- Does not understand the service area of the plans, where the trucks will go.
- The line between the two properties comes close to where they live. Nobody wants this on their front lawn.

5. Kristen Peterson lives in the neighborhood nearby. This is the first that she has heard of this project, which looks much nicer than what she sees in their other stores.

- Her question is regarding landscaping, what they will do to keep with the character of Main Street, with flowering trees and vegetation in the front of the building.

6. Irwin McCozy on behalf of the Clarence Hollow Farmer's Market
- They work very hard to keep the character of the Hollow intact.
 - They do not feel this store meets the character or curb appeal of the Clarence Hollow.
 - Credit to the Planning Board for getting to this point, it has gotten their other stores in the area to clean up.
 - In regards to the delivery trucks, they don't deliver, they stage the trucks, and the trailer will stay as long as 5-6 hours, the information given is wrong.
 - Traffic will be effected greatly especially with any of the events that occur in the Hollow. Pedestrian safety should be a concern.
 - This store is almost directly across the street from the exit of the Town Park.
 - Why put this store in historic Hollow and not in a more commercial area, it is a boxy store with siding and a sign.
 - Not against retail or development, feels there are other spots that are more appropriate.

Ms. Hyche returned to address the concerns of the residents, stating that they have previously addressed all of these issues that have been raised. Citizens and residents are entitled to their opinions, she has done her best to reassure them that it is their goal to bring them a product to be proud of.

Main Street is a New York State road, the access driveway to the road will meet the state requirements, as any other project would need to do.

This type of facility does not draw additional traffic, but rather serve the traffic already on the road.

To the best that she can speak on the deliveries, there is one large truck per week, with additional box trucks. Delivery schedules will be set once this is a project set for construction.

Contractually their drivers do not leave their trucks, they remain with the trucks while they are being unloaded.

Ms. Hyche stated that this location is currently a present lot, and while the residents of the Claremont currently have a beautiful, open view, the owners of the parcel are wishing to sell and develop the lot. If it is not them, it will be someone else.

In terms of signage, the style of signage that this store will have is not the preference of the applicant at all, yet that is what they are proposing. The Clarence Hollow Community Character Protection Committee mentioned painting signs, which the applicant has shown behind the channel letters, on the front of the building.

In regards to landscaping and vegetation, they are prepared to discuss with the Landscaping Committee what the goals are for this site.

For the path of the delivery truck, the truck will pull in the front and drive all the way to the back of the store, with the additional asphalt that they have shown, then back up to the delivery door. They can pull out and leave right from there.

Regarding lighting, Ms. Hyche pointed out that the lighting will be kept within the footprint of their property boundary. The lights will be shielded as well, which will assist with keeping the spray of the lighting contained.

Ms. Salvati asked about potential noise from the HVAC, Ms. Hyche responded that they generate no more noise than a traditional 2-story, 3 bedroom home.

ACTION:

Motion by Jeffrey Buckley, seconded by Wendy Salvati, that pursuant to Article 8 of the Environmental Conservation Law, to **accept** the Part 1 Short Environmental Assessment Form as submitted and **approve** the Part 2 & 3 Short Environmental Assessment Forms as prepared and to issue a Negative Declaration on the proposed Dollar General retail store project at 10340-10344 Main Street. This Unlisted Action involves the construction of an approximately 9,000 square foot retail store, parking and associated facilities. After thorough review of the submitted plans, documents, Environmental Assessment Forms and comments, it is determined that the proposed action will not have a significant negative impact on the environment.

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

MOTION CARRIED

Motion by To **approve the Concept Plan** for the Dollar General retail store project at 10340-10344 Main Street per the submitted plan by Bohler Engineering dated November 8th, 2019, with a final revision date of September 22nd, 2021 and to **recommend approval of the Architectural** drawings by AIG Engineering Consultants dated September 24th, 2021 to the Clarence Town Board, all with the following conditions:

1. As per the Town of Clarence Engineering Preliminary Grading and Drainage Memo dated April 20th, 2021, and associated conditions.
2. Subject to Building and Engineering Department approval on any construction on the site.
3. Subject to Erie County Health Department, and New York State Department of Environmental Conservation approval if required, on any future on-site sanitary facilities.
4. Subject to New York State Department of Transportation approval for access to Main Street.
5. Landscape Committee approval of a final Landscape Plan prior to Development Plan Approval, including but not limited to foundation plantings, buffering on the north, west and east property lines, dumpster and mechanical screening details, and buffering along Main Street, to include street trees and stone wall.
6. Dumpster enclosure shall remain closed at all times when not in use.
7. Final building elevations and material samples to be submitted as part of the Development Plan review, labelling material types and colors, and being consistent with the recommended architectural drawings.
8. All lighting must be dark sky compliant and shielded to prevent spillage onto adjoining parcels. 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.

- 9. No outside display or storage of any kind on the property, including but not limited to goods, materials, vehicle storage, delivery vehicles or other items.
- 10. Store Hours of Operation and estimated delivery schedule to be provided to the Town by the applicant prior to Development Plan approval.
- 11. Building, site, and landscaping shall be maintained as approved, in perpetuity, and any building, site and landscaping deficiencies shall be repaired or replaced as originally approved.
- 12. 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.
- 13. Subject to Open Space Fees.

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

ON THE QUESTION:

Mrs. Salvati noted that this is not final approval, it needs to return for Development Plan approval. During that time they will continue to work out more of the details including a landscaping plan which needs to be submitted and approved as well as the architectural elements which will also need to be submitted and approved. This is not the final product.

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

MOTION CARRIED

Item 3

Alice Donaldson
Agricultural Floodzone

Requests Minor Subdivision of land approval to create one (1) new lot at 8225 Tonawanda Creek Road.

DISCUSSION:

Mr. Bleuer introduced this project, located at 8225 Tonawanda Creek Road, it is an existing 3.4 acre property with residence in the Agricultural Floodzone. The property contains lands on the north and south side of Tonawanda Creek Road, however the proposed new parcel is to be exclusively located on the south side. The existing parent parcel with residence will retain land on both sides of the road, with the residence being on the south side, and vacant land being on the north side.

The applicant is requesting a Minor Subdivision of land to create one (1) new residential lot.

Mrs. Donaldson was present to further explain her request, stating that her parents had a 110 acre farm, after they passed and then her brother has passed away in February. They are selling the home, but the family would like to keep a lot in case any of their family would like to build in the future.

Mr. Lahti asked if there are any Wetlands located on the parcel which is being split off, Mrs. Donaldson responded to the best of her knowledge, the back corner of the woods were considered wetlands, which is not part of this property.

ACTION:

Motion by Jason Lahti, seconded by Wendy Salvati that Pursuant to Article 8 of the Environmental Conservation Law, to **accept** the Part 1 Short Environmental Assessment Form as submitted and **approve** the Part 2 & 3 Short Environmental Assessment Form as prepared and to **issue a Negative Declaration** on the proposed Donaldson Minor Subdivision at 8225 Tonawanda Creek Road. This Unlisted Action involves a lot split to create one (1) additional lot in the Agricultural Flood zone. After thorough review of the submitted sketch plans and Environmental Assessment Forms it is determined that the proposed action will not have a significant negative impact on the environment.

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

MOTION CARRIED.

Motion by Jason Lahti, seconded by Wendy Salvati to **approve the Donaldson Minor Subdivision** at 8225 Tonawanda Creek Road as per the submitted sketch plan received in the Planning Office on August 24th, 2021 with the following conditions:

1. Review and approval by the Erie County Department of Public Works for any future access to Tonawanda Creek Road from the newly created lot.
2. Review and approval by the Erie County Health Department for any future on-site sewer facilities for the newly created lot.
3. Review and approval by the Town Building and Engineering Departments for any future residential construction on the newly created lot.
4. Should any drainage easements be required to address on-site drainage issues on the property, appropriate easements shall be submitted by the applicant and approved by the Town Engineering, Highway and Legal Departments. If required, Applicant shall file same in the Erie County Clerk’s office and provide a “Stamped Filed” copy to the Town Attorney’s office after recording.
5. Subject to Open Space and Recreation Fees.

Mrs. Donaldson heard, understands, and accepts the conditions.

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

MOTION CARRIED

Item 4

Clarence Community & Schools
Federal Credit Union
Commercial

Requests Development Plan approval for a proposed new credit union building located at 9145 Sheridan Drive.

DISCUSSION:

Mr. Bleuer introduced this project, located at 9145 Sheridan Drive, it is an existing 1.27 acre parcel in the Commercial zone, containing an existing credit union building and associated facilities.

The applicant is seeking Development Plan approval of a new 4,142 sq. ft. credit union building, with drive-through. The existing credit union building will be demolished upon completion of the new building.

This proposal was referred from the Town Board in January of this year. Since that time, the proposal has received the following:

- A negative declaration under the State Environmental Quality Review Act, Concept Plan Approval and Conceptual Architectural Approval by the Planning Board.
- A Special Exception Use Permit for drive-through facility by the Town Board.
- Landscape Committee Approval by the Landscape Committee.
- Signoff from the Engineering Department on the final Development Plan set.

Present and representing the applicant is Michael Metzger from Metzger Civil Engineering, who added that since they last met with the Planning Board, they have taken the comments received in to consideration, and made various changes to the plan.

They relocated some of the parking originally planned for the front of the building, to the side, in order to move it away from the front. The original two driveways that they had proposed have been reduced to only one driveway.

They have adjusted their plans so that they are able to use the existing septic system, rather than relocate it to the front of the property as they originally planned.

A sidewalk has been added per the request of the Town, along the full frontage of the property.

They have also included a phasing plan for the proposed project, including demolition of the current building.

Mr. Geasling stated that one correspondence has been received regarding this project, from Louis Popa of 9250 Main Street, who stated his concern with traffic from the drive-thru in proximity to his home.

Mr. Geasling asked about the curbing which has been extending all along the parking on the west side, why is the curbing not wrapped all around the site.

Mr. Metzger responded that there are two reasons, one is the cost, and the other is the aesthetic. The client prefers to have a more residential appearance rather than a commercial one.

Mr. Geasling asked about the exterior Gypsum board on the columns of the drive-thru, what kind of material is that. Mr. Metzger responded that he is not familiar with that product, but he will follow up on that and let them know.

Mr. Todaro asked about adding some landscaping as a way to buffer the headlights on to the nearby residence, as they enter the drive-thru and head east.

Mr. Metzger responded that he will speak with the client about that.

Mrs. Salvati asked what the hours of operation are for the credit union, Mr. Metzger responded he is unsure but believes them to be similar to those of a bank. Mrs. Salvati commented in terms of headlights being a concern, they may not be open long in to the evening hours.

Mr. Buckley asked if there is an ATM on location, Mr. Metzger responded that he believes there is.

Mrs. Salvati asked if there is lighting on the back of the building, Mr. Metzger responded that there are minimal lights, for security purposes only which they will be sure are directed downward.

ACTION:

Motion by Jason Geasling, seconded by Richard Bigler to **approve the Development Plan** for Clarence Community & Schools Federal Credit Union at 9145 Sheridan Drive per the submitted drawing by Metzger Civil Engineering dated June 22nd, 2021, with a revision date of August 9th, 2021, and issue **Final Architectural Approval** per the submitted renderings by PW Campbell and David Fuller AIA, dated May 12th, 2021, all with the following conditions:

1. As per the Town of Clarence Engineering Letter of Approval, dated September 16th, 2021, and associated conditions.
2. Subject to Building and Engineering Department approval on any construction on the site.
3. Existing credit union building to be fully demolished upon completion of the new credit union building and prior to the use of the drive through facility per the Assurance Letter from the applicant dated March 19th, 2021.
4. Building materials to be used as per the final architectural approved renderings.
5. As per Landscape Committee Approval, and associated conditions, including but not limited to, the maintenance of all landscaping in perpetuity and replacement, in-kind, should there be any death or disease to plantings.
6. Subject to Erie County Health Department, and New York State Department of Environmental Conservation approval if required, regarding the use of existing on-site sanitary facilities.
7. Review and approval by the New York State Department of Transportation for access to Sheridan Drive.
8. All lighting must be dark sky compliant and shielded to prevent spillage onto adjoining parcels. No lighting shall be elevated above the roof lines on any building, nor higher than 15' if freestanding.
9. Building, site, and landscaping shall be maintained as approved, in perpetuity, and any building, site and landscaping deficiencies shall be repaired or replaced as originally approved.
10. 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.

11. Subject to Open Space Fees.

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

ON THE QUESTION:

Mrs. Salvati noted that the applicant will follow up with the Landscape Committee regarding additional landscaping for buffering the drive-thru area. Mr. Metzger responded that they will review the current Landscape Plan and make any necessary recommendations to the owner.

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

MOTION CARRIED

Item 5

GMA Concrete Design
Industrial Business Park

Requests conceptual review of a proposed
warehouse / office building at 9377 County
Road.

DISCUSSION:

Mr. Bleuer introduced this project, located at 9377 County Road, which is a newly created 3.7 acre vacant parcel in the Industrial Business Park zone. Recently split from the Braddell Lakeside Sod Farm.

The applicant is requesting consideration of an 8,100 sq. ft. warehouse with small office and associated parking. The owner is expanding their business operation and needs warehouse space for storage of equipment and construction vehicles.

The initiation of a coordinated review under the State Environmental Quality Review Act will allow for involved agency and interested party comment.

Andrew Terragnoli with Studio T3 was present, representing the applicant, Michael Giangrecco. He reviewed the architecture as well as building materials which has a metal siding exterior with stone veneer and wood trim. Also included is a new driveway, and parking lot for up to 9 vehicles.

Mr. Terragnoli added that the new owner is expanding his business and needs the additional warehouse space for storage of equipment, as well as attached office space.

Mr. Bigler stated that there has been discussion in the past with this project, therefore they are familiar with the project.

Among their discussions, the inside drainage was included as well as some changes that they may make. Mr. Terragnoli stated that the drainage plan as submitted will remain.

Mr. Bigler stated that this site is not permitted to have any outside storage, buildings, material or equipment, Mr. Terragnoli responded that it will not affect the plans and that the owner is aware of this and has no issues with it.

Chairman Sackett asked what the nature of the materials are that will be stored inside. Mike Giangrecco, applicant and owner of the business stated that their equipment that will be stored consists of dump trucks and trailers. They are typically only in operation from April through December, there is an approximately four month period during the year when they cannot pour concrete, which is when they will store their equipment inside the facility.

Mr. Todaro asked in regards to the trucks, do they get cleaned outside of the facility, which Mr. Giangrecco responded that he doesn't typically clean his concrete trucks.

Mr. Lahti asked where the vehicles will be stored during their active months. Mr. Giangrecco responded that they do mostly commercial work, the equipment stays on site. Otherwise, they will store it all inside their facility.

ACTION:

Motion by Richard Bigler, seconded by Gregory Todaro that Pursuant to Article 8 of the Environmental Conservation Law, to **accept** the Part 1 Short Environmental Assessment Form as submitted and to seek Lead Agency status and **commence a coordinated review** among involved and interested agencies on the proposed GMA Concrete Design project at 9377 County Road, in the Industrial Business Park zone. This Unlisted Action involves the development of a warehouse / office building and associated facilities.

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

MOTION CARRIED.

Item 6

William Wilcox Industrial Business Park	Requests conceptual review of a proposed landscape business at 9367 County Road.
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DISCUSSION:

Mr. Bleuer introduced this project, located at 9367 County Road, which is a newly created 5 acre vacant parcel in the Industrial Business Park zone. Recently split from the Braddell Lakeside Sod Farm.

The applicant is requesting consideration of a 4,000 sq. ft. warehouse building with associated parking. The owner desires to locate a landscape business on the premises.

The initiation of a coordinated review under the State Environmental Quality Review Act will allow for involved agency and interested party comment.

Michael Metzger was present, as well as the applicant, William Wilcox. Mr. Metzger further explained that they have moved the proposed building forward in order to be more consistent with the neighboring building.

They have eliminated some of the parking spaces, as well as moved the detention pond back and reshaped it so that it is not just a rectangle.

They have also made amendments to the plan in order to bring it in to full compliance with the fire code.

Mr. Bigler asked if there will be any outside storage of vehicles or equipment, Mr. Metzger responded no.

Mr. Bigler confirmed that the detention area is dry, Mr. Metzger responded yes.

Chairman Sackett asked what materials are going to be stored inside the building, Mr. Wilcox responded trailers and landscaping equipment. Mr. Chairman confirmed that there will not be any material storage inside or outside of the building, Mr. Wilcox responded yes that is correct to both.

Mrs. Salvati noted that it is a very large piece of property, which Mr. Wilcox is only using a small portion of, and asked if Mr. Wilcox has any additional plans for the remainder of the property. Mr. Wilcox responded that the only possibility would be that Mr. Braddell may want to purchase back some of the property to continue to do sod farming. Otherwise, he has no other plans for it.

ACTION:

Motion by Richard Bigler, seconded by Wendy Salvati that pursuant to Article 8 of the Environmental Conservation Law, to **accept** the Part 1 Short Environmental Assessment Form as submitted and to seek Lead Agency status and **commence a coordinated review** among involved and interested agencies on the proposed Wilcox project at 9367 County Road, in the Industrial Business Park zone. This Unlisted Action involves the development of a landscape business warehouse / office building and associated facilities.

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

MOTION CARRIED.

Meeting unanimously adjourned at 9:39 p.m.

Amy Major
Senior Clerk Typist