

Town of Clarence
One Town Place, Clarence, NY 14031
Planning Board Minutes
Wednesday November 10, 2021

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

Matt Green / The Green Organization, Inc.
Commercial

Requests Development Plan and Architectural approval for a mixed-use project at 9150 Sheridan Drive.

Item 2

West Herr Hyundai
Major Arterial

Requests Site Plan and Architectural Approval for a renovation of the existing automotive facility at 5485 Transit Road.

Item 3

Koby Environmental Inc.
Industrial Business Park

Requests Site Plan and Architectural Approval for an expansion of the existing business facility at 10030 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
Jason Geasling

Jeffrey Buckley
Jason Lahti

Gregory Todaro

Planning Board Members absent:

Richard Bigler

Wendy Salvati

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:

Patrick Sheedy Jr. Emily Stoll

Motion by Gregory Todaro, seconded by Jason Geasling to **approve** the minutes from September 15, 2021.

Jason Lahti	Aye	Jason Geasling	Aye	Jeffrey Buckley	Abstain
Gregory Todaro	Aye	Robert Sackett	Aye		

MOTION CARRIED

Item 1

Matt Green / The Green Organization, Inc.
Commercial

Requests Development Plan and Architectural approval for a mixed-use project at 9150 Sheridan Drive.

DISCUSSION:

Mr. Bleuer introduced this project, which is an existing lot in the Commercial zone containing a residence.

The applicant is requesting Development Plan Approval for a mixed-use multiple-family housing project comprised of a 3-story mixed use building containing 18 multi-family units broken up as follows; (2-1st floor, 8-2nd floor, and 8-3rd floor) and 6,400 sq. ft. of commercial space on the 1st floor.

The Planning Board has issued a Negative Declaration under the State Environmental Review Act. The Zoning Board of Appeals has issued variances for the 3rd story and the total number of multiple family unit’s proposed (18 vs. the previously allowable 16). The Planning Board has issued Concept Plan approval, Conceptual Architectural approval, and recommended the issuance of the Special Exception Use Permit. The Landscape Review Committee has issued approval of a landscape plan. The Town Board has issued a Special Exception Use Permit for multiple family housing. Finally, the Engineering Department has signed off on the Development Plan.

Ari Goldberg from the law firm Barclay Damon, Patrick Sheedy Jr., Project Engineer from Carmina Wood Morris, Dave Sutton, Project Architect from Sutton Architecture, as well as applicants Matt and Brian Green were all present to answer any questions and further discuss their request.

Mr. Goldberg added that while it has been a long road for this project, they are excited to build in this town.

Mr. Geasling asked to have the materials which are being used stated for the record. Mr. Sutton explained that they are using a combination of materials, a material which is called Longboard, with a sample previously submitted to the Planning and Zoning office. It is a wood look material with a steel siding. An actual stone material is being used for the columns, complimented with an Azek trim on the cornice as well as the signboards and the accent features on the panels.

Mr. Sutton further explained that the iron railings will be aluminum for durability, painted black. The store-front windows will also be black framed with clear glass in order to meet the transparency suggestions.

Mr. Geasling asked if it is a cultured stone, Mr. Sutton responded that it is an actual stone, which they would be happy to provide a sample of to the Planning Office for final review and approval. Mr. Sutton stated that there is currently a problem with sourcing, which is making it difficult to acquire. Once he is able to access some, he will get it to the Planning Office for reference.

Mr. Geasling asked for clarification on the screenings that are used on the roof to shield the mechanicals. Mr. Sutton stated that this was brought up at a prior meeting, with concerns regarding this topic. He noted that all of the mechanicals are located in the center court, he's not sure that the screening would be an effective type of screening from the street. But they would be willing to screen any mechanicals which are seen from the street, with similar materials that were used on the building.

Mr. Sutton stated that sometimes the screening material may be more of a distraction than what they are attempting to screen. They are prepared to screen any mechanicals as necessary, but would like the ability to work with the Planning or Building Department to discuss the nature and location of the screen.

Mr. Geasling asked about the sidewalk in the rear of the building, with what appears to be handicap ramps on both sides. Mr. Geasling asked whether there is a need for the ramp on the west side, since the sidewalk appears to go nowhere.

Mr. Sheedy explained that they placed the handicap spot in the back for ease of accessibility to the ground floor residential units. Mr. Geasling asked about the ramp on the west side, and the need for it since the sidewalk goes nowhere. Mr. Sheedy stated that they will make that flush, that is not a problem.

Mr. Todaro questioned the railing that had been mentioned, and whether it is protective of the people on those respective levels. Mr. Sutton responded that besides being a deco feature, it is also a guardrail for protection for the recessed balconies, and meets NYS Fire Code.

Regarding Public Participation, no one spoke.

ACTION:

Motion by Jason Geasling, seconded by Jeffrey Buckley to **approve** the Green mixed use Development Plan per the submitted drawing by Carmina Wood Morris dated June 8th 2021, and issue Final Architectural Approval per the submitted elevations by Sutton Architecture dated June 1st 2021, all with the following conditions:

1. As per the Town of Clarence Engineering Letter of Approval, dated October 28th, 2021, and associated conditions.
2. As per the Zoning Board of Appeals approval and conditions of February 9th, 2021.
3. As per Landscape Committee Approval on July 16th, 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.
4. As per the Town Board Special Exception Use Permit conditions of approval, including a \$5,000 payment to the Town in lieu of an on-site recreational component, per the offer letter submitted by the applicant on March 22nd, 2021.
5. Subject to Building and Engineering Department approval and necessary permits prior to any construction on the site.
6. Subject to Erie County Health Department and New York State Department of Environmental Conservation approval, as required, on any future on-site sanitary facilities.
7. Subject to New York State Department of Transportation approval for access to Sheridan Drive.
8. All lighting must be dark sky compliant and shielded to prevent spillage onto adjoining parcels. Lighting shall be turned off at most one hour after business hours except for necessary security and residential lighting.
9. Building materials to be used as per the final architectural renderings.
10. Building and site shall be maintained as approved, in perpetuity, and any building and site deficiencies shall be repaired or replaced as approved.
11. Installation of an ADA compliant sidewalk from the building and along the frontage of the project site and installation of bike racks and benches, all per the approved plan.
12. Any signage subject to review and approval by the Sign Review Committee.
13. Subject to Open Space and Recreation Fees.

ON THE QUESTION:

1. Chairman Sackett asked Mr. Sutton in regards to the elevations, what they show in respect to screening of the mechanicals.

Mr. Sutton responded that as per their meeting, they would screen all mechanicals on the roof which are visible from the street. The screen will be as high as any of the visible mechanicals behind it. Chairman Sackett confirmed that is consistent with their previous discussion.

Mr. Goldberg asked to clarify Condition No. 8, whereas business hours are defined by the uses that they bring to the property. Chairman Sackett confirmed this.

Mr. Goldberg stated that he has heard, understands, and agrees to the conditions, upon clarification of no. 8.

2. Mr. Todaro asked if Mr. Geasling would like to amend the conditions to include the change to the back staircase. Mr. Geasling responded no, that he questioned the necessity of it, there is nothing critical or that needs to be amended.

Jason Lahti	Aye	Jason Geasling	Aye	Jeffrey Buckley	Aye
Gregory Todaro	Aye	Robert Sackett	Aye		

MOTION CARRIED

Item 2

West Herr Hyundai
Major Arterial

Requests Site Plan and Architectural Approval for a renovation of the existing automotive facility at 5485 Transit Road.

DISCUSSION:

Mr. Bleuer introduced this project, existing automotive sales and service facility in the Major Arterial District.

The applicant is requesting Site Plan and Architectural Approval of a façade alteration and site modifications. Site modifications consist of two new drive ramps for vehicle access to the showroom on the north side, and a vehicle display pad along the Transit Road frontage. The applicant has agreed to remove the un-utilized curb cut ramp to the north, turn off several site lights after 11pm, and plant landscaping as required by the Landscape Review Committee.

This item was referred from the Town Board and the Planning Board has the authority to consider Site Plan and Architecture.

Andy Gow from Nussbaumer Clark, as well as Jim Malka, Director of Facilities from West Herr Automotive Group were present on behalf of the applicant to further discuss this request.

Andy reiterated that after review, they are willing to reduce the lighting, having it go off at 11:00 p.m. They have also looked at the lighting along the front of the site. That lighting is the only lighting on the site that has LEDs which they are able to dim to 75%. The other lights on site are halogen lights, which are unable to be dimmed.

Chairman Sackett stated that he counts 9 lights in the front, Mr. Gow agreed. Mr. Sackett asked if he is referring to all 9 of those lights, Mr. Gow responded no, only the 4 which are right along Transit Road.

Mr. Buckley commended Mr. Gow and Mr. Malka for all of the work and modifications that they have done through working with the Planning Board Executive Committee.

Mr. Buckley asked for further clarification in regards to the lighting plan, specifically the lighting plan for the rear of the building compared to the front of the building.

Mr. Gow stated that the perimeter lights which are the number twos will turn on at sundown, and turn will now off at 11:00 p.m. rather than midnight, as was in the original plan. The interior lights which are the number ones will also come on at sundown but those will stay on all night, as they are safety lights.

Mr. Gow noted that the four lights in the front along Transit Road, can be reduced 25% as well.

Mr. Buckley asked if the lighting that is still in place beyond 11:00 p.m. is solely for security which Mr. Gow confirmed. Mr. Buckley asked if that lighting will be sufficient for the security cameras to work properly, capturing any images as necessary, Mr. Gow responded yes it will.

Mr. Buckley stated that unlike the West Herr facility further north outside of town that has multiple other car dealerships around it with similar lighting, this proposed facility does not have the same amount of dealerships and lighting around it. The neighbors to the south, north, and across the street do not have the same lighting to this degree along Transit Road, which is the issue that the board is concerned with.

Mr. Buckley stated that he appreciates the 25% reduction, and asked if that is something that is able to be done immediately, or will it need to be put in to effect.

Mr. Malka responded that those lights are on a control panel which is inside the facility, and because those lights were already retrofitted to LEDs in the past, that lighting control panel cannot dim that circuit immediately. Upon approval, he will have an electrician come to set the lighting scheme.

Discussion continued regarding the lighting, with Chairman Sackett asking why there is a need for so much additional lighting in the front, rather than the back. Mr. Gow responded that the lights in question are pre-existing and not part of this proposed project, they are not starting over with a completely brand new site, but this is the way the entire site is currently wired.

Mr. Malka stated that the front of the site is where the majority of their vehicle inventory is displayed, the back is primarily for vehicles which are there for service. If anyone is coming to their site after hours, they will be focusing their attention to the front lot. While they don't encourage people to come by after hours, it does happen, therefore the lighting in the back is for security purposes.

Chairman Sackett suggested a reduction beyond 25% in the front given the fact that there are 5 other lights at full capacity. Mr. Sackett continued to explain the board's concerns with light pollution coming from any unnecessary lighting on this site.

Mr. Malka responded that he is not able to turn off the lighting in the front area all together. While he is able to reduce it to 50%, completely shutting it off is not feasible.

ACTION:

Motion by Jeffrey Buckley, seconded by Gregory Todaro to issue **Site Plan and Architectural Approval** for West Herr Hyundai at 5485 Transit Road per the submitted plan set by Nussbaumer & Clarke, Inc. dated October 13th, 2021, and per the submitted architectural drawings submitted by Silvestri Architects dated August 10th, 2021, all with the following conditions:

1. Subject to any required permits by the Clarence Building and Engineering Departments.
2. Applicant shall submit a landscape plan for review by the Landscape Review Committee, and receive approval prior to Building and Engineering Permit issuance, and all required plantings shall be installed within one (1) year of site plan and architectural approval.
3. Maintenance of all landscaping in perpetuity and replacement, in-kind, should there be any death or disease to plantings.
4. Building and site shall be maintained as approved, in perpetuity, and any building and site deficiencies shall be repaired or replaced as approved.
5. Building materials to be installed per the approved plan specifications.

6. All site lighting to be dark sky compliant, shielded and downcast to prevent spillage onto adjoining properties.
7. All site lighting to be operated per the approved plan specifications, except that the lighting identified to be turned off by midnight shall be turned off instead by 11pm, per the assurance letter submitted by Nussbaumer & Clarke, Inc. on behalf of the applicant, dated November 1st, 2021.
8. Lighting located along the Transit Road right-of-way shall be reduced in brightness by 50%, after 11pm.
9. Northerly most curb cut apron located at SBL # 57.09-7-11.1 shall be removed per the assurance letter submitted by Nussbaumer & Clarke, Inc. on behalf of the applicant, dated November 1st, 2021.
10. Parking lots to be striped and maintained in perpetuity. No parking of vehicles outside the designated parking areas.
11. 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.
12. Subject to Open Space fee.

Mr. Gow spoke on behalf of the applicant, stating that yes he has heard, understands, and agrees to these conditions.

ON THE QUESTION:

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.

Jason Lahti	Aye	Jason Geasling	Aye	Jeffrey Buckley	Aye
Gregory Todaro	Aye	Robert Sackett	Aye		

MOTION CARRIED

Item 3

Koby Environmental Inc.
Industrial Business Park

Requests Site Plan and Architectural Approval for an expansion of the existing business facility at 10030 County Road.

DISCUSSION:

Mr. Bleuer introduced this project, which is an existing 2-acre lot containing a business facility in the Industrial Business Park zone.

The applicant is proposing to construct an approximately 1,600 sq. ft. warehouse building addition to the existing building. The proposal includes the construction of a compliant emergency turnaround, additional parking spaces, and landscaping as required by the Landscape Review Committee.

The Planning Board has the authority to consider this request.

The applicant Thomas Kobilinski was present and explained that his business is growing and they are in need of the additional space.

Mr. Todaro stated that there has been some correspondence from Steven and Denise DiMatteo regarding this project, which will go in to the file. Regarding this correspondence, there are not any concerns with the proposed project, but they do have some questions which Mr. Todaro reviewed, and are as follows;

- noise
- any effects to a nearby creek
- weekend operations specifically hours of operation
- material storage
- outside storage.

Mr. Kobilinski responded to the concerns by first stating that he has been in business at this location for over 20 years, and has never had a complaint about their operation or the noise.

The creek divides the property that he has on the west then cuts behind him to the north, Mr. Kobilinski added that they protect ground water that is the nature of the business. Their noise level is a light hum that is on the inside, while on the outside there is none.

Mr. Kobilinski responded that there is no dirt in their operations, but he is familiar with the dirt issue which the correspondence is referring to, because he has it on both sides of his property.

Occasionally they do have weekend hours, but the only indication of that are employee's cars in the parking lot. Typical hours of operation are 8:00 a.m. - 5:00 p.m. Monday through Friday.

Mr. Todaro asked if the driveway area will be paved, Mr. Kobilinski responded that they are already paved.

Mr. Todaro inquired about the garage doors, Mr. Kobilinski stated that both garage doors face the east, there is no truck run-thru. He further explained that their first addition in 2005 was a 40 ft. addition, they included a garage door with that addition just to have it, but it is rarely used.

The other garage door is their main door for shipping and receiving.

Mr. Todaro asked about outside storage, Mr. Kobilinski understands that they are in the process of cleaning up the garbage and anything else which is still outside will be stored inside the new addition.

Regarding Public Participation, the following resident spoke;

- Tina Sass of Martin Road
When will construction will begin, how long construction will last, and how much noise will be produced.

Mr. Kobilinski responded that he is hoping construction will begin in the spring, hours of construction will be daylight hours only, Monday through Friday. He is anticipating approximately 6 weeks until completion.

ACTION:

Motion by Gregory Todaro, seconded by Jeffrey Buckley to issue **Site Plan and Architectural Approval** for Koby Environmental Inc. at 10030 County Road per the submitted plan by Carmina Wood Morris dated January 1st, 2021, with a final amended date of November 2nd, 2021, and per the submitted architectural drawing submitted by Daryl Martin Architect, PC plotted November 2nd, 2021, all with the following conditions:

1. Subject to any required permits by the Clarence Building and Engineering Departments.
2. Applicant shall submit a landscape plan for review by the Landscape Review Committee, and receive approval prior to Building and Engineering Permit issuance, and all required plantings shall be installed within one (1) year of site plan and architectural approval.
3. Maintenance of all landscaping in perpetuity and replacement, in-kind, should there be any death or disease to plantings.
4. Building and site shall be maintained as approved, in perpetuity, and any building and site deficiencies shall be repaired or replaced as approved.
5. Building materials to be installed per the approved plan specifications, and colors shall match the existing building.
6. All site lighting to be dark sky compliant, shielded and downcast to prevent spillage onto adjoining properties. Lighting shall be turned off at most one hour after business hours except for necessary security lighting.
7. Parking lot to be striped and maintained in perpetuity. No parking of vehicles outside the designated parking areas.
8. No outside storage on the property, including but not limited to goods and materials.
9. 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.
10. Subject to Open Space fee.

Mr. Kobilinski heard, understands, and agrees to these conditions.

ON THE QUESTION:

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.

Jason Lahti	Aye	Jason Geasling	Aye	Jeffrey Buckley	Aye
Gregory Todaro	Aye	Robert Sackett	Aye		

MOTION CARRIED.

Meeting adjourned at 7:54 p.m.

Amy Major
Senior Clerk Typist