

Town of Clarence
One Town Place, Clarence, NY 14031
Planning Board Minutes
Wednesday November 18, 2020

This meeting was not an in-person meeting, it was strictly virtual.
The Zoom meeting link may always be found on the published agenda, which is accessible on the Town of Clarence’s website.

Work Session 6:30 pm

Status of TEQR Coordinated Reviews
Review of Agenda Items
Miscellaneous

Agenda Items 7:00 pm

Approval of Minutes

Signage Variance 1

Transit Meadow Medical and Professional Park
Restricted Business

Requests Signage Variance for a proposed expansion to the existing freestanding monument sign at 6041 Transit Road.

Item 1

Rock Oak East
Commercial

Requests Development Plan Approval for a proposed expansion to an existing manufactured housing park located at 10065 Main Street.

Item 2

Matt Green
Commercial

Requests Concept Plan Approval for a proposed mixed use project at 9150 Sheridan Drive.

Item 3

Charles Kelkenberg
Industrial Business Park

Requests Concept Plan Approval for a proposed self-storage facility at the northeast corner of Goodrich Road and County Road.

Chairman Robert Sackett called the meeting to order at 7:02 p.m.

Planning Board Members present:

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

Vice-Chair Richard Bigler
Timothy Pazda
Jeffrey Buckley

Town Officials Present:

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

Other Interested Parties Present:

Noel Dill	“Carol”	Ari Goldberg	Donald Gill
Ethan Powers	Michael Metzger	“Dan”	Megan Cumbo
“iPhone”	575-XXX-5160	Dave Sutton	Corey Auerbach
Steve Dale	Bryan Green	Stuart Gosels	Matt Green

Motion by Gregory Todaro, seconded by Richard Bigler, to **approve** the minutes of the meeting held on March 4, 2020, as written.

Jason Geasling	Aye	Jeffrey Buckley	Aye	Gregory Todaro	Aye
Timothy Pazda	Aye	Wendy Salvati	Aye	Richard Bigler	Aye
Richard Sacket	Abstain				

MOTION CARRIED

Signage Variance 1

Transit Meadow Medical and Professional Park Restricted Business	Requests Signage Variance for a proposed expansion to the existing freestanding monument sign at 6041 Transit Road.
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DISCUSSION:

Mr. Bleuer provided the background on the project noting that Bevilaqua Development, owner of Transit Meadow Office Park, is seeking a signage variance to allow an expansion to the existing freestanding monument sign at 6041 Transit Road in the Restricted Business zoning district. This existing office complex currently has an approved freestanding sign. The proposal is to add an additional portion of signage on the existing sign to allow for additional tenant spaces. The Planning Board is the variance body for signage per the Town Code.

Speaking on behalf of the applicant is Megan Cumbo, They are seeking a variance to expand the existing monument sign. The sign is extensively landscaped with fall and spring plantings, and is well maintained. This sign is the only visible signage on Transit Rd., due to the lack of frontage. The sign is critical to their ability to lease space in the property. Presently they have 4 vacant tenant spaces, with no more available space on the current sign for additional tenant panels. They believe that the proposed sign meets the balancing tests in that the benefit to the applicant outweighs any potential detriment to the neighborhood.

The location of the sign presents a unique situation in a couple of respects. Although the location of the sign is zoned Restricted Business, it is very close to an area that is zoned Commercial. Additionally,

she believes that as of 2010 the area was zoned Major Arterial, which may explain why there are a number of large signs in the area.

The proposed sign would fit both in size as well as character with the other signs in the neighborhood. In fact it would be smaller than many of the other signs in the same area.

Their proposed sign is also modestly sized given the size of the development which is 45,000 sq. ft. This difficulty was not self-created, they actually applied for a larger sign originally, but were only granted approval for the sign that they currently have with the limited number of panels. They would like to have leased fewer spaces comprised of more square footage each. For example, if they had an average square footage per tenant of 5-7,000 sq. ft., then the existing sign would have been adequate. They found that there wasn't much of a market for a space of that size in that location, especially at this time. Their tenants at the property average 2-4,000 sq. ft. so consequently they need additional panels. They've had a few prospective tenants decline to sign a lease with their property, and site the lack of signage as the reason. The benefit that they're seeking by requesting this variance cannot be achieved by any other method.

Mr. Sacket asked how many square feet they are requesting the new sign to be. Jon Bleuer stated that the usable square footage would be 96 sq. ft. of the total sign, however the overall cabinet would be 113.4 sq. ft.

Mr. Sacket then asked since most of the surrounding area is zoned Major Arterial, if this particular area was zoned Major Arterial, what would be the limitation on the sign. Mr. Bleuer stated that it would be per Sign Committee approval as a plaza sign, there would be no set number.

Mr. Sacket asked Ms. Cumbo, if they approved this tonight, they are setting a limit for the number of square feet as designed. As they move forward, are they confident that it will accommodate changes in use. Ms. Cumbo stated that they are fairly confident in that. Mr. Sacket stated with the request of a variance, he's hopeful that they've considered whether this will accommodate further growth. She believes that it will because currently the average tenant size is 2,000-4,000 sq. ft. so they really wouldn't go too much smaller than that. She thinks in the future, they have tenants moving in and out, some will be bigger and some will be smaller, but she doesn't foresee them needing more panels than this proposed sign would allow.

Mr. Sacket noted that if it was zoned Major Arterial like all of the surrounding properties, this would not be out of code.

Mr. Pazda stated that sometimes when an applicant comes before the board, they commit themselves in to a proposal like this, you might want to add in a clause stating plus or minus 10% to give yourselves a little leeway in case something unexpected comes up. Ms. Cumbo said that would be great, but she's not sure if that means they would need to amend their original variance request to add that, or if the board is able to approve that without the addition.

Greg Todaro asked if for existing lighting for this sign, the lighting will need to change technology or if there is any lighting at all on it currently. Ms. Cumbo stated that there is lighting, and that the panels are illuminated so the lighting would remain the same. It's an extension of the current technology.

Mr. Sacket stated that they have the opportunity to approve the request based on the information and pictures submitted, but refers to Attorney Steve Bengart as to whether they'd be able to make

additional changes without the board’s approval. Mr. Bengart stated that they could come back for another variance which would be the appropriate steps to take.

Mr.Sackett and Mr. Bleuer asked for any public comments via phone, email, and Zoom. With none being received or heard, an Action was considered.

ACTION:

Motion by Richard Bigler, second by Jason Geasling to **approve** the request of Bevilacqua Development for an expansion of the existing freestanding monument sign at Transit Meadow Medical & Professional Office Park located at 6041 Transit Road in the Restricted Business zone per the drawing by Ulrich Signs with a revision date of 11-10-20.

ON THE QUESTION:

While this sign exceeds allowable code in the Restricted Business zone, it is not inconsistent with nearby signs located in the Major Arterial zone. In addition, this sign acts as the only clearly visible business advertisement and wayfinding signage visible from the public right-of-way, as the existing office buildings do not front Transit Road.

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

MOTION CARRIED

Item 1

Rock Oak East
Commercial

Requests Development Plan Approval for a proposed expansion to an existing manufactured housing park located at 10065 Main Street.

DISCUSSION:

Mr. Bleuer provided the background on the project, noting Rock Oak is an existing Manufactured Housing Park located in the Commercial zoning district on Main Street. Rock Oak east is a proposed 27 lot expansion of the housing park. Rock Oak East has previously received a Negative Declaration under the State Environmental Quality Review Act and Concept Plan Approval by the Planning Board on November 13, 2019. The proposal has also received a Special Exception Use Permit by the Town Board on January 22, 2020 after a Public Hearing was duly held. Since that time, the proposal has received Landscape Plan Approval, and has met the technical requirements of the Engineering Department. Development Plan Approval is now being sought by the applicant.

Mr. Sackett stated that the Special Exception permit is because it is manufactured housing.

Michael Metzger is speaking on behalf of the applicant, and Noel Dill is also present. Mr. Metzger confirmed that this is the fourth phase of Rock Oak Estates, with 27 home sites on 11 acres. With the prior Special Exception Use permit granted by the town, Concept plan by this board and the negative declaration, they are seeking development plan approval.

Since the last meeting with the Planning Board, they have obtained Erie County Department of Health approval, New York State Department of Environmental Conservation approval for the sanitary sewer, Landscape Committee approval, and the town engineer has reviewed and approved the plans.

Mr. Metzger stated that he'd like to touch on some design features and amenities with the project. First off, there are two storm water management facilities that have been designed in accordance with both local and state storm water regulations. One of them at the front of the property, and one of them towards the back adjacent to the Wetland area. There is a sanitary sewer collection system for the entire area and a treatment center on site. There is a bit of wetland on the property along the south line which they are not impacting whatsoever.

They have a sidewalk which they are going to connect this phase out to Main Street for pedestrian access, as well as a connection to the West Shore Trail System at the back end south of the property, adjacent to the federal wetland.

One thing in particular that he'd like to point out, is that they've been able to increase the firefighting and emergency response capabilities for the project. Not only for this phase, but for the existing Rock Oak East development. There is an existing 4 in. water server that brings water in to Rock Oak East which they will be upgrading as part of this project. They will be laying a new line which will be an 8 in. line tapped in to the main on Main Street with a new backflow prevention device and meter, which will increase the firefighting capabilities. This will provide better than the minimum required for the new development, plus it will increase the capabilities for Rock Oak East. They are adding a couple of fire hydrants that previously were not there for the Rock Oak East project, which were not needed at the time that development was put in. The earliest portion of this project was Rock Oak East, which is what they are building up against, and they have the capability of increasing that safety measure now.

Likewise within the development there is a minimum requirement of 20 ft. lanes, and they are able to put in 24 ft. access lanes throughout, which will increase capabilities for emergency responses.

Robert Sackett asked about the sidewalk and connection to the West Shore trail that Mr. Metzger mentioned, asking about materials that will be used for both of them. Mr. Metzger noted that they are proposing a concrete sidewalk out to Main Street, and then they bike path access will be a blacktop surface, which is consistent with the trail that they will be connecting to.

Mr. Sackett then questioned if they will be maintaining both the sidewalk as well as the connection to the trail, throughout the life of the project. Mr. Dill stated that yes, they already maintain connections to the West Shore path and other areas already, so it would be nothing different than what they already do.

Gregory Todaro asked in regards to maintenance, will the new development fall under any current Home Owner Associations that exist or will there be a separate agreement for this new development. Mr. Metzger stated that this new development is privately owned by Stephen Development, therefore they maintain everything. Steve Bengart asked if it is something that is in each leaseholder's agreement between the developer and the person leasing that lot. Mr. Dill confirmed that it is in the lease stating that they company that owns the development maintains everything.

Wendy Salvati asked if they were to make it a condition that they put in temporary fencing along the northern side as well as a 50' buffer there as well, not just the east side. Mr. Metzger stated that this is

already in the site plan, an orange construction fence as well as Do Not Disturb signage to be placed on the fencing on both the east and north lines of the buffer.

Timothy Pazda stated that since this is last part of the application process, if it is approved and they are able to move forward, what their plan is for when they will begin development. Mr. Metzger stated that they hope to begin this year if possible. Mr. Pazda asked if it would be necessary to add construction times, so as not to disrupt the neighboring residents. Jon Bleuer stated unless they would like to further constrict the time of development, which would be handled through the Building and Engineering Department at the time of permit issuance per state and local laws.

Mr. Pazda stated he would like to add the condition of approval to include snow removal as well. Mr. Dill stated that this is already a part of their general practice.

Mr. Todaro added to the previous discussion regarding construction, which falls under Engineering, but he is wondering if communication goes out to existing residents as far as when construction will start, the hours, etc. Jon Bleuer stated that he is not aware of that condition in either state or local law, so if that is something that the board would like to add, they would need to make it a condition at this level. Mr. Metzger stated that he believes the hours of construction are pretty standard. With his past experiences with projects in the town, these were details and conditions discussed with the Engineering Dept. during a PIP construction meeting. Generally they dictate the hours of construction.

Mr. Todaro clarified his question, asking if communication goes out to existing homeowners. Mr. Metzger stated that to his knowledge, that's not a practice that has been followed with past projects within the town, as far as notifications to neighbors in terms as when construction will begin, but this particular case is unique in that the owner of the new development is also the owner of the existing development.

Ms. Salvati stated that she believes this will be handled in the same way that the owners handled the development on the opposite side, as far as internal communication and notifications.

Mr. Bengart stated that if the board chooses to move forward, they make it a condition that it is subject to the discretion of the Building Department to advise how this should be handled in regards to hours of operation and whether neighbors should be notified. Just make that a condition, and then it's been answered either way.

Mr. Metzger stated that as per Mr. Dill the hours of construction are Monday through Friday 7:00am to 7:00pm, and 8:00am to 5:00 pm on Saturdays. In addition, to Mr. Bengart's suggestion, that the advisements come from the Engineering Department, not the Building Department, to which Mr. Bengart agreed.

Mr. Pazda inquired as to whether Dave Metzger is present at the meeting, and will he be addressing the emergency gate access requirements at this point, or will it be handled through his office. Mr. Sackett responded that Dave Metzger does not appear to be present, but that he will have authority over the gate.

Mr. Sackett and Mr. Bleuer asked for any public comments via phone, email, and Zoom. With none being received or heard, an Action was considered.

ACTION:

Motion by Gregory Todaro, second by Wendy Salvati to **approve** the Rock Oak East Development Plan per the submitted drawing set by Metzger Civil Engineering with a revision date of 5-15-20 with the following conditions:

1. As per the Town of Clarence Engineering Letter of Approval dated 9-10-20, and associated conditions.
2. Subject to Town Building and Engineering Department approval prior to any permits obtained for the construction on the property.
3. All landscaping shall be installed within one year of the date of this approval. Extensions may be considered by the Planning Office, upon request for extension by the Applicant.
4. As per the Landscape Committee Approval, and associated conditions including the maintenance of all landscaping in perpetuity, including berm planting.
5. Installation of temporary fencing along the east side boundary and north side boundary of the required 50’ buffer to prevent disturbance of the area during construction.
6. Secondary Emergency access to be posted with “No Parking” signs, and gate to be installed per Clarence Fire Inspector requirements. It shall be the responsibility of applicant to ensure the access is kept clear of all obstacles.
7. Subject to the construction and maintenance of a pedestrian trail access to the West Shore Line trail from the project site.
8. Subject to the construction and maintenance of a pedestrian sidewalk to Main Street from the project site as per the approved Landscape Plan.
9. All lighting must be dark sky compliant and shielded to prevent spillage onto adjoining parcels.
10. No placement of signage without proper permit.
11. Consistent with the Clarence Manufactured Housing Park Code, the park must be maintained to an acceptable standard.
12. Subject to Open Space and Recreation Fees.

ON THE QUESTION:

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

Robert Sackett asked Mike Metzger and Noel Dill if they understand and accept the conditions set forth by the board. Mr. Metzger responded that yes, they understand and accept the conditions.

MOTION CARRIED

Item 2

Matt Green
Commercial

Requests Concept Plan Approval for a proposed mixed use project at 9150 Sheridan Drive.

DISCUSSION:

Mr. Bleuer provided the background on the project, noting that the Matt Green Mixed Use Project is a proposed mixed use project in the Commercial zoning district at 9150 Sheridan Drive. The proposal consists of a 3-story mixed use building containing 18 apartments (2-1st floor, 8-2nd floor, 8-3rd floor) and 6,400 +/- sqft of commercial space on the 1st floor. A coordinated review among involved and interested agencies under the State Environmental Quality Review Act (SEQRA) was commenced at the Planning Board Meeting of November 13, 2019. Relevant Comments received include, but are not limited to; DOT comment of no significant impact to the State Highway System, Erie County comment recommending pedestrian connectivity to adjoining uses & parkland and Historic Preservation Commission determination of no historic significance of existing structure proposed to be demolished. The applicant is now seeking an Action under SEQRA, and action on the Concept Plan. While the overall height of the proposed mixed-use building conforms to Town Code, multi-family projects are limited to 2-stories, therefore a variance will be required by the Zoning Board of Appeals before the Planning Board is able to consider approval of the Concept Plan. In addition, the maximum allowable multiple family density is limited to 16 units for property without sewers, and the proposal calls for 18 units

Speaking for the applicant is Ari Goldberg, adding that it is a 28,000 sq. ft. mixed use development that they are proposing with 18 apartments, and 6400 sq. ft. of commercial space on the ground floor. The property is located in a commercially zoned district near the Sheridan and Main Street node. They last appeared before the board on November 13, 2019. At that time, Part 1 of the Environment Assessment form prepared by the applicant was accepted by this board. Then the board, acting as lead agency commenced its coordinate SEQR review among the involved agencies. Since then they have obtained Historic Preservation commission determination and at the existing vacant structure on the property has no historic significance. They have also received various agency comments, and engaged in further discussion with the Planning Department. In response to those comments and that discussion they have furnished the concept plan which is before you. As mentioned earlier, the Planning Department has also reviewed the plans and prepared Part 2 and Part 3 of the Environmental Assessment form, which concludes Mixed Use Development will not result in any significant adverse environmental impacts. Environment for the purpose of SEQR includes community character, and community plans, so to that end a Mixed Use Development will not have any adverse impacts in either those two requirements. For ultimate concept plan approval, they need to appear in front of the Zoning Board of Appeals and seek two area variances, but after that they will back to the Planning Board for Concept Plan approval.

Tonight they seek a Negative Declaration for SEQRA, and a denial of the concept plan, which clears their path to the Zoning Board of Appeals.

Robert Sackett explained for the benefit of the audience, they are not able to approve the concept plan, and that the Planning Office has recommended a Negative Declaration, though it is still at the discretion of this board to do so.

Donald and Barbara Gill of 9140 Sheridan Dr. were present to speak. Mr. Sackett reminded them that they have a three-minute limit to speak, and Attorney Steve Bengart will monitor the time.

They were at the first meeting in November of 2019 and were not in favor of the project then, and continue to not be in favor of this project. They have lived there for 44 years, and the house that is currently sitting there next to them is 1500 sq. ft. and now there is a proposal to put a 28,000 sq. ft.

structure next to their residence, which will devalue his property value. He is aware that originally the Planning Board told the Green's that they could not put a three story structure up, it would be limited to a two story, but he sees that now they are still going to attempt to get approval for a three story building.

He would like to state that this building would be very unique compared to what else is going in on Sheridan Drive, since all of the other buildings in the area are single story, small "mom and pop" type of buildings. Mr. Gill said that they are in a two-family home themselves, and they don't see how the proposed building belongs there, with keeping with the current scheme of the area. He would hate to see it go up, and he wonders about the green space, and that there are 18 residences going in to an area where there was previously only 1. He understands that it's zoned Commercial, there are Wetlands back there.

Mr. Goldberg addressed Mr. Gill's comments. He stated that since their last meeting, the applicant group has been in contact with Mr. and Mrs Gill, discussing the project's specifics with them and its parameters. In regards to the concerns about green space, the code only requires that 25% of the site remains greenspace, and they are proposing 71%. Additionally, they are not touching the wetlands in the back, as you can see in the site plan, almost everything to the back area of the site has remained untouched.

Additionally, in terms of the scope of the project, it is a commercially zoned property, there are other permitted uses that don't require all the variances that they are seeking, so they believe this is a more low impact use than what the code allows for. What they plan to do, because there are more approvals ahead, they will continue their communications with the Gill's, and continue to discuss the project with them.

Mr. Goldberg stated that he believes there is a 45 ft. greenbelt, which forms a buffer between their property and the neighbor's property as a result.

Mr. Sackett stated that in order to be able to have the requested third-story, the Zoning Board of Appeals would need to approve that. Mr. Goldberg stated that 45 ft. is allowed in a commercial zone, but because they are a specially accepted permitted use, they are only allowed two stories, so they need to seek a variance for the third story.

Mr. Sackett informed Mr. Gill that if this project does indeed go to the Zoning Board of Appeals, that they will be notified as a neighbor, and he would encourage them to speak at that meeting, since that will be the board to actually decide the height of this proposed building, or the number of residential floors. The height is consistent with commercial code, but the residential code needs a variance. The Zoning Board will decide that, and then it will return to the Planning Board to review the concept plan. Their comments will carry forth in the meeting minutes as well as you can make them to the Zoning Board of Appeals, and they will also carry forth when they actually consider the concept. He hopes that it gives them the status of the project, as well as the weight of their comments.

Mr. Sackett and Mr. Bleuer asked for any public comments via phone, email, and Zoom. With none being received or heard, an Action was considered.

ACTION:

Motion by Timothy Pazda, second by Richard Bigler that pursuant to Article 8 of the Environmental Conservation Law, to accept the Part 1 Full Environmental Assessment Form as submitted and **approve** the Part 2 & 3 Full Environmental Assessment Forms as prepared and to issue a Negative Declaration on the proposed Matt Green Mixed Use Project. This Type 1 Action involves the creation of a mixed use project with associated facilities in the Commercial zone. 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.

ON THE QUESTION:

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

MOTION CARRIED.

Robert Sackett clarified that the original request is for Concept Plan approval, but they cannot give concept approval simply because it violates code and the authority of this board does not extend beyond code. That authority lies with the Zoning Board of Appeals.

Motion by Wendy Salvati, second by Gregory Todaro to **deny** the Matt Green Mixed Use Concept Plan per the submitted drawing by Carmina Wood Morris dated 3-12-20.

ON THE QUESTION:

While the proposed mixed use building does 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, the maximum allowable number of units for this property is sixteen, and this proposal calls for eighteen.

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.

If they are not successful at the Zoning Board of Appeals, they may return to the Planning Board with a new plan.

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

MOTION CARRIED

The next step should they choose to pursue it, the applicant will proceed to the Zoning Board of Appeals with their variance requests.

Item 3

Charles Kelkenberg
Industrial Business Park

Requests Concept Plan Approval for a proposed self-storage facility at the northeast corner of Goodrich Road and County Road.

DISCUSSION:

Mr. Bleuer provided background on the project noting that this proposed self-storage facility is located within the Industrial Business Park zone, consisting of 10 +/- storage structures, including an office building component at the County Road access point. A coordinated review among involved and interested agencies under the State Environmental Quality Review Act (SEQRA) was commenced at the Planning Board Meeting of January 29, 2020. Relevant Comments received include, but are not limited to; Erie County comment stating that this proposal would result in the loss of available agricultural land, NYS Parks, Recreation and Historic Preservation opinion that no archeological and/or historic resources will be impacted, DEC comment that no winter raptor surveys will be required due to lack of sightings. The applicant is now seeking an Action under SEQRA, and action on the Concept Plan & Conceptual architectural renderings.

Michael Metzger from Metzger Civil Engineering spoke on behalf of the applicant. Also present are Maureen and Dan Schmidt, Charlie and Chuck Kelkenberg, as well as Dave Sutton.

Mr. Metzger stated that the property is approximately 2 acres in size, and is zoned Industrial. This is an allowed use, and there is a definite need within the community. It is also a logical use for this piece of property, since it is zoned properly for this use, as well as the fact that in this area, even though the town does have Industrial Zoning there, there are no sanitary sewers available, and this is an extremely low producer. There is a very low impact as it relates to sanitary facilities.

What they are proposing to put there are what they feel to be very low profile, attractive buildings for this type of use. The site itself would be secure and screened with stockade fencing, wrought iron gates at the entrance, and attractive landscaping. There are also ample setbacks, with it being 80 ft., the closest it will come to the pavement is 100 ft., so there is plenty of green available in between the right-of-way on both of the roads and the development itself.

They spent a lot of time working on this project, with the layout, architecture, and landscaping.

Back in January, the SEQRA process was commenced, and since that time they have secured a sign off from the state office of Parks and Historic Preservation, the New York State Department of Environmental Conservation on endangered species, the Wetlands has been looked at and there is a little bit of jurisdiction of federal wetlands at the north end of the property that they are mostly avoiding, though there is a small section that they are not able to avoid that will be handled under a nationwide permit.

Mr. Sackett clarified that there are three items in front of the board tonight, a SEQRA action, then a Concept approval, and finally a conceptual architectural approval. He believes that they will only consider the Concept approval at tonight's meeting, and hold off on final architectural approval until development approval in order to allow everyone to fully digest what they are requesting.

Mr. Todaro asked in regards to concept and building materials, the lower stone boarding that goes around the building, does it completely go around the entire building, or only the west and south sides which are the sides visual from the roads.

Dave Sutton replied that the upgraded building materials on the two portions of the facility are only on the two sides which are visible from the roads. They are upgrading the façade substantially on the south and west elevations. That is where they will be introducing the upgrades of the finishes, meaning the cultured stone, type of siding, pitched roofs, and the metal roof system with the overhangs that you see in the renderings. Anything that is visible from the two intersecting roads will have the upgrades in materials, and anything adjoining properties and not public ways will be a more simplified use of materials for cost purposes.

Mr. Sackett followed up with that question stating that currently the visible parts which are the two corners, but can they be assured that if you go east there will not be development for which this would be visible.

Mr. Metzger pointed out that they are proposing to have a solid stockade fence along the east and north property lines, so the building itself won't be visible.

Mr. Todaro asked how deep the pond on Goodrich will be, and will it be filled at all times. His concern is safety, and cars possibly driving off of Goodrich and in to some kind of pond near the road.

Mr. Metzger stated that the pond will be designed to comply with the state storm water regulations, and such, it will need to be filled all year so that it helps to treat the water filtration, sedimentation. It will be at a maximum depth in the middle of 6 ft. but it will have a safety bench along the outside of it, which is a low lying slope and considered a safety feature. Mr. Metzger also included that they have looked extensively at the pond as part of the preliminary grading and drainage plan that they have done and submitted to the town engineer. They have a pretty accurate sizing of the pond now, and the closest part of the pond will be approximately 40 ft., the wet portion. Even though that is the beginning of the wet portion of the pond, it is very flat and sloped.

Mr. Sackett stated that the buffer of the pond will be a consideration through the development stage, and that further thought needs to be given to the buffering between Goodrich Rd. and the pond.

Mr. Todaro said he thinks that should be part of the detailed design going forward.

Ms. Salvati asked how the access gate will work. Will it be manned, or will there be a keycard. Mr. Metzger responded that there will be a security fab used, but closed normally unless being accessed at that time.

At this point it was opened for public comments or questions, none came forward. This is not the final comment phase, there is an additional phase, please contact the board if you have a comment.

Mr. Sackett and Mr. Bleuer asked for any public comments via phone, email, and Zoom. With none being received or heard, an Action was considered.

ACTION:

Motion by Gregory Todaro, second by Timothy Pazda, that pursuant to Article 8 of the Environmental Conservation Law, to accept the Part 1 Full Environmental Assessment Form as submitted and **approve** the Part 2 & 3 Full Environmental Assessment Forms as prepared and to issue a Negative Declaration on the proposed Charles Kelkenberg Self-Storage Facility. This Type 1 Action involves

the creation of a self-storage facility in the Industrial Business Park zone. 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.

ON THE QUESTION:

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

MOTION CARRIED.

Motion by Gregory Todaro, second by Wendy Salvati to **approve** the Kelkenberg Self-Storage Concept Plan per the submitted drawing by Metzger Civil Engineering with a revision date of 1-3-20, and Conceptual Architectural Approval per the submitted renderings by Sutton Architecture on 1-6-20, all with the following conditions:

1. As per the Town of Clarence Engineering Preliminary Grading and Drainage Memo of Approval, and associated conditions.
2. Landscape Committee approval of a final Landscape Plan prior to Development Plan Approval.
3. Perimeter privacy fencing per submitted conceptual plan and renderings, with required fencing detail prior to Development Plan Approval.
4. Buffering and/or physical barrier between Goodrich Road and the proposed storm water pond, detailed prior to Development Plan Approval.
5. Any future proposed lot splits of the property shall require Subdivision Approval by the Town.
6. Subject to Erie County Health Department and New York State Department of Environmental Conservation approval on any future on-site sanitary facilities.
7. Review and approval by the Erie County Department of Public Works for access to County Road.
8. Subject to Building and Engineering Department approval on any construction on the site.
9. 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 after business hours except for necessary security lighting.
10. Hours of Operation to be 6am-9pm Sunday through Saturday. Any proposed changes to the Hours of Operation shall be made to the Planning Office for consideration.
11. No outside storage of any kind, including but not limited to: vehicles, trailers, recreational vehicles, construction equipment, storage containers and boxes.
12. Subject to Open Space and Recreation Fees.

ON THE QUESTION:

Mr. Pazda asked in regards to condition #10, how the hours of operation will be dictated if using a keyfab system. Mr. Metzger stated that the system will shut down at 9:00, and will not allow access again until 6:00am. This could be amended at development, but for the purpose of the public, and the Planning Board knowing, this is what they have stipulated to, and it will be consistent with surrounding residential properties.

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

MOTION CARRIED

The next steps would be to develop a full technical set of drawings for submission to the Engineering Department, and Landscape Committee.

The applicant understands and agrees to the conditions that have been put on to the project.

Motion by Robert Sacket, second by Wendy Salvati to **adjourn** at 8:15p.m.

MOTION CARRIED.

Amy Major
Senior Clerk Typist