

Town of Clarence  
One Town Place, Clarence, NY 14031  
**Planning Board Minutes**  
Wednesday November 9, 2022

**Work Session 6:30 pm**

Status of SEQR Coordinated Reviews  
Review of Agenda Items  
Miscellaneous

**Agenda Items 7:00 pm**

Approval of Minutes

**Item 1**

Chick-fil-A  
Major Arterial

Requests preliminary conceptual review of a proposed restaurant, to include a drive-through facility and outside dining, at 5017 Transit Road.

**Item 2**

Stephen Development  
Industrial Business Park

Requests preliminary conceptual review of a proposed industrial business park and commercial solar photovoltaic system, as an extension of Research Parkway, at Wehrle Drive SBL 83.00-3-15.111.

**Item 3**

Northtown Automotive Companies  
Commercial

Requests preliminary conceptual review of a proposed Genesis automotive dealership, with access to Auto Place, at 8143 Main Street.

**Item 4**

Stephen Development  
Commercial

Requests Development Plan approval of a conceptually approved mixed use project, at 9745 Main Street.

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

Councilman Shear led the pledge to the flag.

Planning Board Members present:

Chairman Robert Sackett  
Jason Geasling  
Jason Lahti

Gregory Todaro  
Patrick Johnson

Planning Board Members absent:

Richard Bigler, Vice-Chair  
 Wendy Salvati, Second Vice-Chair

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:

Brett Hanford	Dave Bissonette	Dave Brown	Donna Brown
Brad Hohman	Tom Kowalski	Justin Juinpaul-Valenza	Elie Schecter
Noel Dill	Michael Metzger	Blake Long	

Motion by Gregory Todaro, seconded by Patrick Johnson, to **approve** the minutes of the meeting held on October 5, 2022, as written.

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

MOTION CARRIED

Motion by Gregory Todaro, seconded by Patrick Johnson, to **approve** the minutes of the meeting held on October 19, 2022, as written.

Jason Lahti	Abstain	Patrick Johnson	Aye	Jason Geasling	Aye
Gregory Todaro	Aye	Robert Sackett	Aye		

MOTION CARRIED

**Item 1**

Chick-fil-A  
 Major Arterial

Requests preliminary conceptual review of a proposed restaurant, to include a drive-through facility and outside dining, at 5017 Transit Road.

**DISCUSSION:**

Mr. Bleuer introduced this project, located at 5017 Transit Road, East side of Transit Road, north of Sheridan Drive. It is an existing 1.3-acre parcel located in the Major Arterial zone, containing an existing commercial structure and associated parking. The structure formerly contained an Applebee’s Restaurant.

The applicant is requesting consideration of an approximately 5,000 sq. ft. quick serve restaurant, including double lane drive through facility, outside dining, and a detached ordering canopy. The former Applebee’s structure is proposed to be demolished as part of the overall project.

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

Randy Bebout with Bohler Engineering, and James Boglioli from Benderson Development, the property owner were present to further discuss the project.

The new building will be slightly north of the current building, and will contain 68 parking spaces on the property.

There will be a two-way circulation of traffic around the building, with the main drive-thru traffic entering in from the north driveway and heading west.

There is a two-lane drive-thru all the way through, which can be operated as either two-lane or a one-lane, depending on the capacity.

Stacking from the canopy back is approximately 30 cars with some additional cars between the two canopies.

The purpose of the first canopy is to protect the team members from the elements. These team members are the order takers. The canopy houses heaters and coolers to be utilized depending on the need and season.

The meal pickup canopy is located on the east side, where there is a door that the team members will utilize to deliver the meals to the customer.

The dumpster enclosure is designed to match the building, and is located in an area that makes it easily accessible for the team members to access.

Handicapped parking spaces are available on the north side of the building.

A 14-person outdoor seating area is proposed for a patio area located on the west side of the property.

Mr. Bebout noted that the existing driveway will be closed off to alleviate some traffic concerns. They have already been to the Town Board to start this process, and are aware of the concerns with traffic. Mr. Bebout stated that one of their next steps is a meeting with the Department of Transportation (DOT) to discuss some of the potential solutions that the Town Board would like to see.

Mr. Bebout stated that Chick-fil-A has done a traffic study for this project, and it has been submitted to the DOT. The response from the DOT is that this project does not generate any warrants for any traffic improvements. Mr. Bebout added that they are aware of the Town's position, are fully supportive of it, and will continue to work through that process.

It will be a local owner of Chick-fil-A, not a corporate-owned store, and they plan to employ approximately 125 people.

Hours of operation are 6:30 a.m. – 10:00 p.m. Monday through Saturday.

Chick-fil-A takes great pride in the community where they are located, making investments within the community, and keeping their property clean.

Mr. Bebout continued to review the ordering process.

Mr. Bebout pointed out the dumpster enclosure, noting that it is designed to match the building. It is easily accessible by the team members to easily dispose of the refuse.

Mr. Bebout noted that when a new facility opens up, the company brings in a “Grand Opening Team” which is a team of employees that are experienced with Chick-fil-A and assist the store team with opening procedures, assuring that it’s a smooth event.

Mr. Todaro stated that he has reviewed the Short Environmental Assessment Form (EAF) and has no issue with it.

Mr. Todaro asked Mr. Bebout if there is any additional property that they are acquiring with the development.

Mr. Bebout responded no; they are not.

Mr. Todaro asked if the 30-car capacity for the drive-thru lanes that Mr. Bebout referred to, is for both lanes.

Mr. Bebout responded yes, it is full capacity for both lanes, which consists of the meal-order canopy, back to the beginning of the drive-thru. The store manager has the ability to adjust the lanes from two to one or vice-versa, depending on the need. They are able to determine this through the use of magnetic disc in the pavement that detects the traffic flow. From there they can move the bollards around to direct traffic flow.

Mr. Bebout stated that they are taking a “wait and see” approach in terms of parking lot entry and exit flow. This will be done as the project moves further along and they are able to work with the DOT and Town Board.

Mr. Todaro asked about the business located directly to the south, which is currently separated by a brick wall façade. Based on the new development that is proposed, there will be more traffic, noise, lighting, and car fumes from that area. Mr. Todaro asked Mr. Bebout how they propose to mitigate the new developments for the neighbor.

Mr. Bebout responded that if there is a concern about exhaust fumes, then fencing and landscaping would be a consideration.

Mr. Bebout added that the lights will be on under the canopy at night, and they can control the light spill from that.

Mr. Todaro asked Mr. Bebout if they would be willing to work with the owner of that property to the south to accommodate them in terms of mitigations.

Mr. Bebout responded yes.

Mr. Todaro asked if the two trees currently located between the proposed site and the property to the south are going to remain, or if there are plans to remove them.

Mr. Bebout stated that he is unsure which property the trees are on, and will look in to it to get an answer.

Mr. Todaro noted that the plaza has been working on beautifying the property, including an area close to Transit Road that has been landscaped. Mr. Todaro asked Mr. Bebout what the plan is for that area specifically.

Mr. Bebout responded that the existing curb line is the same curb line that will remain with the new development. They will work with the Town to rework and enhance the landscaping.

Regarding the entrance way located on the north side of the property, Mr. Todaro asked if the plan is to have that removed.

Mr. Bebout stated yes, it is, it will be replaced with landscaping.

Mr. Todaro identified the concerns with traffic flow especially during grand openings, and asked Mr. Bebout how they typically handle that influx.

Mr. Bebout referred to the grand opening team, reiterating that they work very well at moving cars along, processing orders, and keeping the flow and traffic as minimally invasive as possible.

Chairman Sackett confirmed with Mr. Bebout that they will work with the neighbor directly to the south to coordinate and develop a landscape plan to present to the Town.

Mr. Bebout responded yes.

In regards to Public Participation, the following residents spoke:

1. Justin Jaipaul-Valenza of 8074 Highland Farms:
  - concern regarding the intersection inside the plaza that gets very busy. With no traffic light, how will Chick-fil-A handle that additional traffic and congestion at the internal intersection in the plaza.
  - how will Chick-fil-A help or fix this issue.
2. Steve Dale of 4309 Cameron Drive:
  - how and when are deliveries for Chick-fil-A? It sounds as though they will have 5-6 deliveries per week.

Public Participation was closed for this item at this time.

Mr. Bebout returned to respond to the concerns and questions, beginning with the traffic concerns. Mr. Bebout deferred to the fact that they will be working closely with the DOT and attempt to get the improvements that they and the Town want done. These changes would alleviate much of the congestion in the plaza.

Regarding deliveries, Mr. Bebout stated that those will occur approximately 4 times a week during off-peak hours, but he will confirm that with the applicant and provide that information with the Planning Office.

Mr. Bleuer asked that the applicant also provide an anticipated delivery route to them.

Mr. Bebout agreed to get that information.

Mr. Todaro asked if there will be any pedestrian access or areas for bicycles to be parked on the property.

Mr. Bebout responded that from the public right-of-way, they are adding a crosswalk across the drive-thru lane as well as other crosswalks. The intent is for the team members to be able to park in the plaza parking lot and be able walk over to the restaurant property, which will free up space for customers to park.

Mr. Bebout stated that at this point they do not have any bicycle facilities, but he will talk to the applicant about that.

**ACTION:**

Motion by Gregory Todaro, seconded by Jason Geasling that pursuant to Article 8 of the Environmental Conservation Law, to **accept** the Part 1 Environmental Assessment Form as submitted and to seek Lead Agency status and **commence a coordinated review** among involved and interested agencies on the Chick-fil-A project proposal at 5017 Transit Road, in the Major Arterial zone. This Unlisted Action involves the demolition of the existing structure, and the construction of an approximately 5,000 square foot quick serve restaurant, including double lane drive through facility, outside dining, and detached ordering canopy.

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

MOTION CARRIED

**Item 2**

Stephen Development  
Industrial Business Park

Requests preliminary conceptual review of a proposed industrial business park and commercial solar photovoltaic system, as an extension of Research Parkway, at Wehrle Drive SBL 83.00-3-15.111.

**DISCUSSION:**

Mr. Bleuer introduced this project, located on Wehrle Drive SBL 83.00-3-15.111, also with frontage on Research Parkway.

It is an existing vacant 194-acre parcel located in the Industrial Business Park zone.

The applicant is requesting preliminary conceptual review of an industrial business park and commercial solar photovoltaic system, as an extension of Research Parkway. The industrial business park is proposed to contain 12 industrial building lots. Phase 1 contains 5 industrial building lots, 1 of

which features a light manufacturing facility. In addition, phase 1 would be proposed to contain a commercial solar project.

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

Noel Dill with Stephen Development was present to further explain the request, and answer any questions.

Mr. Dill added that Research Parkway has been undeveloped for over 50 years, and this project would allow them to create jobs within the Town of Clarence.

Mr. Dill noted that this solar system would provide a savings for the residents of Rock Oak and surrounding communities in the Town.

Mr. Johnson reviewed the several documents that he has read as part of this proposed project, starting off with the Environmental Assessment Form (EAF) and asked Mr. Dill to clarify the lot size as stated in the document.

Mr. Dill responded, stating that there are 12 building lots proposed, plus the solar project. Due to size limitations, the solar project counts for two lots. This is because there is a physical limit as to the generational capacity that is allowed on a lot.

Mr. Johnson stated that the EAF states there are 12 lots proposed, therefore it needs to be amended.

Mr. Dill agreed to amend the EAF if necessary, to clarify that there are 14 lots total.

Referring to the EAF, Mr. Johnson asked Mr. Dill if he is familiar with a previous contamination that occurred either on this site, or an adjacent site.

Mr. Dill responded that it was an adjacent property that dealt with lithium battery recycling that had an explosion decades ago.

Mr. Johnson asked Mr. Dill if he is aware of an archaeological site either on or adjacent to the property, that the EAF also refers to.

Mr. Dill stated that there are some adjacent archaeological sites that may be investigated as part of the Coordinated Review.

Mr. Johnson asked Mr. Dill if he would document the dimensions of the entire solar project.

Mr. Dill stated that it is approximately 40 acres, and their engineer would be able to give specific preliminary dimensions, but he is unable to at this time.

Elie Schecter from Our Generation Power was present to answer additional questions specifically regarding the solar panels.

Mr. Schechter stated that they will gather the information for the questions that have been asked to this point and get back to the Board with responses. In the meantime, he will do his best to respond to the ones that he is able to tonight.

Mr. Schechter noted that the ingress-egress points on the site plan located at the end of Research Parkway is where the main entrance to the solar site will be. From there they will work with the local fire company to determine what types of driveways and widths that will best accommodate emergency personnel.

The aisle widths in between the rows of panels that run north to south have a 14 ft. space from the leading edge of one row, to the leading edge of the next row.

Mr. Schechter stated that he will confirm this, but believes there are approximately 20,000 panels, with each panel measuring approximately 36 inches by 60 inches, with a 1-inch gap in between panels in each row.

Mr. Johnson asked Mr. Schechter to describe fire truck access around the entire array.

Mr. Schechter responded that a 15 ft. offset between the fence and the leading edge of the nearest foil to that fence, leaving 15 ft. around the perimeter.

Mr. Johnson asked what the intra access is.

Mr. Schechter responded that there is 14 ft. in between each row, and for a system this size, customarily at a certain distance there will be a lane that runs east-west. As shown in the diagram, in some areas the array is narrow enough that there is no break running in that direction. North-south runs a little larger than 14 ft.

Mr. Johnson asked if there would be an interruption of any of the DC lines that will come off of each panel.

Mr. Schechter explained that the rows that run north-south, the DC lines will be wrapped. In the areas where the wiring needs to go east-west, the wiring would be trenched.

Mr. Johnson asked Mr. Schechter to identify what equipment would be mounted on each of the six identified equipment pads.

Mr. Schechter stated that each typically has a step-up transformer which steps up the voltage, so the 13,200 volts that this interconnected to the NYSEG distributions at, there will also be a switch gear which would combine the output from all of the inverters that are distributed around the solar field.

Mr. Johnson asked about carbonation of the DC wiring.

Mr. Schechter responded that the DC wiring will be mounted on racks, components that are placed around the field. The panels will be mounted on top of piles

Mr. Johnson asked if a combiner box will be located at the end of a row.



Mr. Schechter noted that commonly the combiner box will be located at an east-west break, so that it is easier to access for technicians.

Mr. Johnson asked Mr. Schechter whether any equipment will be exposed to the sheep during the vegetative maintenance.

Mr. Schechter stated that all of the equipment will be mounted at a height of typically 4 ft., the sheep would not have access to any of it.

As the panels track the sun from east to west throughout the day, the minimum height at full extension which is early in the morning and late in the day, will be over 3 ft. off of the ground.

Mr. Johnson asked if the output lines from each panel are code compliant.

Explaining the process, Mr. Schechter noted that 26 panels will be wired together in one circuit, daisy-chained together through the module leads. The leads use a very common UL-listed connector. All of the panels will be connected together using the factory leads. These cannot be underground because they are connecting one panel to the next.

Mr. Johnson asked for an explanation as to what the plan for condition-based maintenance will be specifically in regards to part time employees, and what their response times are.

Mr. Schechter did state that rather than specific full and part time employees dedicated to this project, there will be employees working regionally on projects in the area.

Mr. Johnson asked how often the Key-Performance Indicator data is taken.

Mr. Schechter responded that he will get that information and provide it for the Board.

Mr. Johnson asked how they plan to obscure the solar field from the existing Town bike path located on the adjacent property.

Mr. Schechter responded that they have photos taken from different angles on the bike path, then simulated what it would look like. While it is an obscured view in many locations, some spaces will be seen through the existing brush.

Mr. Johnson asked if they have given any consideration to installing something other than a chain linked fence specifically for those locations.

Mr. Schechter responded that chain link is what they normally install, but they have had some instances where they have put in privacy slats. They have found that the privacy slats tend to make a lot of noise if there is wind.

For smaller projects they have used wooden fences, but for this size of linear footage, a wooden fence would be significantly more costly.

Mr. Johnson asked Mr. Schechter if they would come up with some alternative ideas other than the chain link, and get back to the Board with what they come up with.

Discussion continued

Mr. Johnson asked where any equipment may be mounted outside of the perimeter fence and how it will be protected.

Mr. Schechter responded that the only equipment located outside of the fence will be at the southwest corner, where there will be utility pole mounted equipment which will connect to the NYSEG distribution system. These are typically located at the top of 40 ft. poles, which will make them inaccessible. They are still working out the details with NYSEG regarding the location of the connection.

Mr. Schechter explained the Gang Operated Air Brake (GOAB) which is one of the main devices that all of the utilities would require at the top of the utility pole. In an emergency, emergency personnel will know that they can manually disconnect the entire system from the utility grid. The first utility pole that utility personnel get to on location, will have this capability. The emergency personnel will be trained to know this is how to isolate the system.

Mr. Schechter stated that it will be a rotating system that tracks the sun.

Mr. Johnson asked if there is a minimal amount of solar acreage necessary to make this project move forward.

Mr. Schechter responded that there is not a firm number that they need, but explained that one of the first steps with these projects is to submit the inter-connection application to the utility. After that process, the utility takes a full 3-4 months to conduct a comprehensive study. This project calls for significant upgrades that would need to be made to the Wehrle Drive substation in order to accommodate a project of this size. This extensive upgrade would be a benefit that they would be providing to the community.

Mr. Johnson asked Mr. Schechter to explain what inspection methods will be used to ensure that the site is properly set up and functioning.

Mr. Schechter reviewed the phases and components of completion.

Mr. Johnson asked if the third-party that conducts the inspections performs 100% of the inspections.

Mr. Schechter responded that he will find out the answer and get it to the Planning Department.

Mr. Johnson asked Mr. Dill to explain the build out and phasing of the proposed road and associated utilities.

Mr. Dill responded, stating that their plan for Phase 1 is to build out all of the utilities up to the road at the end of Phase 1 opposite of Lot 3. This site plan will differ slightly in the sense that the Town of Clarence Engineer Department want them to have full frontage for that lot, so they would build out through Phase One.

For Phases 2 and 3, the utilities would follow along with road construction.

Mr. Johnson asked about Lot 7 being identified as Dimar.

Mr. Dill explained that it is an existing Clarence business, they are expanding, bringing in new equipment, hiring additional personnel, and others are relocating to Clarence. All employees will both reside and work within the Town of Clarence.

Mr. Johnson asked Mr. Dill if there will be any environmental impacts to the area due to Dimar.

Mr. Dill noted that Dimar is operational in this project area currently, it's not a new business, they are simply expanding.

Tom Kowalski, half owner and CFO of Dimar Manufacturing in Clarence and Cheektowaga explained that they are in need of a larger facility.

Mr. Kowalski responded to the environmental question, reviewing the different systems that they have on-site. Mr. Kowalski added that they do not have any impact on the environment that is leaving the building.

Chairman Sackett asked Mr. Kowalski if there are any noise considerations coming from the business.

Mr. Kowalski responded that they previously had an issue with their Clarence facility, but it has been rectified. Otherwise, there is no issue with noise outside of the building, and they do not do any operations outside.

Chairman Sackett stated that a thorough review will be done for safety, to assure that all precautions are evaluated and accommodated.

Mr. Todaro asked how the panels will be affected by snow.

Mr. Schecter responded that structurally they are more sensitive, because there are a number of different testing criteria that any panel goes through. Electrically, they are able to generate some power when there is snow, but a minimal amount.

Mr. Todaro asked how the systems are affected by lightning strikes.

Mr. Schecter responded that the systems are grounded.

Mr. Todaro asked about the panels and if they are in conduit.

Mr. Schecter responded that to his knowledge, they are not.

Mr. Geasling asked who would take on the cost of the upgrades to the substation.

Mr. Schecter stated that they would take on the costs.

Mr. Geasling asked about the Decommission Bond and whether the preliminary costs were prepared by a professional engineer.

Mr. Schechter responded that there is not a lot of data on systems similar to these. They are using a case study that is based on a project in Massachusetts where they put together data with the expected costs of decommissioning.

In regards to Public Participation, the following spoke:

1. David Bissonnette - Town of Clarence Emergency Manager
  - is in favor of the project with consideration for life safety.
  - in contact with colleagues in other towns that have solar farms of this capacity and will be working on their experience.
  - in regards to access, the field should be accessible from all four sides by a 15 ft. wide road.
  - the field be accessible by a minimum of two truck bearing access points;
  - the field should be split in to four quadrants with lanes that run both north and south and east and west which are unobstructed, and capable to accommodate full-size fire equipment.
  - in regards to the emergency after-plan, Mr. Bissonnette stated that the focus will be on life safety relative to trespassing. While many of the plans refer to protection of the equipment from the perimeter perspective, the first responders will need a safe process and access in to the field for the purpose of rescue.
  - four seasons of access capability for all of the areas are necessary.
  - first responders will need focused and specialized training on how to properly work in and around the field. He wants the training available as needed, indefinitely, as an owner responsibility.
2. Blake Long of 4440 Shisler Road:
  - would like clarification on the Wetland areas and how close the proposed project will impact his property.
  - what environmental factors are being considered to assure that this property does not runoff in to wetlands, as well as the clean pond that multiple residents live on.
  - the traffic pattern at Wehrle Drive and Shisler Road has increased greatly over the past 15 years, specifically during business hours. He would like to know if eliminating commercial traffic off of Shisler Road, keeping it primarily on Wehrle Drive would be a possibility.
  - is there a height requirement on the proposed buildings for this plan? There is a lot of wooded area there now, and it appears a lot is projected to be taken down. He is concerned about buffering.
3. Bruce Nisbett – 4450 Shisler Road:
  - supports the idea of the solar farm
  - concerned about code requirements on the height, noise, etc. of the proposed buildings.
  - clarification on wetland areas, would like them to remain undeveloped.
  - commercial trucks using Shisler Road are concerning. Would like industrial traffic routed to Wehrle Drive also.
4. Chief Brett Hanford – Clarence Fire District No. 1
  - concerned about limited access as currently shown on the proposed plans.
  - requesting 360\* accessibility
  - in regards to truck traffic, 50,000 lb. fire equipment and not pickup trucks is what they are referring to. They would need an adequate turning radius.

- most calls to the proposed solar farm will most likely be unoccupied unless a service tech is on location. Appropriate initial training as well as continued training through the lifetime of the solar farm will be necessary. First responders will need to be trained continuously to keep the training fresh.

5. Bradley Hohman of 4330 Shisler Road:

- much of the property discussed is New York State and Federal Wetlands.
- Tillman Nature Preserve located just across the street, which is home to many rare and endangered animals that don't know the boundary of Shisler Road.
- Tillman Nature Preserve is nearly identical in size to this property, and by eliminating some of the wetlands, their habitat is being reduced in half.
- referred to the Environmental Assessment Form stating that there would not be any impact to the wetlands, noting that it is untrue.
- he is not against the solar farm, because green energy is great. But he does not feel it is truly green when it involves displacing animals, and deforesting areas.
- the solar farm is located on the north end of the property, and asked how many trees will be cut down in order to get the southern sun.

6. Dave Brown of 4585 Leytonstone Ave:

- Rock Oak Estates is a 55+ community located directly to the north of the proposed project with over 500 homes and residents.
- their house was custom built years ago, and their front porch faces the bike path located across the street.
- aside from safety and security, he has no problem with the solar farm and prefers to see the solar aspect enlarged.
- of the 12 proposed building lots, phase 1 is located closer to Wehrle Drive and includes the Dimar building. The remaining buildings would start adjacent to the bike path, and a few hundred feet from his home.
- a berm and new evergreen trees will not adequately buffer the view from the proposed project.
- several other homes line the bike path as well, and enjoy the current view as well as the trees and animals that adorn the area.
- while they are in favor of jobs, they never imagined living near an industrial park.

7. Donna Brown of 4585 Leytonstone Ave.

- This number of industrial buildings in this close proximity to a neighborhood is inappropriate and unfair to the residents.
- would prefer to see a solar farm the entire length rather than building lots.

8. Chris

- what will the solar farm power, and who will receive the benefit off of their bills.
- with 13,000-volt speed putout how much will it be utilized, will it all be kept local.

Public Participation was closed for this item at this time.

Mr. Dill returned to respond to some of the concerns.

Regarding the wetlands, they are delineated, a walk-through was completed and a jurisdictional determination was made.

This project is a substantial distance away from Shisler Road, specifically the industrial portion of the project.

Mr. Dill continued to identify the parcels and size of the property that the proposed project is located on, adding that due to the large size of the parcels, there are substantial wetlands that will not be touched at all.

Mr. Dill stated that there are wetlands that are parts of individual properties, and if they were to work on that lot, they can work on the portions that are not wetlands, or there may be some minor mitigations that can be done to other areas that are not wetlands.

Mr. Dill continued to review the wetlands and size of the parcels.

Mr. Dill noted that the truck traffic on Shisler Road is related to the Dimar project, and will not change.

Mr. Dill stated that they will discuss the firetruck turning radius with their engineer.

Referring the concerns stated by Mr. and Mrs. Brown, phase 1 and the lots included with that portion of the proposed project are a substantial distance away from Rock Oak Estates. During the Coordinated Review, they fully expect the Planning Board to assure that they provide adequate screening and buffering from both sight and noise.

Mr. Dill added that they are very aware that Rock Oak Estates and their residents are located just on the other side of the bike path. Rock Oak is also their property, so they need to be very sensitive to the Rock Oak properties and residents, and they won't develop a property that would interfere with one of their existing properties.

Chairman Sackett pointed out that current discussion is only regarding Lot 7 and Dimar, anything beyond that would require further environmental review.

Mr. Dill responded with respect to the Dimar process, yes. Phase 1 would only incorporate 5 total building lots, one of which would be Dimar.

Chairman Sackett noted that the other 4 lots would still require Planning Board approval.

Mr. Dill stated that every project would require its own Planning Board approval.

Chairman Sackett confirmed that tonight they are only looking at coordinating lot 7 of the industrial portion of the proposed project.

Mr. Bleuer noted that the maximum allowable height for buildings in the Industrial Park is 45 ft.

Mr. Schechter stated that they look forward to working with the Fire Chief and Disaster Coordinator regarding their concerns.

Chairman Sackett suggested to Mr. Schecter that they accommodate the concerns of the Fire Chief and Disaster Coordinator.

Mr. Bleuer noted that as part of the Coordinated Review, this will not be placed on a future agenda until the Planning Board Executive Committee deems the project ready and worthy of an environmental review completion.

In terms of environmental impacts, Mr. Schecter pointed out that the Department of Environmental Conservation (DEC) in regards to solar projects have determined that solar fields are pervious.

Mr. Schecter stated that the DEC also promotes the use of limited use pervious access driveways, which is what they plan to utilize. Runoff from stormwater impact is very minimal with a project such as this.

Mr. Schecter added in terms of wetlands, as a matter of policy the DEC does not allow solar components within 100 ft. of a state regulated wetland.

In regards to endangered species, Mr. Schecter noted that they coordinate and communicate with the DEC Natural Heritage, and U.S. Fish and Wildlife, on all of their projects.

Mr. Schecter commented on the weight ratings on the roads and emergency vehicles, this is a component they plan to be sensitive to.

In terms of some of the characteristics of the electrical system and the components of who will benefit from the energy, this is a community project. Members of the community will be contacted to see if they wish to subscribe.

Chairman Sackett clarified, stating that the scope of the solar impact will be distributed through NYSEG grid. Mr. Schecter responded yes, it will be generated through the grid and the utility will manage the bill credits.

Mr. Dill commented that they are going to make sure everyone living in Rock Oak is signed on for this solar project. They will facilitate to assure that anyone in Clarence that is interested is able to sign up for it, and that their energy stays in town.

Chairman Sackett noted that Shisler Road is a county road, and the County will be involved in the Coordinated Review.

The issue of protected wildlife and land is a DEC issue, and they will also be involved in the Coordinated Review.

#### **ACTION:**

Motion by Patrick Johnson, seconded by Gregory Todaro that pursuant to Article 8 of the Environmental Conservation Law, to **accept** the amended Part 1 Environmental Assessment Form as amended and to seek Lead Agency status and **commence a coordinated review** among involved and interested agencies on the Stephen Development project proposal at Wehrle Drive SBL 83.00-3-15.111, in the Industrial Business Park zone. This Unlisted Action involves the construction of an

industrial business park and commercial solar photovoltaic system, as an extension of Research Parkway.

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

MOTION CARRIED

**Item 3**

Northtown Automotive Companies  
Commercial

Requests preliminary conceptual review of a proposed Genesis automotive dealership, with access to Auto Place, at 8143 Main Street.

**DISCUSSION:**

Mr. Bleuer introduced this project, at 8143 Main Street, with access to Auto Place. Located South of Main Street, east of Transit Road.

It is an existing 4.25-acre property located in the Commercial zone, containing a previously approved and partially constructed automotive storage lot. The automotive storage lot was never finalized, and this updated proposal the applicant is seeking to redevelop the site.

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

An initiation of a coordinated review under the State Environmental Quality Review Act would allow for a thorough review of this proposal.

Michael Metzger with Metzger Civil Engineering was present as well as Rich Pieri from Northtown Automotive and Ryan Finnerly, Project Architect, Labella Associates to represent this project and answer any questions.

Mr. Metzger added that the previously approved automotive storage lot was under construction, but not yet finalized. While under construction, this updated project for the automotive dealership was created.

Mr. Metzger noted that this proposed project fits well with what the owners of the Auto Place properties and the Town of Clarence envisioned for Auto Place.

Mr. Metzger stated that the site will be very similar to what was previously approved. They will remove almost 20,000 sq. ft. of the impervious area that they previously installed, and put a building in its place.

Mr. Metzger added that they plan to utilize many of the same components that were previously utilized, like the stormwater management area located at the north end of the site. There will not be any impervious area added to the site, the amount will remain the same.



Additionally, Mr. Metzger noted that they plan to utilize the same greenbelt with a heavily planted berm and it will also be fully irrigated. Irrigation will also be provided to the interior landscaped islands.

Per the Town Engineer's request, they are compiling additional information on emergency access and firefighting capabilities.

Mr. Lahti asked if the plan for the parking area will still use millings, as the previous plan showed, or will it be asphalt.

Mr. Metzger responded that due to the higher activity level planned for this proposed project, they will be installing asphalt.

Mr. Lahti asked if the hours of operation, as stated in the Environmental Assessment Form (EAF), are Monday – Friday 7:00 a.m. to 9:00 p.m. and Sunday 7:00 a.m. to 5:00 p.m.

Rich Pieri responded that their hours are Monday – Saturday 7:30 a.m. to 9:00 p.m. Occasionally they will open on a Sunday.

Mr. Lahti stated that his main concerns for the neighboring residential properties behind the building are addressed with the landscaping plan. There were extensive plantings planned for the original project located on this property that were never installed. Mr. Lahti stated that it will be under further review with the Landscape Committee.

Mr. Lahti noted that a photometric plan will be necessary with the development plan stage. His concern is with lighting and any effects it will have on the residential neighbors.

Regarding the architectural plans, Mr. Lahti asked about the exterior insulated finish, he would like more details.

Mr. Finnerly with Labella Associates stated that what Mr. Lahti is referring to is the Dryvit System which is quite common. It's a waterproofing finish with Stucco on the front.

Chairman Sackett asked that the building materials be clearly noted on the diagrams once it is time for preliminary architectural approval.

Mr. Lahti stated that he felt the remainder of the EAF was appropriate.

In regards to Public Participation, no one spoke.

#### **ACTION:**

Motion by Jason Lahti, seconded by Gregory Todaro that pursuant to Article 8 of the Environmental Conservation Law, to **accept** the Part 1 Environmental Assessment Form as submitted and to seek Lead Agency status and **commence a coordinated review** among involved and interested agencies on the Northtown Automotive Companies project proposal at 8143 Main Street, in the Commercial zone. This Unlisted Action involves the construction of a Genesis automotive dealership, to include sales, service, vehicle display and storage.

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

**MOTION CARRIED**

**Item 4**

Stephen Development  
Commercial

Requests Development Plan approval of a conceptually approved mixed use project, at 9745 Main Street.

**DISCUSSION:**

Mr. Bleuer introduced this project at 9745 Main Street, located on the south side of Main Street, east of Gunnville Road.

An existing 6.26-acre parcel located in the Commercial zone, previously containing a principal and accessory structure that were demolished as part of this project. The parcel also contains a blocked temporary access road to Rock Oak Estates.

The applicant is requesting Development Plan and final Architectural approval for the construction of a mixed-use project featuring a single 2-story building containing approximately 3,390 sq. ft. of commercial space and one residential unit on the first floor, and five residential units on the second floor. The project also includes a full shared access point for Rock Oak Estates.

The Planning Board previously issued a Negative Declaration under the State Environmental Quality Review Act, Concept Plan and Conceptual Architectural approval, and a recommendation of a Special Exception Use Permit to the Town Board in September of 2021. After a public hearing duly held in November of 2021, the Town Board issued a Special Exception Use Permit for multiple family housing. In April of 2022, the Landscape Review Committee approved a final Landscape Plan. Most recently, the Engineering Department has determined that the final Development Plan meets their technical requirements.

The Planning Board has the authority to act on this Development Plan and Development Architectural request. This constitutes the final Board review prior to construction.

Noel Dill with Stephen Development was present to represent this project.

Mr. Dill stated that upon request of the Planning Board, they worked with a tree study and made some adjustments in order to accommodate and preserve trees on the site.

Mr. Geasling noted that the floor plan appears to be reversed from the site plan.

Mr. Dill responded that the actual floor plan for the building will be mirrored. Same number of units, square footage, and 3,390 sq. ft. of commercial space.

Mr. Dill noted that the exterior materials were different, but both were presented for approval.

Mr. Bleuer added that they have full building elevations calling out all materials.

Discussion continued regarding different materials between the proposed buildings.

Mr. Geasling asked for clarification on the trees that are being preserved.

Mr. Dill responded that there are trees being preserved, which are called out in the landscape plan.

Michael Metzger with Metzger Civil Engineering explained that they worked closely with the Executive Board and Landscape Committee on tree preservation. A tree survey was conducted, which laid the ground work for the base of the landscape plan.

Discussion ensued regarding the trees.

Mr. Geasling asked Mr. Metzger to explain stormwater management for this project.

Mr. Metzger stated that there are a series of catch basins and piping that will collect water within the paved areas and the roof and take it to an enlarged existing pond that they are adding another discharge well to. Due to the size of the project, stormwater quality measurements from the state require a sand filtration system to pretreat and treat the water for water quality.

Mr. Geasling asked if the first-floor apartment can be made handicapped accessible if needed.

Mr. Metzger responded yes.

Mr. Geasling asked if it would be appropriate at this stage to allow a second handicapped parking space in the rear.

Mr. Metzger responded they will take a look at it. He is fairly confident that there is no curbing in the rear of the building where Mr. Geasling is referring to, and if the handicapped adaptable apartment becomes handicapped accessible, they can make the adjustment.

In regards to Public Participation, the following resident spoke.

1. Chris from off of Wehrle Drive:
  - there are a few development areas in the area that are not filled, and to add another development with less than 50% occupancy does not seem to be a benefit to the economy or the environment.

Public Participation was closed for this project.

Mr. Dill responded, referring to what they did with Willow Square, it fits nicely. The Main Center project coincided with Covid which caused many challenges.

Mr. Dill added that with this current project, the access road to Rock Oak will have access to over 500 homes which residents will be able to benefit from without needing to leave their area.

Mr. Dill added that their occupancy rate on apartments is full most of the time.

Discussion continued regarding marketing and potential tenants for the store front aspect of this project.

Paul Stephen from Stephen Development stated that they are attempting to change the face of Main Street in the town. That anything they develop is much more difficult than anywhere else due to the lack of sewers.

Mr. Stephen continued to explain their plans for development.

**ACTION:**

Motion by Jason Geasling, seconded by Gregory Todaro, to **approve the Development Plan** for Stephen Development at 9745 Main Street per the submitted plan by Metzger Civil Engineering dated February 1<sup>st</sup>, 2022, with a final revision date of April 18<sup>th</sup>, 2022 and to **approve the Final Architectural** drawings by Sutton Architecture dated July 21<sup>st</sup>, 2022, all with the following conditions:

1. Applicant meeting the requirements of the Town of Clarence Engineering and Building Departments and any associated conditions.
2. Applicant meeting the requirements of the Landscape Committee Approval on April 12<sup>th</sup>, 2022, and associated conditions, including but not limited to, the maintenance of all landscaping, walls, and fencing in perpetuity and replacement, in-kind, should there be any deterioration, or death or disease to plantings.
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. Building to be constructed per the approved materials and colors.
6. Building and site shall be maintained as approved, in perpetuity, and any building and site deficiencies shall be repaired or replaced as originally approved.
7. Paved areas to be striped and maintained in perpetuity. No parking of vehicles outside the designated parking areas.
8. Cross access to Rock Oak Estates shall remain open and free of obstacles, and shall be maintained in perpetuity.
9. Dumpster enclosure shall remain closed at all times when not in use. Dumpster service shall occur in conformance with Town Code.
10. No outside display or storage of any kind on the property, including but not limited to goods, materials, or other items.
11. Required on-site recreational features in the form of benches and bike rack to be installed and located per the assurance letter of the applicant, dated October 27<sup>th</sup>, 2022.
12. 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 and residential lighting.
13. 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.
14. Subject to Open Space, Recreation Fees, and any other applicable fees as required by Town Code.

**ON THE QUESTION:**

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

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

MOTION CARRIED.

Meeting **adjourned** at 9:05 p.m. with a motion by Gregory Todaro.

Amy Major  
Senior Clerk Typist