

Town of Clarence
One Town Place, Clarence, NY 14031
Planning Board Minutes
Wednesday December 1, 2021

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 SEQR Coordinated Reviews
Review of Agenda Items
Miscellaneous

Agenda Items 7:00 pm

Approval of Minutes

Item 1

Charles Pezzino
Traditional Neighborhood District

Requests Conceptual Plan approval for a
multiple family housing project to the rear of the
property behind Samuel’s Grande Manor at 8750
Main Street.

Item 2

William Wilcox
Industrial Business Park

Requests Concept Plan approval for a proposed
landscape business at 9367 County Road.

Chairman Robert Sackett called the meeting to order at 7:03 p.m.

Planning Board Members present:

Chairman Robert Sackett
Gregory Todaro
Jason Geasling
Jason Lahti

Vice-Chair Richard Bigler
Jeffrey Buckley
Patrick Johnson

Planning Board Members absent: 2nd Vice-Chair Wendy Salvati

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:

Michael Metzger Robert Steve Dale Josh Best Mike's phone

Motion by Richard Bigler, seconded by Gregory Todaro, to **approve** the minutes of the meeting held on October 6, 2021, as written.

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|-----------------|-----|-----------------|---------|----------------|-----|
| Jason Lahti | Aye | Patrick Johnson | Abstain | Jason Geasling | Aye |
| Jeffrey Buckley | Aye | Gregory Todaro | Aye | Richard Bigler | Aye |
| Robert Sackett | Aye | | | | |

MOTION CARRIED

Motion by Richard Bigler, seconded by Gregory Todaro, to **approve** the minutes of the meeting held on October 20, 2021, as written.

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|-----------------|---------|-----------------|-----|----------------|-----|
| Jason Lahti | Aye | Patrick Johnson | Aye | Jason Geasling | Aye |
| Jeffrey Buckley | Abstain | Gregory Todaro | Aye | Richard Bigler | Aye |
| Robert Sackett | Aye | | | | |

MOTION CARRIED

Motion by Gregory Todaro, seconded by Jeffrey Buckley, to **approve** the minutes of the meeting held on November 10, 2021, as written.

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|-----------------|---------|-----------------|---------|----------------|-----|
| Jason Lahti | Aye | Patrick Johnson | Abstain | Jason Geasling | Aye |
| Jeffrey Buckley | Aye | Gregory Todaro | Aye | | |
| Richard Bigler | Abstain | Robert Sackett | Aye | | |

MOTION CARRIED

Meeting Protocol

- All participants will be muted other than the Planning Board and Town Personnel.
- The Director of Community Development will introduce an agenda item, and the Applicant will make a statement.
- The Board will ask questions of the Applicant.
- The Board Chair will seek comments or questions from the Public.
- The Town and /or the Applicant will respond.

Public comment

- The Board Chair will seek comments or questions from the Public.
- If you wish to be called upon to speak, use the "RAISE HAND" Zoom feature:
- On Smart Device – press "more" then press "Raise Hand"
- On Computer – press "participants" then press "Raise Hand"
- On Telephone – dial *9 to "raise hand"

Un-mute yourself when called upon, state your name and address, speak and then mute yourself. There is a 3-minute time limit per speaker.

Item 1

Charles Pezzino
Traditional Neighborhood District

Requests Conceptual Plan approval for a multiple family housing project to the rear of the property behind Samuel's Grande Manor at 8750 Main Street.

DISCUSSION:

Mr. Bleuer introduced this project, which is an existing banquet facility in the Traditional Neighborhood District. The applicant is requesting an action under the State Environmental Quality Review Act, Concept Plan Approval, Conceptual Architectural Approval, and a recommendation of a Special Exception Use Permit to the Town Board for a 24-unit multiple family housing project to the rear of the existing Samuel's Grande Manor property. Two 33' tall buildings are proposed, each containing a ground parking floor and two floors of residential units. Each structure is approximately 30,000 square feet, containing parking and 12 residential units.

The Planning Board initiated a coordinated review under the State Environmental Quality Review Act in July of this year. Since that time, the applicant has worked to address comments received, including preliminary Engineering/Fire review, with fire review ongoing.

As this project is located within the Traditional Neighborhood District, final architectural approval will be subject to Town Board Approval.

Michael Metzger with Metzger Civil Engineering, applicants Charles Pezzino and Michael Pezzino, as well as project architect Joshua Best were present to further explain this request.

Mr. Metzger stated that this project has been under review for quite some time, and he touched on some significant points. Mr. Metzger added that they have made significant changes to the project from the original proposal. They had originally requested a rezone, because the rear 150' of the property is not in the Traditional Neighborhood District (TND) Zone, but is Residential Single-Family. After discussions with various town officials as well as the Planning Board Executive Committee, they made the change to the project, moving things forward to keep the buildings out of the area that would have required a rezoning.

They also made changes so that they do not need to apply for any variances, reduced the density, reducing the plans from two buildings with 20 units each, to two buildings with 12 units each.

They have provided pedestrian access out to Main Street, added sidewalks and recreation areas between the buildings. They have also added access to the wooded area in the back, for the residents.

They have also made improvements to the existing site, specifically the parking lots for some buffering and green space.

Mr. Metzger also stated in regards to the State Environmental Quality Review Act, they have received a sign-off from SHPO for the archaeology, as well as a jurisdictional determination from the US Army Corps of Engineers indicating there are no Wetlands on the site.

Mr. Metzger reviewed Mr. Bleuer's comments, and added that the project has come a long way. They are very proud of it and look forward to moving ahead.

Mr. Johnson stated that after reviewing the Environmental Assessment forms, comments from multiple neighbors on West Overlook Drive, the Concept Plan and also their letter dated 11/19/2021 as well as his recent site visit, Mr. Johnson asked a series of questions;

Mr. Johnson asked Mr. Metzger what the plan is to reclaim the rear of the property once construction is completed. Mr. Metzger responded, confirming with Mr. Johnson that he is referring to the portion in between where the septic systems are located, which Mr. Johnson agreed yes, to the north of both of the buildings. Mr. Metzger stated that the primary area between the two septic systems will not be touched. It will be preserved, and from a construction standpoint, they will not be working in that specific area. They will be working in the two areas where the septic systems will go, and in recent discussion with the Planning Board Executive Committee, they offered to move the easterly septic system further south which will minimize the impact to the existing vegetation and trees that are in that area. In the development plans, it will be shown closer to the paved area. There will be 40-50 ft. of wooded area, north of the septic system that would have been impacted with the current plans, which will instead now be preserved.

The westerly septic system will be installed in to an area which is currently paved. The septic areas will be green, and the areas around them will be covered with topsoil, and seeded for lawn in replacement of the asphalt which is there currently.

Mr. Johnson asked Mr. Metzger about the shed on the east side of the property, and whether it will remain there or if it will be relocated. Mr. Metzger responded that the shed will remain in its current location, it will not be in the way of any construction or walkways.

Mr. Sackett asked Mr. Metzger if they can include the shed in their site plan diagram. Mr. Metzger stated that it is shown on the boundary survey which was submitted. Mr. Sackett stated that it should be included on the site plan for the development plans.

Mr. Johnson asked Mr. Metzger if there was any consideration given to locating the walkway along the west side, rather than where they have it planned currently. Mr. Metzger responded that they are going to focus the main access road for the residents in the apartments in the back will be the east lane, therefore they are not emphasizing the west side at all, as it relates to the apartments in the back.

The event center at Samuel's Grand Manor is not a 24/7 operation, they only operate when they have events going on. Despite the fact that the main event parking area is not in use a majority of the time, they felt it was best to keep pedestrians away from the side with the most traffic.

Mr. Johnson asked if when bringing the lane forward and striping the current lot, and they cut through the grass with the concrete, if it is in the vicinity of the current entrance wall, if someone is walking up there with children and someone breaks to the right suddenly, then they are out in the middle of the road. Mr. Johnson noted that if someone is coming from further east on Main Street, and pulling in to that entrance, the wall occludes anyone coming out from behind it. Mr. Johnson asked if the sidewalk will be significantly east of the white wall, so that all pedestrians are visible when they walk out from behind it.

Mr. Metzger responded that the sidewalk will be moved as far to the east property line as it can go, which takes it as far away from everything as possible.

Mr. Johnson noted that currently there is no directional signage on the extreme left side of the facility, which he took note of at his site visit. Mr. Metzger stated that they will have the entrance clearly marked for the residents, showing them where the primary entrance is, but that there is no reason they can't use either of the two entrances.

Mr. Johnson asked if there will ever be a consideration for directional signage on the west side, Mr. Metzger asked Mr. Johnson if he is speaking about something specific to the apartments, or a general "entrance" sign. Mr. Johnson responded that at minimum, a sign that states entrance would cut down on confusion. Mr. Metzger noted that visitors may have uncertainty which entrance to use when first arriving, but residents will figure it out and use which works best for them.

Mr. Johnson confirmed with Mr. Metzger that there is currently no plan for signage on the west side of the site, Mr. Metzger stated that they had not planned on it, but if it becomes an issue they can certainly add something.

Mr. Metzger added that when there is an event at Samuels with hundreds of people, it all runs smoothly, therefore they had not anticipated having any issues. Mr. Pezzino confirmed that in the past 42 years he's never had an issue with the entryways. If a problem were to develop, they would absolutely do what was necessary as far as signage to correct it.

Mr. Johnson asked about the light standard in the rear of the property to the east, noting that during full foliage, it would be obscured. Mr. Johnson asked Mr. Metzger if they plan to remove it, or keep it where it is but change it to 15 ft. Mr. Metzger responded that the light is where the westerly building will be, so it will be removed.

Mr. Johnson noted that one of the main concerns voiced by several residents on West Overlook, is whether there will be any blasting during construction. Mr. Metzger responded that the area in the back where the apartments will be built is unique in that there is some overburden over the top of the bedrock. The bedrock is not as close to the surface like it is in the front of the site, therefore they do not anticipate running in to any bedrock. They will need to bring a water line and large water service back there, so they will be doing excavation work in the front of the site, in order to bring the water line in. Because it is a water line, it must be 5 ft. deep, which will entail some rock excavation, although their primary intent is to bust the rock, they would prefer to keep the possibility of blasting the rock, if it becomes necessary.

Mr. Metzger noted that there will be minimum rock removal, because of a majority of the construction being in the back of the site, however there will be some rock removal.

Mr. Johnson asked Mr. Metzger if he still anticipates a 6 month construction period, Mr. Metzger responded yes.

Mr. Johnson asked what post-construction maintenance plan is for the grounds, roadways, parking, and the facility. Mr. Metzger responded that it will be maintained just as well as the existing Samuels facility is now.

Mr. Johnson asked whether there was any consideration given to adding any electronic vehicle charging stations to the underground parking. Mr. Metzger responded that they will take a look at that when it comes time for the Development Plan.

Mr. Johnson asked in regards to the walkway, will there be lighting the full length of the walkway. Mr. Metzger responded there will be some low-level lighting, most likely similar to a bollard type light with low intensity but for demarcation and security.

Mr. Todaro asked about the sconce lighting that will go on to the buildings, the document that was given to the Planning Office denotes that the lights will be 400, and asked for confirmation from Mr. Metzger that they will be LED, dark-sky compliant type of sconce. Mr. Metzger responded yes, they understand the Town of Clarence's requirements for dark-sky compliant lighting, and they will be sure that they are compliant.

Mr. Todaro asked what the phasing is in regards to the other project previously brought to the board which involves adding apartments to the manor itself, as well as ancillary buildings to the south of this proposed project.

Mr. Metzger responded that since the time of approval for the project that would basically add six apartments to the upper level of the main manor, and constructing the garage building shown on the current proposed plan, the applicant has worked on finalizing plans for the apartment project as well. Construction for those apartments will happen well before any construction for this current proposed project begins.

Mr. Todaro stated that any type of construction occurring with the walkway to the east, in adjunct with this project, will be completed before any of this proposed project begins. Mr. Metzger confirmed this.

Mr. Buckley asked Mr. Metzger whether he has given any consideration to the possibility of school buses coming on to the property to either pick up or drop off children during the school day. Mr. Metzger responded that they have not had any discussions with the school district yet, but he believes it would be unlikely that they would come on site with buses, because it is private property. Mr. Buckley stated that if there are any school aged children that live in the proposed apartments, they would then need to come to the front of the complex to be picked up on Main Street. Mr. Metzger responded that it would ultimately be a school district decision, but because they do have the lanes all set up as well as ample turn around space for the largest of emergency vehicles, if they chose to do so, a bus would be able to be easily maneuvered on the site.

Mr. Todaro asked Mr. Metzger whether there will be a Homeowner's Association with the proposed apartments. Mr. Metzger responded that because they will be apartments for rent only, they will all be owned by the applicant's themselves.

Mr. Sackett stated that as the residence develops, there will always be visitors, therefore when it comes time for the sign committee, consideration for directional signage will be requested.

Mr. Sackett asked Mr. Metzger whether they would consider placing the walkway off of the pavement. Mr. Metzger responded that they do not feel it is in anyone's best interest, as they have ample width because it is a fire lane of 26', which is wider than a normal lane. There is plenty of width, and as he has done on other projects, Mr. Metzger stated that they mark the pedestrian access accordingly, which

has worked out very well. Mr. Metzger stated that adding more impervious surface is not in anyone's best interest.

Mr. Sackett stated that he feels the 4 ft. walkway is included within the 26 ft., Mr. Metzger confirmed that is correct. Mr. Sackett added that therefore, the area for vehicles is not 26 ft. but rather 22 ft. Mr. Metzger stated that 26' is in compliance with the fire code. Mr. Sackett stated that in his opinion, traffic in that area as well as a pedestrian walking with their back to the traffic, would become a safety issue and feels Mr. Metzger should give this issue some further thought.

Mr. Sackett continued, stating that he doesn't feel comfortable with the 22 ft. with traffic heading in both directions, and a sidewalk right next to it and children as well as others walking on it in the dark. He would like to further discuss some safety regarding this at a future meeting.

Mr. Metzger stated again that there will be lighting located along the walkway as well, and he reiterated that many of the lanes within the Town of Clarence are 20 ft. and less in width. Mr. Metzger stated that 20 ft. is definitely ample width for two lanes of traffic, and they have 22 ft.

Mr. Sackett stated that he does not share the same opinion, he feels that safety could be an issue, and that 22 ft. is not ample enough width for two lanes of traffic.

Mr. Metzger noted that the area in question is not a road, but a driveway which serves 24 apartments.

Mr. Todaro asked for clarification on a previous question regarding the shed currently on the property, and whether it is on skids or a foundation. Mr. Metzger responded that the shed is on skids, which Mr. Todaro stated could be noted on the plans as a moveable structure.

Chairman Sackett asked Mr. Bleuer for clarification on the buildings, and if they are three stories, Mr. Bleuer responded yes. Mr. Sackett asked if in terms of the Traditional Neighborhood District, is it correct that no variance is required, Mr. Bleuer responded yes. The height meets the requirement of the Traditional Neighborhood District and the multi-family code has a two-story limit in the commercial and restricted business zones.

Mr. Sackett asked whether there are elevators in the three story buildings, Mr. Metzger responded yes.

In regards to Public Participation, no one spoke.

ACTION:

Motion by Patrick Johnson, seconded by Gregory Todaro that pursuant to Article 8 of the Environmental Conservation Law, to **accept** the Part 1 Long Environmental Assessment Form as submitted and **approve** the Part 2 & 3 Long Environmental Assessment Forms as prepared and to issue a Negative Declaration on the proposed Pezzino multiple family housing project at 8750 Main Street. This Type I Action involves the construction of a multi-family housing project behind Samuel's Grande Manor, featuring 24 multiple family units, parking and associated facilities. After thorough review of the submitted plans, documents, Environmental Assessment Forms and comments, it is determined that the proposed action will not have a significant negative impact on the environment.

Jason Lahti Aye Patrick Johnson Aye Jason Geasling Aye

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|-----------------|-----|----------------|-----|
| Jeffrey Buckley | Aye | Gregory Todaro | Aye |
| Richard Bigler | Aye | Robert Sackett | Aye |

MOTION CARRIED

Motion by Patrick Johnson, seconded by Gregory Todaro to **approve** the Pezzino multiple family housing project **Concept Plan**, located at 8750 Main Street, per the submitted drawing by Metzger Civil Engineering dated June 14th, 2021 with a final revision date of November 19th, 2021 and to **approve the Conceptual Architectural** drawings received in the Planning Office on November 19th, 2021, all with the following conditions:

1. Subject to the Town of Clarence Engineering Preliminary Grading and Drainage Memo dated October 20th, 2021, and associated conditions.
2. Subject to Building and Engineering Department approval prior to any construction on the site.
3. Subject to Clarence Town Board Special Exception Use Permitting for the development of a multiple family housing project, with structures containing over 10,000 square feet of gross area.
4. Subject to Erie County Health Department and New York State Department of Environmental Conservation approval, if required, on any future on-site sanitary facilities.
5. Consideration of the relocation of the proposed northeastern septic field in an effort to increase the undisturbed buffer along the property lines.
6. Subject to New York State Department of Transportation approval for access to Main Street.
7. Landscape Committee approval of a final Landscape Plan prior to Development Plan Approval, including but not limited to buffering of parking along Main Street and dumpster enclosure detail.
8. Maintenance of all landscaping in perpetuity and replacement, in-kind, should there be any death or disease to plantings.
9. Final building elevations to be submitted as part of the Development Plan review including the labelling of material types and colors.
10. Any exterior building mechanicals shall be identified and detailed on any future Development Plan submittals.
11. Building and site shall be maintained as approved, in perpetuity, and any building and site deficiencies shall be repaired or replaced as approved.
12. Required on-site recreational features and pedestrian accommodations to be identified and detailed on any future Development Plan submittals.
13. All lighting must be dark sky compliant and shielded to prevent spillage onto adjoining parcels. No lighting shall be elevated above the roof lines.
14. Any permanent signage shall be subject to review and approval by the Sign Review Committee, and any temporary signage shall be subject to review and approval by the Office of Planning and Zoning.
15. Subject to the payment by the applicant of Open Space and Recreation Fees.

Mr. Metzger stated that they heard, understand, and agree to these conditions.

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|-----------------|-----|-----------------|-----|----------------|-----|
| Jason Lahti | Aye | Patrick Johnson | Aye | Jason Geasling | Aye |
| Jeffrey Buckley | Aye | Gregory Todaro | Aye | | |

Richard Bigler Aye Robert Sackett Aye

MOTION CARRIED.

Motion by Patrick Johnson, seconded by Gregory Todaro to **recommend that Special Exception Use Permitting** be granted by the Clarence Town Board to allow multiple family housing and structures containing over 10,000 square feet of gross area for the Pezzino multiple family housing project located at 8750 Main Street per the submitted plan by Metzger Civil Engineering dated June 14th, 2021 with a final revision date of November 19th, 2021.

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|-----------------|-----|-----------------|-----|----------------|-----|
| Jason Lahti | Aye | Patrick Johnson | Aye | Jason Geasling | Aye |
| Jeffrey Buckley | Aye | Gregory Todaro | Aye | | |
| Richard Bigler | Aye | Robert Sackett | Aye | | |

MOTION CARRIED

Item 2

William Wilcox
Industrial Business Park

Requests Concept Plan approval for a proposed landscape business at 9367 County Road.

DISCUSSION:

Mr. Bleuer introduced this project, which is a newly created 5-acre vacant parcel in the Industrial Business Park zone, recently split from the Braddell Lakeside Sod Farm.

The applicant is requesting an action under the State Environmental Quality Review Act, Concept Plan, and Conceptual Architectural for an approximately 4,000 sq. ft. warehouse building with associated parking. The owner desires to locate a landscape business on the premises.

This item was referred from the Town Board, and the Planning Board has the authority to consider site plan and architecture.

The Planning Board initiated a coordinated review under the State Environmental Quality Review Act in October of this year. Since that time, the applicant has worked to address comments received, including preliminary Engineering/Fire review.

Mr. Metzger from Metzger Civil Engineering was present to further explain this request. Mr. Metzger stated that they have made some changes to this project, some at the request of various town officials as well as the Planning Board Executive Committee, as well as reviews by various agencies.

One thing that they have changed, is that they have moved the building closer to the road so that the front setback is closer in consistency with another new project which is being built immediately to the east. Also, in response to the fire inspector who had several comments related to the project which they have addressed.

They also moved the dry detention area further back, and added some shape to that. Additionally, they have added some landscaping, and have also added some architecture to the building. It has a metal roof, a 42 in. stone veneer, and a water table in the front. They are using Hardie Plank materials on three sides, with the fourth side consisting of metal siding.

The preliminary landscaping shown in the front of the building, is to help break up the views.

Regarding the comments from the fire inspector, they moved the building forward and though the original comment was that a 26' fire lane was needed, because they are moving the building closer, the fire code requires a 20' lane. There was also discussion of a private fire hydrant being placed, but with moving the building forward they are now in compliance with the existing hydrant on County Road.

They are also adding a Knox Box to the gate which allows access to the site.

Mr. Metzger stated that they also removed a parking space in order to minimize the amount of impervious surface.

Mr. Lahti thanked Mr. Metzger for adjusting the setback of the building so that it is in line with the neighboring project.

Mr. Lahti noted that Mr. Metzger had mentioned the comments from the Building and Engineering Department which noted that if the total disturbance becomes greater than 1 acre, that a full Stormwater Prevention Plan will become necessary, they are currently at 0.9 acres.

Mr. Lahti stated that there is currently no lighting indicated on the elevations, and if they could be included in the plans for the development stage, they would like to see that. Dark sky compliant, shielded lighting would apply to this proposed project, and should be shown on future plans.

The Wains Coat on the rear elevation needs to be indicated more clearly, as it currently resembles the metal siding. Something to set the texture apart more should be used.

The stone veneer on the sides of the building is noted as 42" high, why is it different than the sides of the buildings. Mr. Metzger stated he thinks it may have to do with the size of the panels, but it is an architectural thing so he is not positive.

Mr. Lahti noted that there is no dumpster shown, and how do they plan to get rid of waste. Mr. Metzger explained that the nature of the landscaping business is to build and install landscaping on a site, as opposed to a landscaper who has a need to stockpile mulch and other landscaping supplies. Anything that comes from a site that he is working on goes straight to a disposal facility, it does not return to this proposed site.

Mr. Lahti mentioned the gate located at the back of the property, as there was a concern that the gate would lead to dumping in the area behind it. Mr. Lahti stated that he feels Mr. Metzger's explanation of no waste being brought back to the site for disposal is sufficient.

Mr. Sackett asked Mr. Metzger why there is a gate located at the back of the property. Mr. Metzger responded that with the fencing going from west to east, this is the only access to the back of the property. In regards to the concerns of the possibility of dumping behind the proposed project site, Mr. Wilcox has purchased 5.4 acres from Lake Side Sod, and is using less than an acre up front for his business. He already has an agreement with Lake Side Sod for their continued use of the rear of the property, therefore there would not be any place to dump back there.

Mr. Todaro asked Mr. Metzger to explain the septic system located in the front of the site. He has a concern that if it is a sand filter, is there any way to protect it from heavy vehicles.

Mr. Metzger stated that they have not done any percolation testing, which would determine what type of septic system will be placed in there, whether it's a standard absorption field or a sand filter. Either way, you cannot drive or park vehicles on a septic system at all. That area is lawn, it is not intended for parking or storing of vehicles.

Mr. Todaro asked if there is any way to mark it so that it cannot be destroyed and cause a huge environmental issue. Mr. Todaro asked Mr. Metzger to please consider adding some type of marking to indicate the septic system is there.

Mr. Todaro asked Mr. Metzger if this is a non-advertising business from this location, or are there plans for any signage. Mr. Metzger responded that he suspects there will be some signage, it is not the type of business that people will come to, but he would expect Mr. Wilcox would want to add some type of signage indicating where his business is.

Mr. Todaro noted that his thought is if it were to be some type of monument sign, it looks quite crowded in the front with vegetation already, he was curious as to where it may go.

Mr. Metzger stated that because this is just the concept plan, the septic system location can be moved to an appropriate spot to also allow signage. Any signage would also need to be reviewed by the Sign Review Committee and in compliance with the Town of Clarence's sign code.

In regards to Public Participation no one spoke.

ACTION:

Motion by Jason Lahti, seconded by Richard Bigler that pursuant to Article 8 of the Environmental Conservation Law, to **accept** the Part 1 Short Environmental Assessment Form as submitted and **approve** the Part 2 & 3 Short Environmental Assessment Forms as prepared and to issue a Negative Declaration on the proposed Wilcox landscape business at 9367 County Road. This Unlisted Action involves the development of a landscape business warehouse / office building and associated facilities. After thorough review of the submitted plans, documents, Environmental Assessment Forms and comments, it is determined that the proposed action will not have a significant negative impact on the environment.

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|-----------------|-----|-----------------|-----|----------------|-----|
| Jason Lahti | Aye | Patrick Johnson | Aye | Jason Geasling | Aye |
| Jeffrey Buckley | Aye | Gregory Todaro | Aye | | |
| Richard Bigler | Aye | Robert Sackett | Aye | | |

MOTION CARRIED.

Motion by Jason Lahti, seconded by Richard Bigler to **approve** the Wilcox landscaping business **Concept Plan**, located at 9367 County Road, per the submitted drawing by Metzger Civil Engineering dated March 15th, 2021 with a final revision date of August 9th, 2021 and to **approve the Conceptual Architectural** drawings by MPD Architecture dated September 16th, 2021, all with the following conditions:

1. Subject to the Town of Clarence Engineering Preliminary Grading and Drainage Memo dated May 22th, 2021, and associated conditions.
2. Subject to Building and Engineering Department approval prior to any construction on the site.
3. Subject to Erie County Health Department and New York State Department of Environmental Conservation approval if required on any future on-site sanitary facilities.
4. Subject to Erie County Department of Public Works approval for access to County Road.
5. Subject to Landscape Committee approval of a final Landscape Plan prior to Development Plan Approval, including but not limited to buffering along County Road, rock wall, and fencing and dumpster enclosure details if proposed.
6. Maintenance of all landscaping in perpetuity and replacement, in-kind, should there be any death or disease to plantings.
7. Final building elevations to be submitted as part of the Development Plan review, labeling material types and colors.
8. Any exterior building mechanicals shall be identified and detailed on any future Development Plan submittals.
9. Building and site shall be maintained as approved, in perpetuity, and any building and site deficiencies shall be repaired or replaced as approved.
10. All lighting must be dark sky compliant and shielded to prevent spillage onto adjoining parcels. No lighting shall be elevated above the roof lines and all lighting shall be turned off no later than one hour after business hours except for necessary security lighting.
11. No outside display or storage of any kind on the property, including but not limited to goods, materials, equipment, fleet vehicles or other items.
12. Any future proposed bulk material storage or sale shall be subject to review, and issuance of a Temporary Conditional Permit, after application being submitted by the applicant and accepted by the Town of Clarence.
13. No dumping of any kind on the property, including but not limited to grass clippings, yard debris, mulch, soil or other landscape related items.
14. Any equipment maintenance and repair shall occur within the warehouse.
15. Lot to be striped and maintained as approved in perpetuity. No parking of vehicles outside the designated parking areas.
16. 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.
17. Subject to the payment by the applicant of Open Space Fee.

Mr. Metzger stated that he heard, understands, and agrees with these conditions.

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|-----------------|-----|-----------------|-----|----------------|-----|
| Jason Lahti | Aye | Patrick Johnson | Aye | Jason Geasling | Aye |
| Jeffrey Buckley | Aye | Gregory Todaro | Aye | | |
| Richard Bigler | Aye | Robert Sackett | Aye | | |

MOTION CARRIED.

Meeting **adjourned** at 8:13 p.m. with a motion by Gregory Todaro.

Amy Major
Senior Clerk Typist