

Town of Clarence  
One Town Place, Clarence, NY 14031  
**Planning Board Minutes**  
Wednesday December 16, 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 SEQRA Coordinated Reviews  
Review of Agenda Items  
Miscellaneous

**Agenda Items 7:00 pm**

Approval of November 18, 2020 Meeting Minutes

**Item 1**

Harris Hill Commons Mixed Use  
Commercial and Restricted Business

Requests an action under the State  
Environmental Quality Review Act (SEQRA)  
and Concept Plan Approval for a proposed  
mixed use project on the north side of Sheridan  
Drive, west of Harris Hill Road.

**Item 2 Signage Variance**

Swormville Fire Company  
Traditional Neighborhood District

Requests a Signage Variance to allow an LED  
sign at 6971 Transit Road.

Zoom Meeting protocols were reviewed by Jonathan Bleuer.

Chairman Robert Sackett called the meeting to order at 7:05 p.m.

Planning Board Members present:

Chairman Robert Sackett  
2<sup>nd</sup> Vice-Chair Wendy Salvati  
Gregory Todaro

Vice-Chair Richard Bigler  
Jason Geasling  
Jeffrey Buckley

Planning Board Members absent:

Timothy Pazda

Town Officials Present:

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

Other Interested Parties Present:

Sean Hopkins	Dennis iPad	Phil Sciolino	James Barrett
Larry Playfair	***-2606	Ethan	Galaxy S205G
Jody's iPad	Ken Zollitsch	***-1151	Sarah's iPhone
Stephen Moeller	***-7473	Michael Germain	Mike Schreiber
Michael Schreiber, Jr.	Daniel Cucinotta	Sharon Mackenzie Wallace	

Motion by Richard Bigler, seconded by Gregory Todaro, to **approve** the minutes of the meeting held on November 18, 2020 as written.

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

MOTION CARRIED

**Item 1**

Harris Hill Commons Mixed Use  
Commercial and Restricted Business

Requests an action under the State  
Environmental Quality Review Act (SEQRA)  
and Concept Plan Approval for a proposed  
mixed use project on the north side of Sheridan  
Drive, west of Harris Hill Road.

**DISCUSSION:**

Mr. Bleuer provided the background on the project, which is located at the northwest corner of Sheridan Drive and Harris Hill Road consisting of existing vacant land located in the Commercial and Restricted Business zones.

The applicant is seeking an Action under the State Quality Review Act, Concept Plan approval, Minor Subdivision approval and recommendation of a Special Exception Use Permit to the Town Board for the construction of a mixed use project containing 80 residential units and 24,800 sq. ft. of commercial space.

The project is broken down by the following buildings:

- 8 mixed use buildings containing 24 residential units and 24,800 sq. ft. of commercial space
- 18 two unit townhome buildings totaling 26 units
- 2 four unit townhome buildings totaling 8 units

- 3 four unit duplex buildings totaling 12 units

This proposal has previously been coordinated by the Planning Board through the State Environmental Quality Review Act in September of 2019.

Speaking for the applicant is Sean Hopkins from Hopkins Sorgi McCarthy, as well as Ken Zolitsch the Project Engineer from Greenman Peterson.

Mr. Hopkins touched on the project by first stating that it began back in late 2016, where originally it was intended to be a stand-alone multi-family project, but based on input from Jon Bleuer, James Callahan, as well as the Planning Board Executive Committee, they were asked to consider a mixed – use project instead, and after multiple adjustments, he feels they have a much better project than what was originally proposed.

There will be two driveways on to Sheridan Drive, and one on to Harris Hill Rd.

4.08 acres of permanent greenspace will remain, which is also more than what the code requires. The focal point with a gazebo was added, and greenspace will be accessible to the public via the primary driveway. They have also added internal pedestrian activity based on input that they received.

Originally when the project was filed, they were not showing 30 ft. of setback for the parking areas in front of the mixed-use buildings, and they were asked to adjust that. The Town Code was actually amended to allow a greater building setback, so they now are showing 30 ft. of setback, which will include sidewalks, and an access easement for the town for a future recreational path.

This is step one in the review process, and if the step proceeds with the requested approval then the Town Board will hold a public hearing, issue a decision on the special exception use permit, then they will return with fully engineered plans for development plan approval from this board.

The final bullet point he believes is the most important. As he previously indicated, this project has a lengthy history, and he feels that the project they have presented this evening will reflect the input not only from the town, but also a wide assortment of interested agencies. They appreciate the input that has been provided over the past couple of years.

Mr. Hopkins discussed the 30 ft. of greenspace that they've added along Sheridan Dr., they will be installing sidewalks along both the Sheridan Drive and the Harris Hill frontage.

He pointed out a parcel along the northeast side that is not currently being considered for development, but went on record as stating if and when it is ever proposed for a commercial project, it will be subject to a separate, comprehensive environmental review process, as well as the associated steps involved.

Next, Mr. Hopkins pointed out the mixed use buildings along the Sheridan Drive frontage, the third building from the western property line, you can see the area noted “potential outdoor seating” – one of the conditions presented was that the western most building could not include outdoor seating. The proposed outdoor seating area is approximately 250 ft. from the west property line. It is important to note that they have not yet identified commercial tenants for the first floor of the mixed-use building, as they are too early in the review process, so that is meant to be a place holder as shown in the drawings. The outdoor space does not need to be precisely there, so when they come back with a

development plan approval, they can discuss in greater detail whether that is the best location, should it be moved further to the east, and what specifically will be involved in terms of outdoor space.

Wendy Salvati asked Mr. Hopkins about the residential units, and whether they are all rental units. Mr. Hopkins responded that yes, they will all be available for lease.

One of the most important aspects being considered currently is the State and Environmental Quality Review Act (SEQRA). Mr. Hopkins noted that this is a Type 1 action, according to the town environmental law, also, they have conducted a coordinated environmental review, coordinating comments twice once in the fall of 2019, then again in the summer of 2020, based on the current plan. None of the agencies that commented on the project expressed any concerns in regards to potentially significant adverse environmental impacts, or more importantly, objected to the town's request to be the lead agency.

On November 13, 2020 they received a jurisdictional determination from the United States Corp of Army Engineers reconfirming that the approximate .59 acre Wetland on the property site is non-jurisdictional. We have also satisfied the technical requirement at this stage of the process by submitting a preliminary grading and drainage plan, along with a preliminary drainage analysis dated May 5<sup>th</sup> 2020. On June 3<sup>rd</sup> of this year the Engineering Department issued a memorandum stating that they were acceptable, but it is important to note, "subject to further technical review in association with a future development plan application submission". It is not meant to be an approval, it is meant to state that for purposes of SEQRA, this is acceptable.

It is important to note that the Department of Environmental Conservation did not identify any potential presence of any endangered, rare, or protected wildlife species, or flora on the site. They do think that the layout, as currently proposed, is consistent with the adopted Clarence 2030, the Town's Comprehensive Master Plan, which does recommend Mixed – Use projects, with appropriate design guidelines.

They also have a no impact determination letter from the New York State Department of Parks, Recreation, and Historic Preservation from back in November, 1998.

A Traffic Impact Study was submitted which was updated based on input from the Department of Transportation. The study was reviewed by both the Erie County Department of Public Works as well as the NYS Department of Transportation. He noted that there is one issue that needs to be addressed further, which deals with the eastern driveway on to Sheridan Drive. When the DOT completed its roadway improvements this summer, the striping didn't match the design plans, so they will need to make some modifications. Those on the Executive Committee are familiar with those discussions, and Mr. Hopkins acknowledges that it will be the applicant's burden at that point in time.

While they have not yet submitted a lighting plan, they can make clear both the board and any residents that they will comply with the town's stringent lighting standards including dark sky compliant shielded lighting, and there will be no spillover on to adjoining properties.

Finally, he has already noted that the 3.3 acre parcel located on the northeast corner of Sheridan Drive and Harris Hill will be subject to a future environmental review.

His final comment, in reference to the color elevation of the mixed – use building. He noted that concerns have been raised regarding the need for variation to the architecture, layout, and color of the

eight mixed-use buildings along Sheridan Drive. This is meant to be a conceptual elevation, and they would welcome that input as they move forward. Whether it's variation in color, incorporating a couple different materials, though they do think that the particular building looks quite nice, they would certainly welcome that additional input as they proceed with the project.

In summary, he feels they are in a position where they can consider issuing a Negative Declaration, granting Concept Plan and Minor Subdivision approval, and then making a recommendation to the Town Board on their impending request for a special exception use permit for multiple family housing.

The other topic he'd like to talk about briefly, he is aware that there have been some comments regarding water pressure in this area. He is familiar with those requirements and they will need to address them as they move to the development review process, they will have to satisfy the standards of the Erie County Water Authority and the Erie County Health Department both for domestic flow, and for firefighting flow.

Mr. Sackett commended Mr. Hopkins for paying attention and addressing the issues that have been previously discussed in the work session.

At this time, it was opened for comments from members of the board to address their questions and concerns, before opening it up to the public.

Jason Geasling read in to record an email that was received in the Planning and Zoning Office by Carol Brock, a resident on Sheridan Drive. She states that the water pressure is so bad on Sheridan Drive, will this have a further impact, and where is the water source for this project.

Additionally, he would like to know if it is anticipated that there is landscaping or any type of berm on the western and northern limits in this project, and also is the driveway out to Harris Hill anticipated to be constructed with Phase One as he suspects, and not for the future commercial development.

Also, would there be any kind of consideration to connect the internal sidewalk system out to the proposed sidewalk on Harris Hill as well.

Mr. Hopkins responded to the questions by first stating that first and foremost, both along the western and northern boundaries of the site, they are showing the 45 ft. of greenspace. They are not currently showing any berms, but they will be required to submit a Landscape Plan prepared by a licensed Landscape Architect, so they will make an emphasis to provide more than adequate landscaping along both of those borders.

In terms of the timing of the driveway on to Harris Hill Road, he doesn't envision that it will be necessary in connection with phase one, which is the western portion of the site, but with phase two, they may want to provide that driveway because it does provide direct access to the signal at the intersection of Harris Hill and Sheridan Dr. specifically allowing you to turn right on to Harris Hill and then access the signal if you're heading west on Sheridan Dr.

Finally with respect to the sidewalk connection to Harris Hill Rd., it does make sense to provide a sidewalk along that driveway, giving access to the residents of the project to the sidewalk along Harris Hill. That is something they can consider in connection with the future review of a development plan application.

Richard Bigler commented on the architecture, in regards to each building of the commercial residential buildings facing Sheridan Dr. and even though this will be due at a later time, he feels that if Mr. Hopkins meets with the designers ahead of time, and change the colors and materials on each of the buildings or at least address them, that in the future when they revisit this, it won't look like an army barracks going down Sheridan Dr., and he will already have answers and designs for the board.

Mr. Hopkins stated that he agrees with that comment, and what he envisions is it will take Mr. Zollitsch and his team some time to prepare the Engineer's Report. As that is going, they will probably come in and meet with the Planning Board during an Executive meeting to discuss how they vary the elevation and colors with the mixed use buildings along Sheridan Dr.

Mrs. Salvati stated that she agrees with Mr. Bigler's request that they come back to the Executive Committee with potential plans to show them in order to initiate discussion in regards to those buildings.

She followed up on some questions that Mr. Geasling asked, in regards to the phasing of the project. She asked if they will only be clearing what is necessary with the construction of each phase, or if at the time that they will be clearing for Phase I, will they be clearing the entire site.

Mr. Zollitsch responded that in regards to clearing, there will be portions of the site that will be going along phase lines. They have prepared an initial grading and drainage plan per Tim Lavocat's request, and based on that they anticipate have storm water facilities along the northern property line. There are easements that connect to the subdivision itself, and multiple lots that have sanitary sewer and drainage easements going in between them. That is ultimately where their infrastructure is going to have to connect. Though they do anticipate having some limited clearing in order to install things like storm lines, retention areas and sanitary sewer lines, they also understand there are concerns over water pressures. That is the very first thing they will be tackling, and it is possible that there will be additional clearing required for the water lines, whether it's for the possibility of additional connections or other areas which have not yet been determined. The first part of their design that they are tackling is the water issue, so that they can get a handle on that before they proceed with anything else.

Ultimately to answer the question, he would expect some limited clearing for future phases, in conjunction with phase one.

Mrs. Salvati asked if for the most part they will clear what they need to in order to install the water and sanitary sewer lines limited to phase one.

Mrs. Salvati inquired about the setback along the western boundary line which abuts the housing on Glenwood, how will that be treated? Jason had asked about possibly putting a berm there, or she doesn't know if it's all proposed to be cleared, or how does he plan to handle what will happen in that 45 ft. setback area.

Mr. Hopkins again stated that they are currently not planning to install a berm, because the problems with a berm are the grading, as well as the drainage on the far side of the berm, which is the residential side of the berm. If that's ultimately what is needed, they can consider it, but what their goal would be to replace what is there today with extensive landscaping to provide an adequate buffer for those adjoining homeowners. As previously stated, they will be providing a landscape plan, with emphasis placed on that aspect of the project.

Mrs. Salvati then asked and confirmed in regards to the commercial buildings along Sheridan Drive, that they will have dumpsters, one behind each group of buildings. She is confirming that the residential sites themselves will have curbside garbage bins that they'll bring out and the garbage trucks will come through and pick up. Mr. Hopkins confirmed that yes, that is the case, and that the garages will be big enough to provide adequate room for the totes.

Mrs. Salvati noted that although topics may be discussed in Executive meetings, it is important to have them addressed with the full board as well.

Mr. Hopkins then noted that the plan they are presenting shows three phases, it's not concise yet but one of the concerns that was identified by the town board and specifically the Supervisor, was that he wanted to insure that they couldn't just install the multi-family components, and leave the mixed-use buildings along Sheridan Dr. for a future date. What they've agreed on, is that in connection with each of the three phases they're showing, the first phase would include three mixed-use buildings, the second phase would include three mixed-use buildings, and the final phase which is the eastern side, would include the last two mixed-use buildings. So he'd like to reiterate that they have agreed that they will comply with that condition, and that as they build the multi-family units, correlating mixed-use buildings along Sheridan Dr. will be constructed as well.

Mr. Sackett asked if in regards to the landscaping along the western border, whether they would commit to consulting with the neighbors about their landscape plan before submitting it to the landscape committee. Mr. Hopkins responded that absolutely they can do that.

Mr. Bigler asked if since they don't have plans to place a berm on that side to protect the Glenwood residents, is there any way you can monument the 45 ft. buffer ahead of time, because many times a naturel buffer is better than landscaping, and if we leave it as natural where possible then add where necessary, it might make a nicer buffer between the two areas. He would like it so that no bulldozer operator goes in and clears the whole thing ahead of time, and then all that's left is plantings between the two areas.

Mr. Hopkins replied that perhaps what they will do is specifically look at what vegetation is there within that 45 ft. and then as long as they can comply with all technical requirements, if the better answer is to supplement what is currently there, they can certainly consider that.

Mrs. Salvati stated that it used to be a common practice for the board, that they asked for the installation of the orange snow fencing be installed that would mark off the area that they didn't want touched, so she is presenting that as a recommendation. Mr. Hopkins responded that isn't a problem, someone in Mr. Zollitsch's office will be working on the landscaping plan, and they will certainly take a look at what the best options are for the western side. They'll confer with the neighbors, then discuss it with the Executive Committee as well.

Greg Todaro asked whether there will be a single association for the development, or multiple associations, and if so will there be different rules according to each association.

Mr. Todaro also asked in regards to the patio, how will it be used.

Mr. Hopkins addressed Mr. Todaro's questions in order, first stating that there will not be any associations for the development, it will all remain privately owned and maintained under single ownership.

Next, Mr. Hopkins noted that the outdoor area is really just a placeholder at this point, no tenants have been identified as of yet, as it is so early in the process, but they can discuss it as they go forth. The most important aspect of that is the board may be interested in some conditions, limiting what can take place there in terms of noise levels, hours of operation, and they would certainly entertain that discussion in conjunction with the development plan application.

At this time, the meeting was opened to the public, with comments or questions restricted to three minutes.

Sharon Mackenzie Wallace, administrator for the property located at 4865 Glenwood Dr. stated that her interest in this project is due to her location in relation to this project. She noted that there are already drainage issues concerning that berm that they're considering putting in, and so any property run off from this development would need to be addressed so that it does not run in to her property. It already drains from the neighbor's backyard, and it's already a low-lying area, so this does need to be addressed.

Mrs. Wallace stated that she has three questions:

1. What is the height of the townhomes
2. How long is this project going to take as far as Phase I
3. What is the price point of each lease

Mike Schreiber Jr., Fire Chief for the Harris Hill Volunteer Fire Company asked the board and the applicant to consider due to the low pressure issues in the area already existing, that as they move along the different phases of this project that they consider installing residential fire sprinklers in the townhomes, and then other fire related sprinkler systems in the other commercial buildings. He noted that this would eliminate their concerns as far as low water pressure goes. They have seen success with fire sprinklers in the Golf Dome Fireside apartments on Wehrle, it was successful in already mitigating one fire.

Dennis Murphy, residing at 4801 Glenwood Dr. and as stated before, there are existing drainage problems on his side of the property, that he has previously talked with Mr. Hopkins about and he assured Mr. Murphy that he will definitely follow up with that.

His other point of concern is there any consideration for some commercial fencing which would take care of some of the vehicle lights and transportation problems that will be a result of driving around on the proposed property.

Sarah's Kapadaly, owner of the Fountain Wellness Center located at 8469 Sheridan Dr. directly across from the east driveway. In regards to the comment made about the striping in the road being adjusted, and she would like to know how that will be adjusted. Will it turn in to a longer turning lane, or are you taking the turning lane away, in which case that will affect how clients come in and out of their two driveways.

Mr. Hopkins then responded to each question and concern.



In terms of the concerns by Sharon Mackenzie Wallace, all runoff from the project site in its developed state, will need to go in to their onsite storm water management system. That will need to be designed to comply with the stringent DEC storm water quality and quantity standards including most importantly, the need to retain a one hundred-year storm event. They are completely comfortable that there will be no run-off from this site on to adjoining properties.

In terms of maximum building height, pursuant to the Town's multi-family law, the maximum number of stories is two stories. They are showing sloped residential roofs because they believe that those look nicer, so the maximum building height would be 35 ft.

As far as the price point of the apartments, the townhome units with the attached garages will lease in the ballpark from \$1,400 - \$2,000 per month. This is not set in stone, and subject to change.

In regards to the comments received by Fire Chief Schreiber, he and Ken Zollitsch have had the pleasure of working with him in the past, and as they have further technical information relative to adequate fire flow, they will certainly reach out to him to get his input, then come return and present that to the Planning Board.

In terms of the comments by Mr. Murphy, to reiterate, no drainage from this site in its evolved condition will be conveyed on to his property. In regards to the fencing that Mr. Murphy requested to be installed along the common property line, the Planning Board has made it clear that they need to solicit input from the adjoining property owners, so they will certainly do that. He would like to note that he believes Mr. Murphy spoke during the public hearing which was held last fall, and while meeting with neighbors has been challenging due to Covid-19, he has made an effort over the course of this past year each time there is a project update, to provide letters and plans to those property owners that spoke at the public hearing last fall, and he will continue to do that.

Finally, in terms of the eastern driveway on to Sheridan Dr., they will not be eliminating the turning lane, but rather making some minor modifications to the striping to insure safe left hand turns out of the eastern driveway heading east on Sheridan Dr. will be possible. He doesn't believe it will have any impact at all on the commercial uses on the opposite side of Sheridan Dr.

Mr. Sackett pointed out that Mr. Murphy had asked about the lights coming in and out of the proposed site on to his property and the other houses on Glenwood. Mr. Hopkins replied that as part of the development plan process, they will be required to prepare and present a photometric plan, and as previously indicated, all lighting on site will be dark sky compliant. One of the benefits of this mixed use layout is that they do not have any large expanses of parking lots, so he believes they can use lower light standards, building lighting and insure there will be no lighting spillover, and he believes that is also in the context of the fence that Mr. Murphy asked to have considered along the back of his property, and they will certainly entertain that discussion as they move forward.

Mr. Sackett referred to another question regarding time frame, but he would couch that under development approval, because you can't predict the development time frame until approval has been given. Will it be possible to give a time frame once development approval has been granted? Mr. Hopkins stated that he doesn't believe they will attempt to do more than one phase in any given year, and he envisions they will start on the western side with Phase one, and from start to finish for construction that should take twelve months or less, especially if the Covid-19 pandemic ends. The goal will be once they start construction to finish as quickly as possible, as the goal would be to bring the units on line.

Mr. Sackett stated that Mr. Hopkins had stipulated that any landscape plan that they come up with, they will confer with the residents along Glenwood prior to presenting to the Landscape Committee and they will also have the opportunity to be at the Landscape Committee meeting, should they wish to make additional comments to that committee. Mr. Hopkins stated that he will make sure that the adjoining property owners are kept informed as the process evolves.

At this point, Mr. Sackett turned the meeting over to Mr. Geasling for an action.

**ACTION:**

Motion by Jason Geasling, second by Gregory Todaro 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 pursuant to the State Environmental Quality Review Act for the proposed Harris Hill Commons Mixed Use Project. This Type 1 Action involves the creation of a mixed use commercial and multiple family housing residential project located in the Commercial and Restricted Business zones. After thorough review of the submitted plans, documents, Traffic Impact Analysis, Environmental Assessment Forms and comments, it is determined that the proposed action will not result in any significant adverse impacts on the environment.

**ON THE QUESTION:**

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

**MOTION CARRIED.**

Mr. Sackett acknowledged two hands raised, and stated that they do not allow for second comments. This is not the final action of the project, and he encourages further comments to be put into writing to the Planning Board and sent to the Planning and Zoning Office.

Motion by Jason Geasling, second by Wendy Salvati to **approve** the Harris Hill Commons Mixed Use Concept Plan per the submitted drawing by Silvestri Architects PC dated 9-8-20, and Conceptual Architectural Approval per the submitted elevations by Silvestri Architects PC dated 2-10-20 all with the following conditions:

1. As per the Town of Clarence Engineering Preliminary Grading and Drainage Memo dated 6-3-20, and associated conditions.
2. Landscape Committee approval of a final Landscape Plan prior to Development Plan Approval, including dumpster screening detail for all dumpsters on-site.
3. Subject to Open Space and Recreation Fees per unit.
4. Installation of a play area and gazebo per the Concept Plan, to be detailed in the Development Plan and to be reviewed prior to Development Plan Approval.
5. Installation of a 5' wide sidewalk on the Sheridan Drive and Harris Hill Road frontages.
6. Installation of a pedestrian access system from the installed public sidewalks into and through the project per the Concept Plan, subject to detailed drawings to be provided as part of the Development Plan review.

7. Submission of a photometric lighting plan as part of Development Plan. All lighting must be dark sky compliant and shielded to prevent lighting spillage onto adjoining parcels.
8. 30' Easement to be granted to the Town of Clarence for future installation of a recreational trail on the south and east property boundaries per the Concept Plan for future installation of a recreational trail. The 30' Easement shall be further subject to review and approval by the Town Attorney's office and Planning Offices. Once approved, a copy of the Easement shall be recorded by the Applicant in the Erie County Clerk's Office and Stamped "Filed" copies shall be provided to the Town Attorney office and Planning Offices.
9. Subject to review and approval of the design of the two curb cuts onto Sheridan Drive by the New York State Department of Transportation.
10. Subject to review and approval by the Erie County Department of Public Works for the proposed curb cut on Harris Hill Road.
11. Modification of the Sheridan Drive Two Way Left Turn Lane (TWLTL), including the removal of cross hatching and extension of the TWLTL to accommodate entering and exiting vehicles at the projects easterly access point, per the conceptual agreement by the New York State Department of Transportation upon the recommendation of SRF Associates dated 12-2-20 and further subject to the issuance of a Highway Work Permit by the New York State Department of Transportation.
12. Westerly mixed use building closest to Glenwood Drive shall not be occupied by commercial businesses that include outside dining, display, speakers or other similar features that may result in elevated noise levels that could result in noise impacts to adjoining residential properties to the west of the Project Site.
13. The architectural Elevation Plans for the buildings subject to review and final approval in connection with Development Plan review.
14. Subject to Town Engineering approval for sanitary sewer service within Town of Clarence Sewer District 10.
15. Subject to Erie County Sewer District # 5 approval for conveyance of sanitary sewage flow to and through the system.
16. Mixed Use buildings to be constructed in association with multiple family housing construction for each phase, in association with the phasing plan.

ON THE QUESTION:

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

MOTION CARRIED.

The applicant heard and accepts each of the aforementioned conditions.

Motion by Jason Geasling, second by Wendy Salvati to **approve** the Harris Hill Commons Mixed Use Minor Subdivision as per the submitted drawing by Silvestri Architects PC dated 9-8-20 with the following conditions:

1. Any future development of the approximately 3.3 acre parcel located at northwest corner of Sheridan Drive and Harris Hill Road labelled as Future Commercial Development on the Concept Plan prepared by Silvestri Architects "Harris Hill & Sheridan Parcel" , apart from the vehicular access to Harris Hill Road, 30' Easement and subsequent Recreational Trail and

sidewalk installation within the Sheridan Drive and Harris Hill Road rights-of-way shall be subject to a full environmental review pursuant to the State Environmental Quality Review Act.

- 2. Any future development of the Harris Hill & Sheridan Parcel shall provide full interconnectivity to the Harris Hill Commons Mixed Use project, for both vehicular and pedestrian movements.
- 3. Any future development of the Harris Hill & Sheridan Parcel shall not result in additional curb cuts along Sheridan Drive and Harris Hill Road, per the e-mail communication issued by Edward Rutkowski of the New York State Department of Transportation on 7-10-20.

ON THE QUESTION:

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

MOTION CARRIED.

The applicant heard and accepts each of the aforementioned conditions.

Motion by Jason Geasling, second by Gregory Today, to **recommend** a Special Exception Use Permit to the Clarence Town Board for the development of Multiple Family Housing project per the Concept Plan prepared by Silvestri Architects PC dated 9-8-20.

ON THE QUESTION

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

MOTION CARRIED.

**Item 2 Signage Variance**

Swormville Fire Company  
Traditional Neighborhood District

Requests a Signage Variance to allow an LED sign at 6971 Transit Road.

Mr. Bleuer provided the background on the project, stating that the Swormville Fire Company, located at 6971 Transit Road, which is located on the east side of Transit Road, north of Stahley Road

They are an existing Fire Department in the Traditional Neighborhood District with a 32 sq. ft. monument sign containing a manual changeable copy panel.

As LED signage is not permitted in the Traditional Neighborhood District, the applicant is present virtually, seeking a variance to allow a 24 sq. ft. LED Panel within the existing monument sign base, in place of the existing manual changeable copy panel.

The proposal calls for a Full Color LED panel, but the applicant has expressed willingness to keep the background black, unlit or dark colors to reduce light pollution at the board’s discretion.

Speaking for the applicant is James Barrett of Swormville Fire Company. They are mainly looking to utilize the display sign to display public service announcements, fire safety, recruitment, and firematic type messages. Additionally, as a public alert warning system with capabilities allowing for amber, silver, and weather alerts.

Mr. Sackett asked whether the photo displayed was a fair representation of their request, Mr. Barrett responded yes, with the exception of the public service warnings.

Mr. Buckley stated that in anticipation of this meeting, he drove by the sign, and it looks very nice, with the monument sign that is currently there. He did notice what appears to be residential homes, one which is to the south side of the large driveway area. The house has a number of windows which would be facing the sign, and to the north a multi-use type of house. Mr. Buckley inquired as to whether they have had any conversations with any of their neighbors regarding the modification of the existing sign. Mr. Barrett stated that both buildings are multiple rental units, the owner of the one to the south, at 6961 Transit Rd. signed one of the neighbor letters. They were unable to contact the owner of the unit at 6989 which is just north of them, which is listed as a properties company with an address located in Lancaster, but they were unable to make contact with them. That unit is set back further from the road, so they do not expect that they would have any issues.

Mr. Buckley stated that he has reviewed the Memorandum of Agreement (MOA) that they had signed with the Town, which set forth a number of concerns / limitations in respect to a black background as well as the use of colored text. No movement, bannering, or waving text or anything in that manner. He knows that Mr. Barrett has signed that agreement, but he wants to have his state for the record that they are in agreement to those restrictions as set forth in the memorandum. Mr. Barrett replied yes.

Mr. Todaro asked whether the warning systems that Mr. Barrett mentioned would generate any kind of flashing. Mr. Barrett stated to his knowledge, no they do not, and if it is enabled, they have the ability to disable it. There is an Amber Alert which is automatically fed down from the iPause system, they will display that as well as possibly a current photo of the individual or child when included.

Mr. Todaro then asked in regards to control of the brightness, does the sign have that ability. Mr. Barrett responded that yes, and that it can actually be set the brightness, which comes preset, they can adjust it during the low-light to be automatically set with a light sensor to dim during those hours.

Mr. Bigler asked whether the board had put a timeline restriction on the display of the sign, i.e. what hours the sign can operate.

Mr. Buckley responded that as per the MOA, it is set up to be more of an electric eye, being photosensitive. In other words, the level of brightness will be higher during the daylight hours, then automatically dim once dusk hits, and remain dimmed through the darker hours. Mr. Bigler then asked whether it needs to be lit all night, Mr. Buckley responded that yes, it will remain lit all night, but at the lower level of brightness.

Mr. Sackett asked the applicant if it is their intention to leave the sign lit all night, at a lower level of brightness. Mr. Barrett replied that yes, if allowed, they'd like to leave it on and set it at the lower levels of illumination. Mr. Bigler then asked what purpose it suits to be on all night, Mr. Barrett stated it is to display the messages.

Mr. Geasling asked if it is meant to be a static message, or will it be constantly changing messages. That it is his understanding ease of use is the reason as to why they'd like an LED Panel. Mr. Barrett responded that yes, currently on the display that they have it is only possible to display one message at a time, and they manually place the letters on the sign. For any type of community announcements or messages, they would like to have the option to have different messages displayed. But it will not be rolling, or constantly changing.

Referring to the MOA, Mr. Buckley noted that any message that is displayed must remain displayed for a minimum of 30 seconds. Theoretically multiple messages can be run, but each message must remain up for a minimum of 30 seconds before the next message is displayed.

Mr. Bigler asked if the current sign that is there is illuminated all night long, Mr. Barrett responded yes it is.

At this point the meeting was opened for public comments.

Jim Papiella from Santora Signs stated that he is present, if the board or anyone has any questions or comments for him.

Motion by Jeffrey Buckley, second by Richard Bigler to **approve** the request of Swormville Fire Company for an LED sign panel to be placed within the existing freestanding signage brick foundation per the drawing by Santoro Signs Inc. dated 12-15-20 with the following conditions:

1. LED panel to be no greater than 24 sq. ft.
2. LED panel to display a black unlit background at all times to reduce light pollution.
3. LED panel may ONLY utilize the full spectrum of colors for text display.
4. LED Memorandum of Agreement to be signed and submitted to the Town of Clarence Planning Office, including but not limited to the following standards: LED signs must have messages that remain of constant intensity for at least 30 seconds, no part of an LED sign may move, scroll or be considered an animated sign and no sign may flash and blink.

Mr. Sackett asked Mr. Barrett if he understands and agrees to the final actions, Mr. Barrett stated yes he does.

**ON THE QUESTION**

While LED signage is not allowed within the Swormville Traditional Neighborhood District, the associated conditions mitigate any potential negative effects that an LED panel may create in the area. It should be noted that the Board has taken into consideration the use of the sign, in that it will be utilized for health and safety purposes, to disseminate public service alerts over a wireless network, whereby reducing the delay that presently exists with the manual changeable copy sign.

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

**MOTION CARRIED**

A sign permit approval will be conditioned on their conditions of approval.

Mr. Sackett closed the meeting in memory of Patricia Powers.

Motion by Gregory Todaro to adjourn the meeting

Motion Carried

Meeting adjourned at 8:27 p.m.

Amy Major  
Senior Clerk Typist