

Town of Clarence  
One Town Place, Clarence, NY 14031  
**Planning Board Minutes**  
Wednesday December 19, 2018

**Work Session 6:00 pm**  
Status of TEQR Coordinated Reviews  
Review of Agenda Items  
Miscellaneous

**Agenda Items 6:30 pm**

Approval of Minutes

**Item 1**

Benderson Development/Eastgate Plaza  
Major Arterial Zone

Requests Concept Plan and Architectural  
Approval for a proposed 10,000 square foot  
outbuilding at 5195 Transit Road.

**Item 2**

Beverly Belko  
Industrial Business Park

Requests Minor Subdivision Approval to create  
one new Industrial Lot on the south side of County  
Road, east of Goodrich Road.

Chairman Robert Sackett called the meeting to order at 6:30 p.m. Councilman Paul Shear led the  
pledge to the flag.

Planning Board Members present:

Chairman Robert Sackett	1 <sup>st</sup> Vice-Chairman Richard Bigler
2 <sup>nd</sup> Vice-Chairperson Wendy Salvati	Gregory Todaro
Steven Dale	Jeffrey Buckley
Jason Geasling	

Planning Board Members absent: Timothy Pazda

Town Officials Present:

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

Other Interested Parties Present: James Boglioli      Chris Bugenhagen      Dana David  
   Beverly Belko              Clayt Ertel

In the absence of Planning Board member Timothy Pazda, alternate Planning Board member Jason  
Geasling will have full voting privileges this evening.

Motion by Gregory Todaro, seconded by Wendy Salvati, to **approve** the minutes of the meeting held on December 5, 2018, as written.

Jason Geasling	Abstain	Jeffrey Buckley	Aye
Steven Dale	Aye	Gregory Todaro	Aye
Wendy Salvati	Aye	Richard Bigler	Aye
Robert Sackett	Aye		

**MOTION CARRIED.**

Chairman Sackett explained the protocol for the meeting noting that Mr. Callahan will introduce each project. The applicant will be given an opportunity to add comments regarding the project. The Board will ask the applicant questions on the project. Members of the audience will be invited to ask questions or provide comments on the project. The applicant will be asked to answer any questions the audience had. A Planning Department representative and/or Planning Board member may also answer questions if appropriate. The Board will then decide what action to take on the project.

**Item 1**

Benderson Development/Eastgate Plaza  
Major Arterial Zone

Requests Concept Plan and Architectural  
Approval for a proposed 10,000 square foot  
outbuilding at 5195 Transit Road.

**DISCUSSION:**

Jim Callahan provided the background on the project noting that it is located within the Eastgate Plaza, west of BJ's Wholesale Club in the Major Arterial zone. The applicant is proposing to construct a 10,000 square foot outbuilding. The Planning Board will have final review and approval authority on this project for Concept Plan and Architectural Approval.

James Boglioli, attorney with Benderson Development, is present. He explained that currently at the site is an island and rows of parking. The curb cuts are offset between the drive aisle along the island and Spot Coffee, this is a requirement of DOT. The front doors will face the south, the structure is glass-wrapped on both the side that faces BJ's and the side that faces Transit Road. The back of the building has been adjusted to add vertical and horizontal breakouts, there will also be a sign there. There will be a mix of 16 evergreens at the back of the building per the Landscape Committee's request. A Fire Safety comment came in today noting that a parking space needs to be striped in the back by the hydrant, Mr. Boglioli said that is not a problem and will be done. This building will be using the Spot Coffee dumpster. The Dollar Tree Store will be moving out of the main plaza and into this 10,000 square foot outbuilding, there will be two (2) new tenants going into the old Dollar Tree Store space. Benderson is constructing the building.

Mr. Dale asked how the applicant plans on bringing in new merchandise to the store. Mr. Boglioli said there is a striped area at the back of the building that will be used for deliveries and those deliveries will come at off-peak hours. Mr. Geasling asked if any of the parking lanes are being adjusted outside of being shortened. Mr. Boglioli said no. There will be 25-30 parking spaces lost with this project but there were never any cars there anyway.

Chris Bugenhagen, owns the property at 8065 Greiner Road, and wondered how far the Town will go in letting Benderson put more buildings up, they have had accidents and he is currently replacing a fence

through an insurance claim with an individual car owner. That car came through his fence coming down the egress. There are left-hand turns made from the egress and there are tractor trailers that try to get in that way. He does not know what an outbuilding is, he thought storage but it appears there will be another shopping center. He strongly agrees that they don't need any more over there, there is too much. If you look at the entrance onto Greiner Road, form the parking lot, there are cars backed up in front of BJ's, coming out of those gas pumps. People are going behind BJ's to try to get away from the front of BJ's. He does not agree with it.

Mr. Boglioli said it is not going to result in significant additional traffic, the access was approved 3 ½ years ago. They are currently reviewing a required study, however he does not believe the accident reports are in. Once the studies are complete and if something needs to be changed they will change it.

Chairman Sackett said the project will have to come back before the Planning Board for Development Plan approval. The store is already in the plaza, so its customers are already going to the plaza. The new tenants will be retail stores, they are not high-traffic stores. The proposed structure will be built as soon as they receive approval and the additional space will be filled over the summer. The traffic study is for the full build-out of the plaza. The fence is a private matter.

**ACTION:**

Motion by Wendy Salvati, seconded by Gregory Todaro, pursuant to Article 8 of the Environmental Conservation Law, to **accept** the Part 1 Short Environmental Assessment Form as submitted and to approve the Part 2/3 Short Environmental Assessment Form as prepared and to **issue** a Negative Declaration on the proposed Benderson Development outbuilding located at 5195 Transit Road. This Unlisted Action involves the construction of a 10,000 +/- square foot outbuilding in the Eastgate Plaza. After thorough review of the submitted site plan and architectural elevations, it is determined that the proposed action will not have a significant negative impact upon the environment.

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

MOTION CARRIED.

Motion by Wendy Salvati, seconded by Steven Dale, to **approve** the Concept Plan for the proposed Benderson Development outbuilding located at 5195 Transit Road as per the submitted drawings from Benderson Development dated November 20, 2018, with the following conditions:

1. Landscape Committee Approval prior to Development Plan approval.
2. Open Space and Recreation Fees on Building Permits.

**ON THE QUESTION:**

Mr. Todaro asked if there are any anticipated changes to the lighting on the site. Mr. Boglioli said there will be no major changes in the lighting. He believes a pole may have been relocated but it will be the same downward shielded dark-sky compliant lighting that matches the existing fixtures. There is no increase in lighting.

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

MOTION CARRIED.

**Item 2**

Beverly Belko  
Industrial Business Park

Requests Minor Subdivision Approval to create one new Industrial Lot on the south side of County Road, east of Goodrich Road.

**DISCUSSION:**

Mr. Callahan provided the background on the project noting that it is located on the south side of County Road, east of Goodrich Road. The parent property contains over 85 acres, the applicant is proposing a Minor Subdivision to create one (1) new building lot. The Planning Board has final approval authority on this action. The proposed lot meets all minimum requirements for a lot size in that zone.

Dana David is present and speaking on behalf of Clayt Ertel.

**ACTION:**

Motion by Gregory Todaro, seconded by Richard Bigler, pursuant to Article 8 of the Environmental Conservation Law, to **accept** the Part 1 Short Environmental Assessment Form as submitted and to **approve** the Part 2/3 Short Environmental Assessment Form as prepared and to **issue** a Negative Declaration on the proposed Belko Minor Subdivision located on the south side of County Road east of Goodrich Road. This Unlisted Action involves approval of a minor subdivision to create one (1) new building lot in the Industrial Business Park Zone. After thorough review of the submitted survey and Short Environmental Assessment Form it is determined that the proposed action will not have a significant negative impact upon the environment.

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

MOTION CARRIED.

Motion by Gregory Todaro, seconded by Richard Bigler, to **approve** the proposed Minor Subdivision application from Beverly Belko as per the submitted drawing from Clayt Ertel received in the Planning and Zoning Office on December 5, 2018, with the following conditions:

1. Subject to review and approval by the Erie County Department of Public Works on any future curb cuts associated with access to the newly created lot.
2. Subject to Erie County Health Department approval on any future on-site sanitary facilities associated with the newly created lot.

3. Subject to Town of Clarence Building and Engineering Department review and approval on any future building permits for structures on the newly created lot.
4. Subject to review and approval by the Town of Clarence Highway, Legal and Engineering Departments on any required public drainage easements on the property.
5. Subject to Open Space and Recreation Fees on any future Building Permits.

**ON THE QUESTION:**

The applicant, Beverly Belko, is present and understands and accepts the conditions of the motion.

Mrs. Salvati said the applicant can do one (1) more split of this property before it turns into a Major Subdivision, Ms. Belko understands.

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

MOTION CARRIED.

Meeting adjourned at 6:51 p.m.

Carolyn Delgato  
Senior Clerk Typist